



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

May 12, 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 7:00 pm

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Leonard Barefoot – Interim Town Manager

Sherry Scharf – Town Clerk

Phil Dixon – Town Attorney

Robert Sutton – Public Works and Utilities Director

Barry Stanley – Police Chief

C. Approval of the Agenda

Mayor Tripp asked Interim Town Manager Leonard Barefoot if there were any changes to the agenda. After conferring with Town Attorney Phil Dixon, the Manager replied that he wished to delete the closed session on the agenda. 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. Ayden Elementary School Math Masters

Mayor Tripp presented the Ayden Elementary School with a Certificate of Recognition for winning first place in the overall Math Masters Competition and to Madison Stirk who placed first earning her the title of Math Master. Out of 20 groups in the competition, Ayden's 3rd grade teams took 1st and 2nd place and the 4th grade team placed third. Mayor Tripp thanked the math coach and assistant principal, who were both present with the students and their families.

- B. Public Comments
None

III. STAFF REPORTS

A. Interim Manager's Report

Interim Manager Leonard Barefoot stated that, since the new town manager has been hired, he has been focused on finding a new town planner. The Town has received 20 applications for the open position, and the new manager, Brandon Holland, will participate in the interviews prior to his official start date (June 9th). Mr. Barefoot has also been busy working with Chief Stanley on police department issues, working with Chris Tucker on a budget draft for the next fiscal year, and debriefing Brandon Holland on the Town's business.

B. Public Works and Utilities and Arts & Recreation Report

Robert Sutton addressed the Board by stating that the Powell Bill Paving Project was awarded to Garris Paving at less than \$100,000, which is less than what had been budgeted. Also, the cost estimate for the transformers needed for the substation project came in under budget. He reported that the state inspection of the water system went well. He was notified that the Town of Ayden will not be awarded grant funding in the initial round of grant requests for the CDBG infrastructure program but that the Town can reapply in 30 days. Mr. Sutton reported that over the past two weeks (due to good weather) great strides had been made in completing Ayden's District Park, and that he expected it would be open to the public by mid-June. The Arts & Recreation department had a successful Easter Egg Hunt with approximately 250 parents and children in attendance. Also, summer camp registration will end on May 16th.

C. Finance Report

Mr. Barefoot stated that Chris Tucker would not be present and then distributed Mr. Tucker's updated financial report to the Board dated April 30th. He stated that he and Mr. Tucker had been working on the new fiscal year budget and, in particular, addressing the question of funding for directed patrols so that the police department has the resources to combat crime in specific areas of the town. As noted in the Governing Board memos created by Mr. Barefoot and Mr. Tucker, they feel comfortable with the current general fund status and believe it can absorb the cost of overtime wages and wages for reserve officers in order to implement directed patrols during the current fiscal year.

D. Public Safety Report

Chief Barry Stanley gave the following update on incident and investigations:

- April 16: shots fired at 6:36 pm on Allen Drive (one victim); 3 individuals arrested for attempted murder and placed in Pitt County Detention Center, under \$6 million bond (for each). (Bond set high as these are suspected gang members.)

- April 16: shots fired with injury at 11:26 pm; victim located at Barwick Street near Williams Street with shoulder injury; he would not cooperate with APD. No further leads or arrests at this time.
- April 21: shots fired at 10:39 pm (2 adult victims); 3 juvenile males are in custody charged with assault with a deadly weapon with intent to kill
- May 3rd: shots fired (one victim with injuries); at 2:11 pm, victim found on Garris St; juvenile suspect turned himself and was charged with attempted first degree murder. He is being held in Pitt County Detention Center under \$2 million bond (bond set high as he is a suspected gang member).
- May 3rd: shots fired at 8:56 p.m. in the area of Pitt Street; officers responded but unable to locate anyone. No suspects but investigation is ongoing.

IV. CONSENT AGENDA

- A. Open Session Minutes of April 14, 2014
- B. Special Called Meeting Minutes of April 28, 2014

Motion: Commissioner Davenport

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt the consent agenda was approved.

V. PUBLIC HEARING

- A. Conditional Use Permit Application for Townhomes at 4634-A and 4634-B Weyerhaeuser Road

At its March 10th Governing Board meeting, the Board adopted an ordinance to amend the Town of Ayden Zoning Ordinance to allow townhomes to be added to the Table of Permitted Uses as a conditional use within the R-8 zoning district. This action was necessary in order to consider an application from a developer (JFJ Enterprises) who expressed interest in building townhomes in Ayden. There were no citizens who spoke for or against this proposed change during the March 10th public hearing.

At its April 14th meeting, the Governing Board held a duly advertised second public hearing, as required, but decided to table approval of the conditional use permit until Mr. Benson from JFJ Enterprises could be present to provide testimony and answer questions.

Since then, in order to streamline the approval process, and due to the lengthy history with JFJ Enterprises related to townhouse development in Ayden, Holland Planning Consultants compiled a timeline and documented details in a memorandum to the Ayden Governing Board.

Mayor Tripp declared the public hearing to be open at 7:35 p.m. There were no citizens who wished to speak for or against the proposed development.

Both Interim Planner Dale Holland and developer, Mr. Benson of JFJ Enterprises were present and sworn in prior to providing testimony to the Governing Board.

Planner Holland referred to the memo he prepared for the Board detailing a history that dated back to when former planner Chris Padgett worked for the Town and was overseeing development at the South Country Subdivision. Town Attorney Phil Dixon agreed with Mr. Barefoot and Mr. Holland that Mr. Benson has the right, due to the Town's previous actions, to develop the remaining 11 lots of his property as non-conforming uses. Mr. Holland stated that he believes, regardless of the decision the Board makes tonight, that Holland Consulting Planners made the "right call" with their independent action this year. He also stressed that if the Town approves Mr. Benson's proposed townhome development tonight, the Governing Board is not committed to approving future townhomes on the remaining lots.

Mr. Holland further stated that since the April Governing Board meeting, he found restrictive covenants that address exterior maintenance and other issues and that Attorney Dixon has reviewed them and found them "sufficient" to use as a model in this matter.

Mr. Benson testified that he just wants to sell his property. He said that he didn't realize the planning approval process would be so complicated and that, if he had known in advance, he would not have gone through with the purchase. His original intent was to build 11 duplexes or townhomes, and then leave the properties for his children as an inheritance. Commissioner Davenport asked if Mr. Gardner still owned the property, and Mr. Benson said that he "bought out" Mr. Gardner and is now the owner.

Attorney Dixon advised the Board that it could read the seven Findings of Fact out loud and vote on all seven at one, or read each one individually and vote accordingly.

Mayor Tripp inquired on the Board's choice and then read all seven Findings of Fact out loud, calling for a motion and subsequent vote on the findings.

Motion: Commissioner Davenport

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt the seven Findings of Fact was approved as presented.

Mayor Tripp then called for a motion and subsequent vote on the Conditional Use Permit.

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the Conditional Use Permit submitted by JFJ Enterprises was approved as presented.

VI. ACTION ITEMS

A. Funding Authorization for Directed Police Patrols

Interim Manager Barefoot referred the Board to his memorandum stating that he had authorized Chief Stanley to immediately resume directed patrols in response to the recent

increase in criminal activity in certain areas of town. He and Chief Stanley agreed that utilizing a combination of existing officers (who would need to be paid overtime) and reserve officers (paid at an hourly rate) would be the most effective and cost effective manner at present time. Mr. Barefoot is not requesting funding at this time, even though their use will likely cause the police department budget to exceed its appropriation for FY 2014-15. Finance Director Chris Tucker believes that the general fund may be able to absorb this cost without requiring a budget amendment.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to support additional spending for directed police patrols was approved as presented.

B. Resolution to Support Pitt County Arts Council Civic Arts Subcommittee

Interim Manager Barefoot stated that the Pitt County Arts Council (PCAC) is the vehicle in eastern NC that administers grant funding received from the NC Arts Council each year. The PCAC has been asking the governing boards of each community with an arts presence to endorse its Civic Arts Subcommittee's work by way of a resolution. Ayden is the last municipality to consider this request. Should Ayden endorse PCAC's work, the Town may benefit from the economies of scale that come with groups that have partnered with PCAC. All other Pitt County towns have already adopted resolutions for this purpose.

One of the ways in which the Civic Arts Committee wishes to increase visibility of the arts is to have art in public places. PCAC sponsored the Down East Sculpture Exhibition which allowed the Town of Winterville to feature sculptures created by NC artists in front of three downtown municipal buildings. (Ayden's Small Town Main Street Committee has also expressed the desire to have a downtown art sculpture, perhaps in the shape of a pig to represent Ayden's famous barbecue.)

The PCAC is not asking for money from the Town of Ayden. However, if Ayden is interested in pursuing art for its downtown area, the PCAC can oversee and coordinate a public art component (with input from the Town) such as was done with the Town of Winterville. (The artist will expect a stipend for his/her work, but this can be negotiated).

At this time, the Town of Ayden will not be able to participate as a partner with the PCAC without endorsement by its governing board. It is staff's recommendation to adopt Resolution No. 13-14-16 and send a fully executed copy back to the Pitt County Arts Council thereby expressing an interest in participating in community arts projects. Since Sherri Scharf is a member of the Civic Arts Subcommittee, she can keep the Governing Board informed of its activities and help coordinate projects with PCAC.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to adopt Resolution No. 13-14-16 to endorse the Pitt County Arts Council Civic Arts Subcommittee was approved as presented.

C. District Park Standard Operational & Staff Guidelines for Community Use of Splash Pad

Interim Manager Barefoot called on Recreational Director Tommy Duncan to detail the Arts & Recreation Commission's proposal that creates standard operational and staffing guidelines for the District Park's Splash Pad. Mr. Duncan referred to the handout that was distributed to each Board member. Highlights include:

- Hours of operation from 10 a.m. to 5 p.m. Monday through Saturday, June through August of each year
- \$2.00 daily admission per person (wristbands will be given as "pass")
- All children 12 and under must be accompanied by parent or guardian
- Must wear water shoes (soles with rubber grips) for safety
- Children who are not potty trained must wear swim diapers
- Splash pad area will be supervised by an attendant who will be at least 16 years old who will be paid an hourly rate for the summer months
- The attendant will be properly trained in emergency situations and be able to administer CPR and first aid until qualified emergency/medical staff arrive
- The attendant will enforce the park and splash pad rules and engage in crowd control

Mayor Tripp stated that he was concerned that some citizens work outside of Ayden and might not get home before 5 pm to enjoy the splash pad with their families. He wondered if surrounding communities closed their splash pads so early. Mr. Duncan stated that he would do more research on operating hours in nearby communities and report back to the Board.

Commissioner Mewborn asked how much money is budgeted to pay the attendant for the summer. Mr. Duncan stated it would be approximately \$4,300 – but it is expected that roughly one-half of those hourly wages would be recovered through the fees assessed to use the splash pad. Commissioner Davenport asked if a 16 year old student would be mature enough for the responsibilities. Commissioner Harris stated that it was a common practice to hire 16 year olds to supervise public swimming pools in the summer.

With there being no more comments, Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve the Ayden District Park standard operational and staffing procedures for the splash pad was approved as presented.

VII. DISCUSSION ITEMS

None

VIII. INFORMATION

The 2012 CDBG Catalyst Program Monthly Performance Report was provided for information purposes only. Mike Barnette from McDavid & Associates did not attend the meeting but provided the following update:

1. Rehabilitation of the Arts & Recreation Building: staff met with representatives from MHAworks and we are now waiting for written recommendations on the elevator design/location, handicap accessibility improvements, and general rehabilitation improvements.
2. Parking lot paving at Arts & Recreation Building: initial design plans are underway with contractor McDavid & Associates.
3. Scattered site housing work: the asbestos and lead based paint assessments are under contract and ready to being. The commitment of time and program funds for these activities will take place after final costs have been determined for the higher priority activities listed above.

Commissioner Mewborn inquired why scattered site housing was listed as the last priority and asked for clarity on the comment about "final costs." He expressed concern that the citizens that are part of the CDBG application have been waiting a long time to have their homes rehabilitated. Mayor Tripp responded that we would ask Mike Barnette to the June meeting for an explanation and to be available for Board questions.

IX. BOARD MEMBER COMMENTS

Commissioner Ross stated that she would like to see better access in the Kennedy Estates neighborhood, since there is only one road in and out of the subdivision. Commissioner Mewborn agreed and asked Interim Manager Barefoot how the Town could make it happen. Mr. Barefoot stated that it would not be an easy solution and that, since grants are not likely available for a project like this, property taxes would have to be increased to pay for it. Mayor Tripp suggested that several options be studied and that it be placed on the agenda for a future Governing Board meeting.

X. CLOSED SESSION (Canceled by board consensus)

XI. RECESS

Mayor Tripp announced at 8:35 p.m. that without objection the meeting would stand recessed until May 21st at 5:00 p.m. at which time the Board will hold a budget workshop to discuss the FY 2014-15 budget.

CERTIFICATION

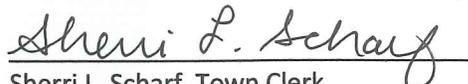
Minutes from the May 12th, 2014 meeting were adopted and certified this 9th day of June 2014 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk