



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

March 10, 2014 – 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 7:02 pm

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Leonard Barefoot – Interim Town Manager

Sherri Scharf – Town Clerk

Phil Dixon – Town Attorney

Barry Stanley – Chief of Police

Robert Sutton – Public Works and Utilities Director

Chris Tucker – Finance Director

C. Approval of the Agenda

Mayor Tripp asked Interim Town Manager Leonard Barefoot if there were any changes to the agenda. The Manager replied that he wished to move the discussion item to the Public Recognition section. The mayor then called on a motion and vote for the revised agenda.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt the revised agenda as presented was approved.

II. PUBLIC RECOGNITION

A. Introductions, Recognitions and Presentations

Timothy Baynes, Executive Director of the Mid-East Commission, gave a brief overview of the Commission's budget and how it spends the money it receives in dues from local government agencies like the Town of Ayden. The Mid-East Commission plans, applies for, and administers federal and state grants and programs. During FY 2012-13, Ayden paid \$1,418 in dues which was allocated toward workforce development for adults, youth and dislocated workers and programs for the aging such as meals on wheels, transportation, personal care, and legal aid. He concluded that for every \$1 spent in dues, Ayden residents received \$86 in programs and services.

Mr. Baynes then spoke about the proposed Mid-East Building Project, stating that at this point he is merely seeking consensus from member agencies that they are interested in maintaining their memberships and would be interested in supporting the proposed project, which is a necessary first step prior to securing funding for the building. Ayden's Finance Director Chris Tucker spoke with the Local Government Commission who confirmed that the interlocal agreement as drafted would not affect the Town's borrowing ability.

Mayor Tripp stated that Mid-East Commission services have been very valuable to Ayden's citizens and then called upon the Board for a motion and vote:

Motion: Commissioner Davenport

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to participate in the Mid-East Commission Building Project was approved as presented.

Coastal Plain Baseball League

Commissioner Ross brought to the Board's attention a historic baseball team with Ayden ties that she felt deserved to be recognized. She asked former Ayden Mayor Marvin "Bear" Baldree, who was an audience member, to speak to the board about the team known as the Ayden Aces, a minor league baseball team that played in Ayden during the late '30's. After hearing the presentation, the Board asked that Arts & Recreation Commission develop a proposal for creating a memorial plaque that could be tied to the Sixth Street athletic field, where the Ayden Aces played years ago.

Pitt County Commissioner Glen Webb provided the Governing Board with an update on Pitt County activities. Last year, the North Carolina Association of County Commissioners elected him as its first Vice President, a role that will have him representing all 100 counties in the General Assembly. Two key issues the association lobbied for this year were caps on medical expenses for inmates and protecting county income streams in the tax reform legislation. He met with Senator Berger to ask that Pitt County have its portion of lottery funds fully reinstated. He also stated that Pitt County is pursuing federal Department of Justice grants so that they may have funding to hire more police officers.

Commissioner Mewborn asked if there was any initiative to incorporate citizens who have criminal records back into the community by providing them with training and/or jobs. Commissioner Webb replied that although there is no formal program, the potential is there. He stated that there is \$50,000,000 in US Department of Justice grant funding available, and that it is parsed out to jurisdictions based on need. Pitt County might be able to create such a program if it were to receive funding.

Commissioner Mewborn then asked how programs like Head Start might receive lottery funds. Commissioner Webb stated that Pitt County lost 40% of its share of lottery funds, and he is trying to get it back. However, lottery funds are currently being allocated for school construction projects as the biggest priority. He has asked for flexibility for Pitt County so those funds can be spent to meet other school needs.

B. Public Comments

Janis Suggs, 429 Fifth Street, addressed the Governing Board by stating that she was ashamed by the appearance of her neighborhood and that she had been patiently waiting for assistance from the Town so that ongoing issues could be solved. Ms. Suggs' chief concerns are:

1. Irresponsible dog owners and their dogs who run loose to dig holes and poop in her yard and tease her dogs
2. Trash littering her neighborhood (she said she had photos)
3. Loud music/noise at all hours – she is losing sleep over it
4. Nearby renters who live in housing units with broken windows and torn screens and who have vehicles coming and going every day. (She said she watched and counted one vehicle that had been to a home 47 times in one day)

She stated that she lived in a “mixed community” and that she is home caring for an elderly mother, so that she is able to witness these issues. Ms. Suggs stated that she speaks on behalf of all her neighbors and that she will not be intimidated or “go away” until these matters are resolved.

Mayor Tripp stated that he, former Town Manager Adam Mitchell, and Ayden's Police Chief had worked with Ms. Suggs on several occasions in the past but that, apparently, those plans and efforts are no longer working. He suggested that he, Chief Stanley, Commissioner Mewborn, Interim Manager Barefoot and Ms. Suggs schedule a meeting to sit down and formulate a new plan to readdress these issues.

III. STAFF REPORTS

A. Interim Manager's Report

Interim Manager Leonard Barefoot stated that he recently attended the monthly NCEMPA and CMSD meetings. On February 18th, he attended the Small Town Main Street Committee meeting, which is temporarily being headed up by Tony Peterson, who also serves on the Planning Board, until the Town hires a new community and economic planner. Earlier that evening, he attended a Pitt County

Development Commission Reception. On February 24th, he facilitated a preliminary review of applications for the town manager position with the Governing Board.

B. Public Works and Utilities and Arts & Recreation Report

Robert Sutton gave the following report on his Department's activities:

- Electric Department: in addition to regularly scheduled duties, staff finished repairing hot spots found during infrared scans
- Water & Sewer Department: in addition to regularly scheduled duties, staff performed smoke testing on approximately 2 miles of sewer system to look for inflow and infiltration problem areas
- Street Department: in addition to regularly scheduled duties, staff repaired tiles on Juanita, Eighth and Second Streets and replaced tile across Turnage St.
- Arts & Recreation Department: in addition to preparing for youth spring and summer sports and classes, Ayden will be the host site for the East Athletic Conference All-Star Basketball Tournament in March, with teams participating from as far as Camden and Tyrell Counties

C. Finance Report

Chris Tucker distributed an updated financial report to the Board dated March 10, 2014 and stated that the budget is trending as expected with electric revenues at approximately \$13,000,000. The sustained cold weather has seen electric revenues spike upwards to \$1.3 million just in one month (February), but this also means the Town's February electric charges will also be very high. He and the Interim Manager Barefoot will soon start conversations with department heads regarding the new budget.

D. Public Safety Report

Chief Barry stated that two more Ayden police officers have achieved their advanced law enforcement certificates. Addressing the Board about Ms. Suggs's concerns he stated that he has tried to make himself available to her, sometimes taking phone calls at 2:00 or 3:00 a.m. Commissioner Davenport asked about the process for tracking loose dogs. Chief Stanley responded that in the past there had not been adequate paperwork, but that now there is a procedure that includes a log for complaints about dogs. If the same dog owner has a third complaint reported, then a ticket and fine is issued (prior to that, it is a verbal then written warning).

IV. CONSENT AGENDA

- A. Open Session Minutes of February 10, 2014
- B. Contract for Holland Consulting Planners Services

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt the consent agenda was approved.

V. PUBLIC HEARING

Ordinance Amending the Town Code to Allow Townhomes Within R-8 Zoning

Landin Holland, Holland Consulting Planners, stated that the proposed request from JFJ enterprises involves the establishment of townhouses as a conditional use within the R-8 zoning district. Currently, the minimum lot size within the R-8 zoning district is 8,000 square feet and multi-family housing is not permitted in any form. This restriction also applies to the establishment of duplexes. Additionally, the Future Land Use Plan designates these properties as Medium Density Residential. This designation is reserved for moderate density development. Specifically, the plan states that these areas should not increase in density until town services become available. Although, water and sewer service is available at the proposed construction site, this amendment will impact the entire R-8 zoning district. This will result in the permitting of townhouses throughout a large portion of the Town's Planning Jurisdiction, including the areas surrounding the Central Business District.

Staff Comments

In working through the amendment process the views regarding this request have fluctuated. Ultimately staff, in conjunction with the Planning Board, determined that allowing townhome development in the R-8 has several potential benefits. These include: providing an additional infill development opportunity, enabling a palatable form of multi-family development in the R-8 district, and providing an affordable housing option for citizens. Townhomes, as stated, will be permitted as a conditional use. Although these are multi-family units, future development will be kept in check since the proposed process will require that an applicant secure a recommendation from the Planning Board and then subsequent approval from the Ayden Governing Board each time a new townhouse development is under consideration.

The Ayden Planning Board unanimously recommended approval of this zoning change. Planner Holland reviewed the attachment to the proposed ordinance which he stated creates an allowance as a reasonable option for townhomes to have two owners in one building (as opposed to renters). He added that building code provisions are more strict for townhomes than duplexes. In the attachment, all parameters related to zoning townhomes as a conditional use are delineated, and he reviewed each during his presentation to the Governing Board. In addition to detailed maps depicting the Thad Little Road zoning area, he distributed an official zoning map that illustrated the entire R-8 district.

Recommendation

- (1) Conduct a Public Hearing
- (2) Consider approving or denying Ordinance No. 13-14-18 as presented

At 8:10 pm Mayor Tripp opened the Public Hearing and asked the public for input. Being that there were none, the Public Hearing was closed.

Mayor Tripp then called on the Board for a motion and subsequent vote.

Motion: Commissioner Davenport

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to amend the Ayden Zoning Ordinance to allow townhomes as a conditional use within the R-8 District was approved as presented.

Commissioner Harris stated that it will be nice to have housing options in the \$60,000 to \$80,000 range since not all Ayden residents can afford to buy a home. He feels it will be encouraging for both young and senior citizens who want to live in Ayden. Mayor Tripp agreed stating that his daughter owns a townhome, but not in Ayden, since there was no provision for them at the time she purchased one.

VI. ACTION ITEMS

A. Appointment to the Arts & Recreation Commission

Mrs. Anne Creech, who lives in Ward 4, has just finished her first term on the Arts & Recreation Commission and has reapplied hoping to be appointed for a second term. Mr. Urban Turnage (Ward 2) has also applied. The Town duly advertised this vacancy on February 27th and March 6th.

When appointing individuals to various advisory boards, it has been a practice to have equal representation by ward when possible or practical. At this time, staff recommends reappointing Anne Creech to serve a second term.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to reappoint Anne Creech for a second term to Arts & Recreation Commission was approved.

B. Resolution Endorsing Negotiations to Sell Generating Assets Owned by NCEMPA

At a Special Called Joint Meeting among the Town of Ayden, Town of Farmville, and City of Greenville on February 26th, the various governing boards met in closed session to discuss a proposed transaction presented by Power Agency representatives.

As a result of the above-referenced meeting, a resolution was created by the Power Agency for consideration by the various governing boards. At this time, staff recommends that the Ayden Governing Board adopt Resolution No. 13-14-11 showing its support for the ongoing negotiations between Duke Energy Progress and NCEMPA.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

The motion to adopt Resolution No. 13-14-11 endorsing the sale of certain generating assets owned by NCEMPA to Duke Energy Progress, Inc. and for power supply was approved as presented.

C. Resolution to Support Tobacco-Free Parks in Pitt County

In keeping with communities across the U.S. that have banned smoking in their public parks, Pitt County Public Health Director Dr. John Morrow is coordinating an effort to prohibit the use of tobacco products, including electronic cigarettes, in all Pitt County public parks. The Pitt County Board of Health intends for the rule, if adopted to be self-enforced by the community at large. Dr. Morrow has indicated that he intends to use Pitt County grant funds to purchase smoke-free signage for Ayden's parks should the Board adopt a resolution banning smoking in Ayden's parks.

Since the Town does not have a formal smoke-free policy for its parks, and in keeping with the Board's previously stated desire to focus on its citizens' health, staff recommends adopting Resolution No. 13-14-12 to support tobacco-free parks in Pitt County.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve Resolution No. 13-14-12 to support tobacco-free parks in Pitt County was approved as presented.

D. Ordinance Allocating Funds to Offset Expenditures for Lee St. Sewer Repair Project
This budget amendment will appropriate fund balance to cover the additional expense of the sewer line repair project that occurred last Christmas through New Year's Day. In order to make the budget adjustment, staff proposes to also increase the overtime appropriation to cover the cost of the man hours used to complete this project.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Mewborn

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 13-14-19 to amend the Ayden FY 13/14 Budget Ordinance was approved as presented.

E. Authorization for Two Governing Board Special Called Meetings/Public Hearings Regarding Ayden's CDBG Infrastructure Improvements Grant Application

McDavid Associates' Rich Moore, administrator for the Town's CDBG Infrastructure Application, explained to the Board that the Division of Water Infrastructure has announced that it will be accepting applications for Community Development Block Grant Infrastructure (CDBG I) funds on April 1, 2014.

In prior years, the Department of Commerce has disbursed CDBG funds for non-entitlement communities primarily for housing rehabilitation. For 2013 funds, the State has allocated all Department of Housing and Urban Development (HUD) funds for water and sewer infrastructure needs (no housing activities). For the April 1 deadline, \$10 million is currently available. A May 1 deadline has also been established that will make an additional \$16 million available. An applicant can apply for up to \$3 million. Numbers of applications are not limited where the \$3 million threshold is the only restriction.

Eligibility is based on the following criteria:

1. Must serve a target area consisting of a residents that are at least 51% low to moderate income (the greater the percentage, the better).
2. Must meet a documented critical water or sanitary sewer need (such as sewer collection system improvements to eliminate documented inflow/infiltration problems).

Based on guidelines, applications do not require any matching funds, but it is Mr. Moore's opinion that some local matching funds might be a "tie breaker" as other Pitt County communities will also be competing for these funds. All applicants must conduct at least two (2) public hearings. Ayden's Town-wide low to moderate income statistics exceed 51% such that the Town is automatically eligible to apply before conducting any door-to-door income surveys.

The proposed application would entail sanitary sewer collection system rehabilitation/replacement in the residential areas of Town between Snow Hill Street and Montague Street, East Third St, and areas between First and Third St. near Martin Luther King St. Based on smoke testing performed by the Town, this area of collection system is most likely being impacted by inflow/infiltration issues.

Staff Comments

Staff regrets the urgent need to act within such a short period of time on this matter; however the Town needs to take every step possible to improve its chance of getting this funding.

Recommendation

Authorize staff to schedule two special called meetings of the Governing Board to be held on March 24, 2014 and March 27, 2014 beginning at 7:00 pm to conduct

public hearings regarding the Town of Ayden's CDBG Infrastructure Improvements Grant Application.

Mayor Tripp asked the Board if they had any questions of Mr. Moore. He then called for a motion and subsequent vote.

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the request for the Governing Board to hold two (2) CDBG Public Hearings on March 24th and March 27th, 2014 was approved as presented.

F. 2014 Powell Bill Street Paving Recommendations

Interim Manager Leonard Barefoot addressed the Board by stating that he and Public Works & Utilities Director Robert Sutton recently discussed the municipal streets' inventory for Powell Bill paving consideration as well as taking a tour of the streets being proposed for repaving. Consideration was given to numerous factors when determining the ranking for paving needs. These include the condition of the pavement, daily traffic loading, and projected infrastructure projects that may include resurfacing as a component of the project. A comprehensive color map illustrating roads resurfaced from 2003-2013 as well as the recommended roads with the greatest and intermediate needs for 2014 was distributed as part of the discussion.

This year four streets: Montague Avenue, Roberta Drive, Mill Street and Fawn Road, are recommended for resurfacing. Staff projects the total cost for resurfacing to be approximately \$95,000. This projection is based on conversations with area contractors and historical pricing. It should be noted this number is subject to change due to changes in raw material costs and as supply and demand for asphalt fluctuates.

Interim Manager Barefoot stated that he concurs with Mr. Sutton's recommendation on the streets to be resurfaced.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve the recommendation for street paving using 2014 Powell Bill Funds was approved as presented.

VII. DISCUSSION ITEMS

Previous Item – Coastal Plain League – was moved to “Public Recognition” section.

VIII. INFORMATION

- A. The 2012 CDBG Catalyst Program Monthly Performance Report was provided for information purposes only. Also included was a report from the NCDOC, Community Assistance Department, Division of Community Development, detailing its monitoring visit to Ayden on February 26th, 2014. Robert Sutton was present for the site visit. The report indicated that all areas reviewed generally appeared to be in compliance with the applicable CDBG regulatory requirements.
A response from the Town is not necessary at this time.

B. Request for Early Voting (One-Stop) Site in Ayden

Mr. Dave Davis, Director of Pitt County Board of Elections, is requesting that Ayden's Community Building on Second Street be utilized as a one-stop voting site during the Primary Election (April 23 through May 3, 2014) and during the General Election (October 22 through November, 2014). The Town of Ayden has routinely allowed the Pitt County Board of Elections to sue this building for statewide elections as was the practice in 2010 and 2012. There is no fee or charge associated with this request.

Interim Town Manager Barefoot has reviewed and approved this request.

IX. BOARD MEMBER COMMENTS

Mayor Tripp read aloud a letter he received from Ms. Anne Beall from Palm Bay, Florida. Ms. Beall was born in Ayden 84 years ago and attended Ayden High School. She gave historical information on Ayden in her letter that she thought would be of interest to the town. Mayor Tripp asked that it be made part of the official record.

Commissioners Skinner and Ross complimented Robert Sutton and the Ayden Public Works Crews for their excellent work during recent inclement weather.

X. CLOSED SESSION

Mayor Tripp called upon Town Attorney Phil Dixon who recommended that the Board enter into Closed Session pursuant to NCGS 143-318.11 (a) (3) – to consult with an attorney employed or retained by the public body to protect the attorney/client privilege; NCGS 143-318.11 (a) (4) – to discuss matters relating to the location of a business served by the public body; and NCGS 143-318.11 (a) (6) – to consider the conditions of appointment of an individual public officer or employee or prospective public officer or employee.

Mayor Tripp called for a motion and subsequent vote to enter closed session.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to enter closed session at 8:50 pm was approved.

XI. RETURN TO OPEN SESSION

Mayor Tripp called for a motion and subsequent vote to return to open session.

Motion: Commissioner Skinner

Second: Commissioner Ross

Discussion: None

Approved: 5-0

The motion to return to open session at 9:30 pm was approved.

XII. ADJOURNMENT

Mayor Tripp announced that without objection the meeting would stand adjourned at 9:30 pm.

CERTIFICATION

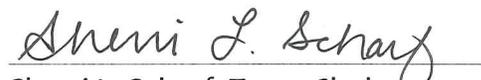
Minutes from the March 10th, 2014 meeting were adopted and certified this 14th day of April 2014 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk