

**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

August 14, 2017– 7:00 pm
Ayden Town Hall – Second Floor Boardroom

I. CALL TO ORDER

A. Call to Order

Mayor Tripp called the meeting to order at 7:00 p.m.

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff– Town Clerk

Scott Dixon- Associate Attorney

C. Welcome Visitors

Mayor Tripp welcomed everyone to the meeting.

D. Invocation

Mayor Tripp gave the invocation.

E. Pledge of Allegiance

Mayor Tripp led the Pledge of Allegiance.

F. Approval of the Agenda

Manager Harrell stated he would like to add an item under VI. Action Items regarding Board Minutes.
Motion to approve the agenda as amended.

Motion: Commissioner Harris

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PRESENTATIONS

A. Random Acts of Kindness

Since the recipient was not present, Mayor Tripp moved on to the next item on the agenda.

III. PUBLIC COMMENTS

Thurman Vincent, 4364 Bristlecone Drive, addressed the board. Mr. Vincent stated he and his wife had been in Ayden for the last couple of years. He stated he had filed as a candidate to run in Ward 4 in the November election.

IV. PUBLIC HEARING

Manager Harrell presented to the Board. He gave a brief background on downtown revitalization and the CDBG that is being presented tonight.

A. Small Cities Community Development Block Grant

Item Explanation

As required under CDBG guidelines, the Town of Ayden has published a notice for a public hearing of the Town's intent to apply to the North Carolina Department of Commerce for Small Cities Community Development Block Grant (CDBG) funds. Although the referenced CDBG funds for which the Town can apply were approved by the N.C. Department of Commerce tied to A Quilt Lizzy, the purpose of the public hearing is to explain the CDBG funding categories and allow citizens of the Town an opportunity to express their views concerning community development needs and priorities.

Staff Comments

Enclosed the Town Board will find a copy of the CDBG Guidelines for the application and ongoing monitoring of the \$500,000 CDBG funds. These guidelines are fairly extensive and the administration/monitoring of the funds' expenditure requires fairly meticulous monitoring to ensure the proper appropriation and expenditure of the funds to meet federal CDBG requirements. With the use of CDBG funds in the past, the Town has relied on outside consultants with the expertise to ensure the guidelines are adhered to. Our own Mid East Commission's planning staff has extensive experience working for a number of local governments in our region in applying for, and administering/monitoring, CDBG funds.

Kevin Richards, Planning Director for the Mid-East Commission, agreed to assist the Town in publishing the public notice for the CDBG Public Hearing tonight and to explain the purpose of the hearing. Staff recommends further, that the Mid East Commission be retained by the Town to develop and submit the CDBG application on behalf of the Town and to administer and monitor the use of the funds. Said services by the Mid-East Commission for a \$500,000 CDBG grant is \$30,000. The Commission has agreed to only require \$8,000 of this total services fee during the current FY17 – 18, with the balance paid in FY18 – 19.

If the conveyance of the Lee Street Building by the Board is approved tonight, the Town will realize \$5,000 in cash in the transaction that could be used for a portion of the \$8,000 fee of the Commission. Additionally, in order to move forward with the CDBG application, the Town has to abate the asbestos and remove the contents/debris of the building in order to do the asbestos abatement; the original estimate for this was \$40,000 and staff has been able to secure these services for \$30,000, with a balance of \$10,000 of the estimated \$40,000, which would allow for the balance of \$3,000 to the Mid-East Commission. Additionally, staff is looking into the real potential of grant dollars from both the Pitt County Development Commission and the N.C. Main Street Committee that have been available in the past for such downtown economic development projects; the range of dollars here could be \$5,000 to \$10,000 in total.

Action Requested

By motion, adopt the enclosed resolution approving the services of the Mid East Commission in the application for, and the administration/monitoring, of the Town's \$500,000 CDBG grant application. Said services would be for \$8,000 in the current FY17 – 18 with the balance of \$22,000 coming in FY18 – 19.

Kevin Richards, Mid-East Commission, addressed the board.

This is the first of two public hearings that are required to apply for Community Development Block Grant or CDBG funds. It just explains the CDBG program. The second public hearing will be project specific. There are a number of different types of funds available through the NC Community Development Block Grant program.

1. Community Development Block Grant-Infrastructure grants for public water and wastewater infrastructure. In 2013, the North Carolina General Assembly allocated Community Development Block Grant funds to the Infrastructure Program and transferred funds to the Division of Water Infrastructure to administer. This temporarily ended the Housing Rehabilitation program portion of the CDBG Program. The Legislature has again decided to put some funds in the Housing Program. The CDBG- Infrastructure grants are intended to improve the life of low to moderate-income people.
2. The Community Development Block Grant for Economic Development (CDBG-ED) provides grants to local governments that partner with a pro-profit business to bring public infrastructure improvements and/or building renovation services.
3. The CDBG- Downtown Redevelopment Fund is designed for infrastructure upgrades of downtown buildings in order to meet current code requirements. The upgrades should be for vacant or underutilized downtown commercial buildings. An underutilized building is defined as a property that is less than fully utilized or used below its potential. This fund is designed to return vacant or underutilized commercial buildings to economic use for new and/or expanded business. The goal of the fund is the prevention or elimination of urban blight.
4. A local government applicant must propose a project in conjunction with a private for profit business that proposes to renovate a vacant and/or underutilized downtown building for commercial or mixed-use development. This investment is intended to encourage job creation. In order to be eligible, documentation must be provided showing that the buildings(s) or specific project area(s) in an underutilized building(s) have been vacant thirty (30) days or more prior to the date of the pre-application conference. Funds are limited to a minimum of \$300,000.00 and a maximum of \$500,000.00 municipality.
5. Tier 2 & 3 communities are required to have a 25% match. Evidence of commitment of all funding sources must be submitted at the time of application.

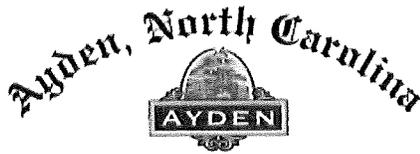
Mayor Tripp opened the public hearing.

Skip Stang, 3927 Winchester Drive, said he thought the money could be better spent, perhaps between two buildings. He said the downtown area already has limited parking and this would make it worse.

Ray Hardee, owner of Xercise Inc, said he had made offers on the property in the last two years. He said he spoke to the Town Manager about buying the building and then wasn't able to because it was given to the town.

Raymond Langley, 3876 North Hills Drive, asked if the estimated property tax was both Ayden and Pitt County. He questioned the projected value of the property compared to other buildings in the area.

With no one else wishing to speak, Mayor Tripp closed the public hearing.



RESOLUTION NO. 17-18-05

To Approve Hiring the Mid East Commission to Submit the Town of Ayden's Small Cities CDBG Grant Application and to Provide Ongoing Administration and Monitoring of the Grant's Implementation

WHEREAS, the Town of Ayden received a \$500,000 Small Cities Community Development Grant from the N.C. Rural Infrastructure Authority(RIA) on June 22, 2017; and

WHEREAS, the \$500,000 CDBG grant is expressly to renovate a downtown two-story building built in 1915 to house Quilt Lizzy's expansion from Warrenton to Ayden; and

WHEREAS, the CDBG grant requires submittal of an application to the RIA and ongoing administration and monitoring of the grant's implementation to ensure compliance with federal guidelines of the CDBG.

NOW, THEREFORE, BE IT RESOLVED by the Town of Ayden Board of Commissioners that the Town Manager is authorized to engage the Mid East Commission for the fee of \$30,000; \$8,000 in FY17 – 18 and the balance of \$22,000 in FY18 – 19 to provide the services of the submittal of the Small Cities \$500,000 CDBG grant application to the RIA and its subsequent administration and monitoring of grant implementation on the Town's behalf.

Adopted this the 14th day of August 2017 in Ayden, North Carolina.



Stephen W. Tripp
Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:

Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk

Motion to adopt the resolution 17-18-05 approving the services of the Mid East Commission in the application for, and the administration/monitoring, of the Town's \$500,000 CDBG grant application. Said services would be for \$8,000 in the current FY17 – 18 with the balance of \$22,000 coming in FY18 – 19.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously.

- B. Conveyance of property located at 4260 Lee Street to A Quilt Lizzy, LLC

Item Explanation

Under NCGS 158.7.1. Local development, a municipality may convey property acquired or assembled under this subdivision pursuant to subsection (d) of this statute section (see statute attached). Under this statute, a municipality may convey

§ 158-7.1. Local development.

(a) **Economic Development.** - Each county and city in this State is authorized to make appropriations for economic development purposes. These appropriations must be determined by the governing body of the city or county to increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the city or county. These appropriations may be funded by the levy of property taxes pursuant to G.S. 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law. The specific activities listed in subsection (b) of this section are not intended to limit the grant of authority provided by this section.

(b) **Specific Activities.** - A county or city may undertake any of the following specific economic development activities under this section:

(1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.

(2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled under this subdivision pursuant to subsection (d) of this section.

(3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.

(4) A county or city may acquire, construct, convey, or lease a building suitable for industrial or commercial use.

(5) A county or city may construct, extend or own utility facilities or may provide for or assist in the extension of utility services to be furnished to an industrial facility, whether the utility is publicly or privately owned.

(6) A county or city may extend or may provide for or assist in the extension of water and sewer lines to industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.

(7) A county or city may engage in site preparation for industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.

(8) A county or city may make grants or loans for the rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned.

(c) **Public Hearing.** - Any appropriation or expenditure pursuant to this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose.

(d) **Interests in Real Property.** - A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection. A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or

lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be conveyed, the county or city governing body shall determine the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to. The consideration for the conveyance may not be less than the value so determined.

(d1) Repealed by Session Laws 1993, c. 497, s. 22.

(d2) Calculation of Consideration. - In arriving at the amount of consideration that it receives, the Board may take into account prospective tax revenues from improvements to be constructed on the property, prospective sales tax revenues to be generated in the area, as well as any other prospective tax revenues or income coming to the county or city over the next 10 years as a result of the conveyance or lease provided the following conditions are met:

(1) The governing board of the county or city shall determine that the conveyance of the property will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in the county or city that pay at or above the median average wage in the county or, for a city, in the county where the city is located. A city that spans more than one county is considered to be located in the county where the greatest population of the city resides. For the purpose of this subdivision, the median average wage in a county is the median average wage for all insured industries in the county as computed by the Department of Commerce, Division of Employment Security, for the most recent period for which data is available.

(2) The governing board of the county or city shall contractually bind the purchaser of the property to construct, within a specified period of time not to exceed five years, improvements on the property that will generate the tax revenue taken into account in arriving at the consideration. Upon failure to construct the improvements specified in the contract, the purchaser shall reconvey the property back to the county or city.

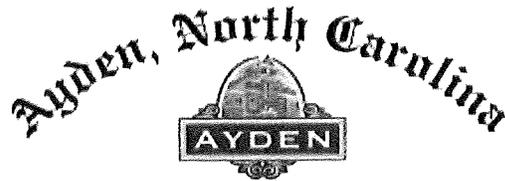
Staff Comments

Staff advertised the enclosed Public Hearing notice for the Town Board's intent to convey 4260 Lee Street to "A Quilt Lizzy, LLC". The proposed consideration for the conveyance of the property to "A Quilt Lizzy, LLC", as allowed under NCGS 158-7.1, is:

- a) \$5,000 cash from the conveyee
- b) \$27,000+ in estimated property tax revenue over the next 10 years
- c) \$17,000± in estimated sales tax revenue over the next 10 years
- d) creation of eight jobs within 36 months
- e) rehab of building to be completed w/in 60 months(current schedule projected completed by Jan. 1, 1019)
- f) positive economic impact of rehabbed bldg and new retail business in the Town's central business district

The said eight jobs to pay an average hourly rate \$10 to \$12 an hour.

Recommendation is to convey property tonight with an effective date of September 12, 2017 following second required CDBG Grant Public Hearing at the Board's September 11th meeting.

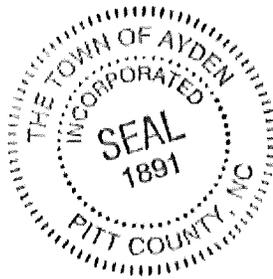


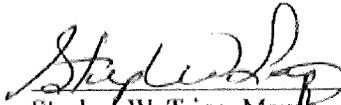
RESOLUTION NO. 17-18-06
TO CONVEY 4260 LEE STREET PROPERTY TO A QUILT LIZZY, LLC

WHEREAS, the Town of Ayden Board of Commissioners wish to convey the Town of Ayden's property of 4260 Lee Street to A Quilt Lizzy, LLC;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town Ayden, North Carolina, that the Town's property of 4260 Lee Street be conveyed to A Quilt Lizzy, LLC, pursuant to the provisions of NCGS 158-7.1(d2)(2) with the effective date of the conveyance being September 12, 2017.

Adopted this the 14th day of August 2017 in Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Action Requested

By motion, adopt enclosed resolution conveying 4260 Lee Street to "A Quilt Lizzy, LLC" with an effective date of September 12, 2017.

Mayor Tripp opened the public hearing.

Susan Harris, owner of Quilt Lizzy, addressed the board. She explained why she wanted to come to Ayden and talked about the nature of her business.

BJ Whitehurst spoke in favor of the business.

Thurman Vincent spoke in favor of the business.

Cathy Graham spoke in favor of the business.

Cindy Smith spoke in favor of the business.

With no one else wishing to speak, Mayor Tripp closed the public hearing.

Motion to adopt resolution 17-18-06 conveying 4260 Lee Street to "A Quilt Lizzy, LLC" with an effective date of September 12, 2017.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: Commissioner Harris stated this business was a good fit with the town. Mayor Tripp agreed. He said it would drive the value of the adjoining properties as well. Mayor Pro-tem Skinner

Approved: 5-0

Motion passed unanimously.

- C. Resolution requesting the Metropolitan Planning Organization (MPO) adopt the Draft Comprehensive Transportation Plan (CTP) Highway Map

Ryan Purtle, City of Greenville, addressed the Board.

Item Explanation

The Greenville Urbanized Area's Draft Comprehensive Transportation Plan Highway Map is currently being considered for adoption. The MPO's adopted Public Input Plan requires that the Highway Map undergo a public hearing within each jurisdiction contained in the map before adoption.

The CTP is a long-term "wish-list" of recommended transportation improvements intended for an entire MPO planning area. It does not have a specific timeline, cost, or funding source. The plan is a living document that provides for inter-jurisdictional cooperation and planning. All roadway segments on the CTP Highway Map are identified as one of three classifications: a) existing, b) needs improvement, and c) recommended. The CTP plan replaces what was previously known as the Thoroughfare Plan.

Per the requirements of the MPO's Public Involvement Plan (PIP), before the CTP can be adopted, each jurisdictional member of the MPO (Greenville, Winterville, Ayden, Simpson, and portions of Pitt County) must hold a public hearing. Beginning July 24, 2017, the CTP was posted for review and comment by the public for no less than 30 days. At the conclusion of the 30-day period and all related public hearings, taking any public comments into consideration, the Technical Advisory Committee of the MPO may adopt the Draft CTP Highway Map.

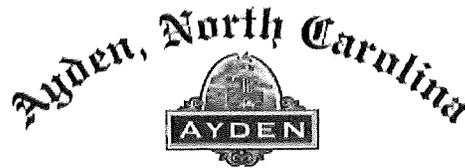
Staff Comments

There are no costs associated with requesting that the MPO adopt the Draft CTP Highway Map. MPO staff recommends that the Town of Ayden request the Greenville Urban Area Metropolitan Planning Organization (MPO) adopt the Draft CTP Highway Map. MPO staff will be present to make this presentation.

Action Requested

Town of Ayden Board of Commissioners consider requesting the MPO to adopt the Draft CTP Highway Map by adopting the resolution.

Mayor Pro-tem opened the public hearing. No one spoke. Mayor Pro-tem closed the public hearing.



**RESOLUTION NO. 17-18-07
ADOPTION OF THE DRAFT COMPREHENSIVE TRANSPORTATION PLAN HIGHWAY MAP**

WHEREAS, the Greenville Urban Area Metropolitan Planning Organization (GUAMPO) and the North Carolina Department of Transportation (NCDOT) actively worked to develop the Comprehensive Transportation Plan Highway Map; and

WHEREAS, it is recognized that the highway map is but one element towards the development of a Comprehensive Transportation Plan (CTP) that will entail other modes of transportation when completed; and

WHEREAS, development of a Comprehensive Transportation Plan is directed by North Carolina General Statutes (NCGS) 136-66.2; and

WHEREAS, the purpose of the CTP is to document present and future transportation needs and the proposed solutions to meet those needs and act as an update to the Thoroughfare Plan; and

WHEREAS, the CTP Highway Map may be used by local officials to plan for transportation facilities that reflect the needs of the public while minimizing disruptions to local residents, businesses, and the environment; and

WHEREAS, a CTP Highway Map mutually adopted by the NCDOT Board of Transportation and GUAMPO will aid the region and State in making transportation decisions affecting the economic climate and quality of life within the Greenville Urbanized Area; and

WHEREAS, the Highway Map of the Comprehensive Transportation Plan was last adopted by the Board of Transportation on July 9, 2009, October 3, 2011, and last modified October 4, 2016; and

WHEREAS, a public hearing was held by the Town of Ayden's Board of Commissioners, at its August 14, 2017 meeting, and formally requested that the MPO adopt the Draft CTP Highway Map; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Ayden formally requests the Greenville Urban Area MPO adopt the Draft CTP Highway Map as presented.

Adopted this the 14th day of August 2017 in Ayden, North Carolina.

ATTEST:


Sarah W. Radcliff, Town Clerk




Stephen W. Tripp, Mayor

Motion to adopt the Draft CTP Highway Map by adopting the resolution 17-18-07.

Motion: Commissioner Harris

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Speed Limit Change – Boulevard Street

Stephen Smith, Planning Director, presented to the board.

Item Explanation

Staff received a request from Partnership Property Management to have the speed limit on Boulevard Street reduced from 25mph to 15mph. This request was submitted on behalf of the 25 families that reside at Deer View Apartments.

Boulevard Street is located in Ward 1 and Ward 2 and runs from East Avenue to its end just east of North Edge Road. The request is for the portion of Boulevard Street from North Edge Road, approximately 350', to the end.

Staff Comments

The Ayden Police Department is supportive of the speed limit reduction.

Staff recommends reducing the speed limit on Boulevard Street from 25mph to 15mph.

Action Requested

Conduct a public hearing.

Consider adoption of ordinance 17-18-04 to amend title vii: traffic code – chapter 75- traffic schedules of the Town of Ayden code of ordinances.

Mayor Tripp opened the public hearing. No one spoke. Mayor Tripp closed the public hearing.



ORDINANCE NO. 17-18-04

AN ORDINANCE ADOPTED BY THE GOVERNING BOARD
OF THE TOWN OF AYDEN, NC
TO REVISE THE AYDEN CODE OF ORDINANCES, TRAFFIC SCHEDULE

WHEREAS, the Town of Ayden strives to maintain speed limits on its roadways in order to ensure public safety; and

WHEREAS, citizens living in the Deer View Apartments community have expressed concerns regarding the safety of the residents who live in the vicinity

NOW BE IT ORDAINED, by the Board of Commissioners of the Town of Ayden, that Title VII: Traffic Code – Chapter 75- Traffic Schedule – Schedule X: Speed Limits be amended as follows:

SCHEDULE X: SPEED LIMITS

ADD:

<u>Street</u>	<u>Description</u>	<u>Speed Limit</u>
Boulevard St.	From North Edge Rd. to dead end	15

BE IT FURTHER ORDAINED by the Board of Commissioners of the Town of Ayden that this ordinance shall be in full force and effective upon its adoption.

Adopted this the 14th day of August 2017 in Ayden, North Carolina.



Stephen W. Tripp
Stephen W. Tripp, Mayor

ATTEST:

Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk

Motion to approve Ordinance 17-18-04 as presented and bring back to the next board meeting a reduced speed limit for the entire street.

Motion: Mayor Pro-tem Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

E. FY 17-18 Budget Ordinance Amendment

Manager Harrell presented to the Board.

Item Explanation

In preparing the FY17 – 18 Budget Ordinance, as no changes in the Fee Schedule were recommended, staff copied the Fee Schedule as adopted by the Town Board for FY16 – 17 for inclusion in the FY17 – 18 Budget Ordinance. Upon further review by Finance, it was learned that the Town’s Stormwater Fees were omitted in the FY16 – 17 Fee Schedule, and thus also omitted in the copied Fee Schedule as adopted for FY17 – 18. In each fiscal year’s budget ordinance, the revenue from the stormwater fees were included as a line item in the General Fund revenues.

Staff contacted the UNC School of Government to determine if the inclusion of the stormwater revenue line item in FY17 – 18 Budget Ordinance sufficed. Staff was informed that the Stormwater Fees had to be levied in the actual Fee Schedule and could only be accomplished via public hearing and an amendment to the FY17 – 18 Budget Ordinance.

In reviewing Pitt County Tax Collection records for the Town of Ayden, staff found that property tax billings for the Town of Ayden included the Town’s Vehicle Fee of \$5.00, which has, at least since 2005, been included in the Town’s Budget Ordinance under Vehicle Taxes in the General Fund. However, the Vehicle Fee itself has not been part of the Fee Schedule since at least that same year of 2005. Again, following the School of Government guidance, this Vehicle Fee must also be levied in the actual Fee Schedule – again accomplished for FY17 -18 via public hearing and a budget ordinance amendment.

Staff Comments

Enclosed for the Town Board’s adoption, following the Public Hearing, is a FY17 – 18 Budget Ordinance Amendment to add the Town’s Stormwater Fees and Vehicle Tax to the FY17 – 18 Fee Schedule.

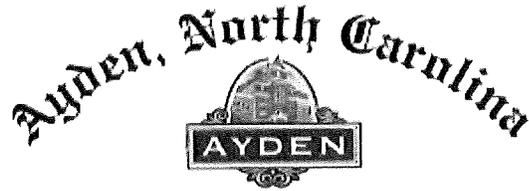
Action Requested

By motion, adopt the enclosed FY17 – 18 Budget Ordinance Amendment.

Mayor Tripp opened the public hearing.

Raymond Langley asked about the \$5 vehicle fee.

With no one else wishing to speak, Mayor Tripp closed the public hearing.



ORDINANCE No. 17-18-05

AN ORDINANCE TO AMEND THE TOWN OF AYDEN
FY 17/18 BUDGET ORDINANCE

WHEREAS, the Town of Ayden Board of Commissioners adopted the FY17 – 18 Budget Ordinance; and

WHEREAS, the Fee Schedule included in the budget ordinance omitted the Town Stormwater Fees and Vehicle Fee;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that the FY 17/18 Budget Ordinance be amended to include in the Fee Schedule as follows:

(1) **STORMWATER FEE**

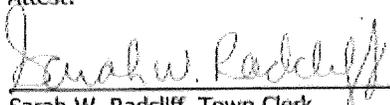
Customers	Monthly Fee
Industrial	\$10.00
Commercial	\$ 6.00
Residential	\$ 3.50

(2) **VEHICLE FEE** \$5.00

Adopted this the **14th** day of **August 2017**.




Stephen W. Tripp, Mayor

Attest:

Sarah W. Radcliff, Town Clerk

Motion to adopt FY17 – 18 Budget Ordinance Amendment 17-18-05.

Motion: Mayor Pro-tem Skinner

Second: Commissioner Harris

Discussion: Commissioner Harris clarified that this was only a correction.

Approved: 5-0

Motion passed unanimously.

V. CONSENT AGENDA

A. Minutes from the May 1, 2017 Budget Workshop

Motion to approve consent agenda.

Motion: Mayor Pro-tem Skinner

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

A. Ayden Housing Authority Charge-offs

Item Explanation

The housing department has six (6) accounts that have been evicted or moved out and left an outstanding balance. Four (4) accounts are evictions and all legal recourse has expired, therefore these accounts now need to be charged off. Two (2) accounts are voluntary move outs and we will work the accounts for payment in full, but in the meantime they also need to be charged off so they no longer count against our total outstandings.

Staff Comments

After exhausting all options to collect rent and keep as active tenants, the following accounts need to be charged off:

M. Cooper	206 B Englewood Pl	2001.06	eviction
I. Dixon	207 A Belvedere Ct	14.00	voluntary m/o
J. Forbes	3922 A Woodcrest Dr	189.00	voluntary m/o
M.L. Lane	4338 B Liberty St	217.98	eviction
I. Mendez	3902 A Kennedy Ct	708.00	eviction
L. Robinson	4339 B Liberty St	782.76	eviction

Total **3912.80**

Once charged off, collections effort will continue and outstanding balances are posted within HUD's internal system for tracking activity. If a former tenant applies at another agency we will be notified and seeking reimbursement of debt before they can enroll in another agency or program.

Action Requested

Ask the board to consider and approve the housing agency request to charge off the accounts listed.

Motion to approve.

Motion: Mayor Pro-tem Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Ayden Rural Fire Association Voluntary Annexation Request

Item Explanation

For your consideration, we have received a petition requesting voluntary annexation submitted by the Ayden Rural Fire Association and the Town of Ayden. The request includes a 2-acre tract located at 1809 NC 102.

Staff Comments

This request for voluntary annexation of contiguous property must be reviewed in accordance with N.C.G.S. 160A-58.1. As such, the following steps are required:

- Board of Commissioners adopts a Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition - **August 14, 2017**
- Town Clerk provides Board of Commissioners Certificate of Sufficiency - **September 11, 2017**
- Board of Commissioners adopts a Resolution Setting a Public Hearing - **September 11, 2017**
- Board of Commissioners conducts Public Hearing - **October 9, 2017**
- Board of Commissioners considers Annexation Ordinance - **October 9, 2017**

Action Requested

Adopt Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition



RESOLUTION NO. 17-18-04

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition filed by the Ayden Rural Fire Association and the Town of Ayden requesting annexation of an area described in said petition was received on August 14th, 2017 by the Ayden Board of Commissioners; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Ayden Board of Commissioners of the Town of Ayden deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Ayden Board of Commissioners of the Town of Ayden that;

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify to the Town of Ayden the result of her investigation.

Adopted this the 14th day of August 2017 in Ayden, North Carolina.



Stephen W. Tripp

 Stephen W. Tripp, Mayor

ATTEST:

Sarah W. Radcliff

 Sarah W. Radcliff

Motion to approve resolution 17-18-04.

Motion: Commissioner Harris

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

C. Ordinance for Demolition of Dwelling located at 321 Garris Street

Item Explanation

As evidenced in the attached material, 321 Garris Street (PN 00697) has been declared a public nuisance pursuant to Chapter 96.21(b) of the Town of Ayden Code of Ordinances, by which it has been determined that the property presents a threat to the public's health, safety, and welfare. Additionally, the property has been declared unsafe pursuant to Chapter 150.30 of the Town of Ayden Code of Ordinances. As such, the Town Manager or his designee has declared the property unfit for human habitation as authorized by NCGS 160A-443 and the Town of Ayden Code of Ordinances.

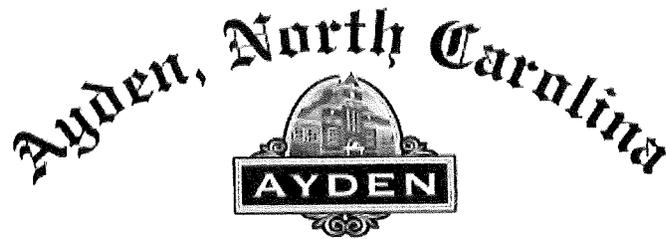
Staff Comments

The property has been abandoned and damaged for a considerable period of time. Code Enforcement Officer Wayne Hardee inspected the site on February 1, 2017 and found continued deterioration of the structure. As required, Mr. Hardee sent notice to the property owner, Julia Jackson Heirs, and scheduled a hearing for April 11, 2017 to discuss a course of action with the owner. This hearing notice was also published in the newspaper. The property owner did not attend the hearing and has not contacted our office after several attempts by staff to make contact. No corrective actions have been taken on said property.

As authorized by the North Carolina General Statutes and Town Code, staff is recommending that the Board of Commissioners take action to cause the structure to be demolished at the Town's doing and a lien be placed upon the property.

Action Requested

Adopt Ordinance 17-18-03 Demolition of Dwelling at 321 Garris Street.



ORDINANCE NO. 17-18-03
AN ORDINANCE ADOPTED BY THE AYDEN GOVERNING BOARD
REQUIRING THE OWNER TO DEMOLISH AND REMOVE
THE DWELLING LOCATED AT 321 GARRIS STREET (Pitt Co. Parcel #00697)
IN AYDEN, NC

WHEREAS, pursuant to the enforcement of the Unsafe Building Code contained in Section 150.30-150.36 and the Model Housing Code contained in Section 152.01-152.05 of Chapter 150, Title XV of the Town of Ayden Code of Ordinances as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the NC General Statutes, the dwelling described herein has been vacated for at least one year and has been declared by the Town Manager or his designee to be unfit for human habitation; and

WHEREAS, the Board of Commissioners of the Town of Ayden hereby finds that letters were sent to the property owners by both certified mail and regular mail notifying such owners of a hearing in the Code Enforcement Officer's office concerning the condition of the dwelling in question, that such hearing occurred on **April 11, 2017**, at which time the Code Enforcement Officer found that the property in question constitutes a fire or safety hazard or is dangerous to life, health, or other property to the community and should as a result be demolished, and that it is likely that repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to its value such that removal or demolition of the dwelling is warranted under the provisions of NCGS 160A-443 ; and

WHEREAS, NCGS 160A-443 (5) states that before demolition can be required, the property owner must first be given a reasonable opportunity to bring the structure into conformity with the Model Housing Code; and

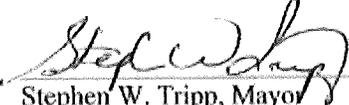
WHEREAS, the Board of Commissioners of the Town of Ayden hereby acknowledges that the property owners were given this reasonable opportunity to bring such dwelling into conformity with the Model Housing Code or to remove and demolish such dwelling before the Town seeks to effect a demolition of such dwelling itself.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that:

1. The Town Manager or his designee is hereby authorized and directed to proceed to demolish and remove the dwelling owned by **Julia Jackson Heirs, 506 Saddlebrook St, San Antonio, TX 78245**, said property located at 321 Garris Street, Ayden; and
2. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the NC General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal and demolition and any balance remaining shall be deposited in Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443 (6); and
3. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the Grantor Index; and
4. This ordinance shall become effective upon its adoption.

Adopted this the 14th day of August 2017.




Stephen W. Tripp, Mayor

Attest:


Sarah W. Radcliff, Town Clerk

Motion to adopt ordinance 17-18-03.

Motion: Mayor Pro-tem Skinner
Second: Commissioner Harris
Discussion: None
Approved: 5-0

Motion passed unanimously.

D. Electronic Sale of Surplus Vehicles

Item Explanation

The Town has eleven (11) surplus vehicles that need disposal (see attached list). NCGS 160A-270 sets out the ways in which a Town can conduct a Public Auction to dispose of real property and personal property. The statute does allow a town to dispose of real and personal property via electronic means.

Staff Comments

Although, the Town has sold items electronically in the past on the site GovDeals via separate resolutions adopted by Town Council, the most recent being last June, 2016, staff is recommending that the Town is need of an adopted policy for the disposal of surplus property via electronic public auction means. Select property can be auctioned through an online auction service called GovDeals. This service provides the Town with the opportunity to dispose of surplus property on an ongoing basis. Potential buyers must register with GovDeals in order to bid on an item, but do not have to register to view what items are available. All items are sold "as is, where is" and the Town of Ayden reserves the right to reject any and all bids. Staff recommends that this process be approved for the disposal of surplus vehicles.

Attached is a resolution adopting the policy for the disposal of surplus town vehicles through GovDeals.

This item was not acted on at the Board's meeting on July 10th at request of Board to return to its August 14th meeting for further discussion – most notably whether or not the Arts & Recreation Department can make use of its older 1996 van that has been replaced by a new van bought in FY16-17.

Action Requested

By motion, adopt enclosed resolution approving the policy of the use of GovDeals for the electronic auction of surplus Town vehicles and authorizing the Town Manager to place said vehicles on GovDeals and be authorized to administer and conduct this electronic public auction.



RESOLUTION NO. 17-18-03
DELEGATING AUTHORITY TO SELL SURPLUS VEHICLES
TO THE TOWN MANAGER

WHEREAS, under NCGS 160A-270. Public auction. (e), a governing body may conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden hereby authorizes the use of electronic auction with regard to the disposal of surplus Town vehicles and delegates to the Town Manager the use of the following procedures for the disposal of the vehicles:

- 1) Surplus vehicles to be sold will be those vehicles for which the Town Board have authorized for replacement.
- 2) Fair market value of the surplus vehicles shall be determined by the Town Manager using such methods as Internet market websites to value common vehicles and/or recent sales of such common vehicles that may have occurred locally.
- 3) The particular method by which to sell the surplus vehicles shall be by electronic auction, specifically using GovDeals.
- 4) Published notice of the electronic auction shall identify the surplus vehicles to be electronically auctioned on GovDeals, the electronic address of GovDeals where information about the vehicles to be sold can be found and where electronic bids may be posted. Published notice of the auction will be sufficed through GovDeals and by a posting on the Town's website.
- 5) The Town Manager shall ensure a record is kept of the items sold, including a general description of the disposed vehicles, to whom it was sold, and the sale price received by the Town. The Town Manager will also report to the Board of Commissioners all vehicles that are sold.

Adopted this the 14th day of August, 2017 in Ayden, North Carolina.



ATTEST:

Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk

Stephen W. Tripp
Stephen W. Tripp, Mayor
Town of Ayden

Motion to adopt resolution 17-18-03 approving the policy of the use of GovDeals for the electronic auction of surplus Town vehicles and authorizing the Town Manager to place said vehicles on GovDeals and be authorized to administer and conduct this electronic public auction.

Motion: Commissioner Harris

Second: Mayor Pro-tem Skinner

Discussion: None

Approved: 5-0

Motion passed unanimously.

E. Employee Retirement Luncheon Policy

Item Explanation

The past practice of the Town has been to have retirement luncheons catered for its retiring employees. Retiring employees also get a check for \$50 and a plaque. The past practice also included employees making their choice of the food to be served and caterers have been secured from those that serve the type of food chosen. Invitees to the retirement luncheons include family members of the retiring employee, the Town Board, all current employees of the Town and all retired employees of the Town.

Staff Comments

The practice of the Town in the past has been to budget \$500 for each retirement luncheon anticipated for the respective fiscal year. The costs of a retirement party, however, have far exceeded the amount budgeted; i.e., with the \$50 retirement check, plaque and all invited attendees the luncheons on average run around \$1,300. This past year fiscal year the Town experienced four (4) retirees who wanted luncheons with a total retirement luncheon expenses for all four of \$6,000. Due to budgetary constraints toward the end of the fiscal year, the final retirement luncheon included retirees from a list selected by the retiring employee, instead of all Town retirees. Due to concerns emanating from this process, staff was asked to bring back to the Town Board a discussion of what the policy should be with regard to retirement luncheons. Further concerns were around using out of town caterers rather than local ones.

Some considered scenarios could be:

- Continuing with the current practice of inviting all employees and retirees, a cost that will continue to grow as the number of retirees grows. Additionally, the current practice of the retiree choosing the food to be served would remain, thus requiring out of town caterers, depending on the food chosen. Recall current costs are in the \$1,300 range for a luncheon.
- Retirement luncheons under another scenario would be for all employees, but only retirees from the department of the respective retiree. Choice of food remaining the same, again which determines the caterer that can be used.
- Retirement luncheons only for the employees and retirees of the department of the respective retiree. Continued choice of food by the retiree.
- Retirement luncheons for all employees, but no retirees. Choice of food by the retiree.
- Retirement luncheons for all employees and retirees, but use of a local food vendor, thus constricting food choice.
- Or a combination of the scenarios above.

Staff does recommend that a scenario where staff cooks, serves, etc., the food for the luncheon not be an option. The time constraints needed for such a scenario would badly disrupt the Town work day. Additionally, use of volunteers cooking, serving, etc., food would require a constraining effort on the time

of staff, as well. Staff recommends that luncheons, whichever scenario chosen, use paid, professional caterers.

Action Requested

At Town Board's direction.

Mayor Tripp said he felt the board needed to craft the policy the way they wanted it. Commissioner Mewborn and Mayor Pro-tem Skinner said it needed to be a local vendor. Everyone agreed. Mayor Tripp asked how much they should allot for each retiree. He asked if we could set up an account with a max of \$6,000 each year to fund the retiree luncheons. Mayor Pro-tem Skinner stated we did not budget for that for this year. Mayor Tripp said we would do \$3,000 for this year since we only have a couple of anticipated retirements. Mayor Tripp said all staff and retirees should be included. He stated the funds should come from the General Fund, Electric Fund and Water & Sewer Fund. Mayor Tripp directed the manager to bring back a policy to the next meeting for adoption by the Board.

F. Sign Height Requirement Discussion

Planning Director Stephen Smith addressed the board.

Item Explanation

Currently Section 10-5 (D) of the Town of Ayden Zoning Ordinance states that freestanding signs for non-residential uses cannot exceed four (4) feet in height above ground level.

A zoning compliance certificate was issued to Zion Chapel on September 12, 2016. The certificate authorized the installation of a twenty (20) square foot ground mounted sign and specified that the sign could not be higher than four (4) feet as required by the Ordinance.

Since the time of installation, concerns have arisen from Zion Chapel that the sign is too low and does not provide the visibility they are looking for.

At the Board's May 8, 2017 meeting, staff was directed to take this item to the Planning Board for further discussion.

Staff Comments

At the July 17, 2017 Planning Board meeting, staff led a discussion on sign height requirements. The Planning Board was presented information on sign height requirements from several towns as well as Pitt County. After a lengthy discussion, the consensus of the Planning Board was that the staff should initiate a change to the zoning ordinance to increase the allowed height from 4 feet to 6 feet.

Action Requested

Town Board's directions.

Motion to send to the Planning Board for a text amendment.

Motion: Commissioner Mewborn

Second: Mayor Pro-tem Skinner

Discussion: None

Approved: 5-0

Motion passed unanimously.

G. Board Minutes

Manager Harrell presented to the board.

Item Explanation

Enclosed for your consideration is an excerpt from the UNC School of Government (SOG) publication entitled "Municipal Government in North Carolina" with pages from Chapter 6 "The City Clerk and City Records" written by A. Fleming Bell, II, now a retired member of the SOG faculty. Note that the verbatim recording of minutes is not required. The minutes must record the results of each vote taken by the board and should also show the existence of any condition that is required before a particular action is valid to take. The full text of the motion should be recorded, including the full text of any ordinances and resolutions passed by the board.

Staff Comments

Currently, our Town Clerk is transcribing the minutes verbatim and this is taking an inordinate amount of time to transcribe, to such extent we are generally running a month, or sometimes two, behind for the minutes brought to the Town Board's meetings for approval. Staff would appreciate the Town Board's consideration of allowing the Town Clerk to accurately record motions, votes, ordinances, resolutions, etc., for the Board's minutes, but not necessarily verbatim minutes – per the enclosed information from the School of Government.

Action Requested

Direction from the Board.

Motion to have the clerk do the minutes in a summative manner and have audio from the board meeting included on the website with the written documentation of the minutes.

Motion: Commissioner Harris

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

VII. INFORMATION

A. Staff Departmental Reports

Manager Harrell stated both his June and July staff report was included in this month's packet. He said Commissioner Ross had asked about a pay classification study and he found where one was completed in 2003-2004. The study concluded that the pay ranges were 5% below market pay at that time. Costs to rectify this were not adopted at the time. He stated the Town has increased its pay classification ranges through budget adoption since that time with today's pay classification ranges being 26% higher than they were at the time of the study. Manager Harrell stated he did not know the comparison to the market at this point.

Commissioner Mewborn said we need to find out and compare it so we could keep our employees and keep them happy. Mayor Pro-tem Skinner asked if this was something we could do internally. Manager Harrell stated he would reach out to other municipalities and do a comparison in house.

VIII. BOARD MEMBER COMMENTS

The commissioners thanked everyone for coming and staff for their hard work.

IX. CLOSED SESSION

- A. Pursuant to N.C.G.S. 143-318-11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion to go into closed session at 9:17pm.

Motion: Commissioner Davenport

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to return to open session.

Motion: Mayor Pro-tem Skinner

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

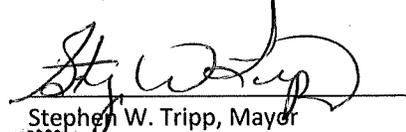
X. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:28pm.

CERTIFICATION

Minutes from the August 14, 2017 meeting were adopted and certified this 9th day of October 2017 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk

