



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

September 8, 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:
Brandon Holland – Town Manager
Sherri Scharf – Town Clerk
Phil Dixon – Town Attorney
Robert Sutton – Public Works and Utilities Director
Chris Tucker – Finance Director
Barry Stanley – Police Chief
Stephen Smith – Community & Economic Planner

C. Approval of the Agenda
Mayor Tripp asked Town Manager Brandon Holland if there were any changes to the agenda. Commissioner Ross stated that she would like to revise the agenda by removing Item C “recommendation for naming rights and location of second park shelter” from the Consent Agenda section to the Action Items section as Item F. Mayor Tripp then called for a motion and subsequent vote:

Motion: Commissioner Ross
Second: Commissioner Mewborn
Discussion: None
Approved: 5-0

The motion to adopt the revised agenda as stated in the preceding paragraph was approved as presented.

II. PUBLIC RECOGNITION

A. Public Recognition

Chief Stanley introduced two new full-time officers, Scott Mitchell and Jumario Artis and new reserve officer, William Best. Detective Artis previously worked in the Winterville Police Department and comes to the Town of Ayden as its new drug and gang investigator. Officer Mitchell previously worked in the Lenoir County Sheriff's Office, and Officer Best worked for both Greenville and Kinston police departments.

B. Public Comments

Ms. Darlene Pollard, 4202-A Deer Meadow Court, stated that justice is not a "black or white thing," that she wants justice for all citizens, and that the Town should do what is best for all.

III. STAFF REPORTS

A. Manager's Report

Manager Holland stated that he has not been successful in getting other Pitt County community groups to provide input prior to scheduling another Arts & Recreation Foundation meeting, so he is planning to set up the next meeting without additional input from Pitt County. He also reminded the Board that the Ayden Elementary and Middle Schools "community day of caring" event needs to be rescheduled for later this fall in accordance with Principal Cornelia Cox's request.

He also reminded Mayor Tripp and Commissioners Skinner, Davenport and Mewborn of their obligation to take ethics training on September 29th and stated that Commissioners Mewborn and Ross will be attending the NCLM's Annual Conference in Greensboro.

B. Public Works and Utilities and Arts & Recreation Report

Robert Sutton provided the Board with an update on the Town's drainage-ways project. He stated that the engineering drawings for the Montclair Estates were approved by both the project engineer and state geologist. The next step is for NCDOT to issue an encroachment agreement to the Town. Once it is received, the Town can advertise for bids so that the work can begin. The materials to repair the Masonic Lodge "sinkhole" and reroute the tile are in, but the Town is still waiting on the Lodge's final engineering assessment. Mr. Sutton stated that the elevator for the Arts & Recreation Building has been purchased and the CDBG funded project work is "on pace." He anticipates that the rehabilitation work for the electric substations will be completed by Spring, 2015. Also some improvements have been made at the Town's cemeteries and will continue.

During August various Public Works Departments were busy preparing for the Collard Festival as well as maintaining streets, sanitation, water/sewer and electric functions.

C. Economic and Community Planner Report

Planner Stephen Smith indicated that he issued 6 zoning compliance certificates, one for a new consignment store and auction house at 503 Third Street.

D. Finance Report

Chris Tucker stated that he did not have a financial report as nothing substantial had changed since the last Board meeting. The Town's auditor will be in Ayden on September 29th for field work that will close out the last fiscal year. The work will be completed in October and the Board will receive a final audited financial report. Mr. Tucker further stated that the Town's new website is under development by experienced ElectriCities Information Technology representatives, and he hopes it will be "live" sometime in October. He proceeded to give a brief visual presentation illustrating the fresh new look and key features and functionality of the new site for which Pitt County Development Commission provided a \$5,000 grant, matched with another \$5,000 in-kind by ElectriCities.

Commissioner Harris stated that he would like to see links to area civic clubs and also inquired which Town staff would maintain the website so that it doesn't get out of date. Mr. Tucker replied that he would provide maintenance as well as Town Manager Brandon Holland and Town Clerk Sherri Scharf, adding that the Arts & Recreation and Police Departments will have access to update their own departmental content.

E. Public Safety Report

Police Chief Barry Stanley reported that his department is implementing a new neighborhood canvassing neighborhood that he hopes will rebuild trust and help in being proactive in the community. After identifying two neighborhoods, officers will go door to door asking residents about their concerns whether it is crime, public works, or code enforcement issues, and then coordinate with the appropriate town departments to address the issues.

During neighborhood canvassing, new business cards with the email address crimeinfo@ayden.com will be handed out so that information can be shared with the police without having to call in. The flip side of the card will be imprinted with the Crime Stoppers program information. This new email will be published in the next edition of the Town's newsletter that is distributed with the utility bills each month.

Chief Stanley also reported that signs were made with the Crime Stoppers and Ayden P.D. information and are being placed in areas where crimes have occurred with an offer of up to \$5,000 for reliable tips to encourage citizens to work with the P.D. to solve crimes. Doorhangers with this information will also be distributed during neighborhood canvassing.

The Ayden P.D. continues to collaborate with other police agencies; in fact, he, Town Manager Holland and Detective Artis recently met with the Kinston Chief of Police and City Manager to discuss curbing gang and violent crimes in Kinston. Detective Artis will spend a couple of days in Kinston to learn more. One positive outcome of the meeting was learning that Ayden had already initiated some of the same measures that Kinston has been using to combat this specific type of criminal behavior.

IV. CONSENT AGENDA (REVISED)

- A. Open Session Minutes of August 11, 2014
- B. Special Called Meeting Minutes of August 13, 2014
- C. Resolution to Contract with Governor's Highway Safety Program

Commissioner Harris pointed out an error on page 8 of the August 11th meeting minutes. The dollar value related to the labor cost associated to construction of a new large shelter at the District Park should be \$25,000 instead of \$125,000.

Mayor Tripp called on Town Clerk Scharf to note the correction and then called for a motion and corresponding vote.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the August 11, 2014 meeting minutes with the above-referenced correction was approved as presented.

Mayor Tripp then called on the Board for a motion and corresponding vote for the remaining consent agenda.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve the revised consent agenda was approved as presented.

V. PUBLIC HEARING

Zoning Text Amendment for Automobile Washing/Detailing

Town Manager Holland stated that Planner Stephen Smith was present to discuss the above referenced request from Ayden's Planning Board.

Mr. Smith stated that the applicant is requesting a zoning text amendment to add automobile washing and detailing as a conditional use within the B-1 zoning district. Currently this use is only allowed as a permitted use in the B-2 zoning district. This request was initially submitted to add automobile washing and detailing as a permitted use in the B-1 Zoning District. The request was heard before the Planning Board at its July 21st meeting. The Planning Board had some concerns with allowing this use by right in the B-1 Zoning District. After some discussion, it was suggested that the request be changed from a permitted use to a conditional use. The Planning Board tabled the item and asked Staff to consult with the applicant to see if they would be agreeable to the change to conditional use.

After speaking with the applicant, the request was changed from permitted use to conditional use and was returned to the Planning Board at its August 18th meeting. The Planning Board voted unanimously to add automobile washing and detailing as a conditional use to the permitted use table in Section 4 of the Zoning Ordinance.

Mr. Smith further stated that the Planning Board researched three other towns similar in size to Ayden and all of them allowed this type of business as a conditional use in their downtown areas.

Mayor Tripp declared the Public Hearing open at 7:45 p.m. There were no citizens speaking for or against the proposed action, so the hearing was subsequently closed.

Mayor Tripp then called on the Board for a motion and corresponding vote:

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the zoning text amendment for automobile washing and detailing was approved as presented.

Mr. Smith then stated that the text amendment would be added to the Table of Permitted uses, and the matter would go back to the Planning Board for a final review/approval. Final recommendations will be forwarded to the Governing Board for its approval at the October business meeting.

VI. ACTION ITEMS

A. Resolution Awarding Contracts(s) for Ayden and Weyerhaeuser Electric Substation Upgrades

Town Manager Holland recalled for the Board that at its Special Called Meeting on March 27, 2014, Robert Sutton, Director of Public Works and Utilities, gave a presentation to the Governing Board detailing the project work required to upgrade the NC-11 Substation and Weyerhaeuser Substation. The discussion included cost estimates and potential sources for funding the required upgrades. At its regularly scheduled Governing Board Meeting on April 14, 2014, the Board gave final permission to proceed with the project. Authorization was also given to create a Capital Project Fund in the amount of \$2,300,000 with \$1.5 million in loan proceeds and \$800,000 allocated from fund balance.

Coordinating the bidding process with Mr. Sutton, Power Services Project Engineer Michael Taylor duly advertised for bids for the substation upgrades and components on August 28, 2014. The sealed bids were opened and reviewed on September 3, 2014 by Mr. Taylor, who has come before the Board with the following recommendations for awarding contracts to the lowest, responsible and responsive bidders:

- Substation Enterprises in the amount of \$223,890 for the Weyerhaeuser Substation Addition Package
- Easton Cooper Power Systems in the amount of \$218,844 for voltage regulators
- Tavrida Electric in the amount of \$144,460 for vacuum circuit reclosers
- USA of Wake Forest, NC for the amount of \$89,015 for vacuum bus and tie circuit breakers
- RW Chapman of Charlotte, NC in the amount of \$169,214 for circuit switchers
- SPX of Goldsboro, NC in the amount of \$331,621 for substation power transformers reconditioning

Mayor Tripp stated that he thought the bidding was being done "piece meal," making it harder to gauge the project's true costs. Mr. Taylor replied that right now major pieces of equipment are being purchased while we wait for construction drawings from the engineers, adding that there are many steps before the labor portion of the project can be bid out.

Mayor Tripp then expressed concerns about budget overruns. Mr. Taylor responded that the cost projections were based on contractor bids, and that he feels the material bid estimates are "on target," as he anticipates labor costs to be as well. In any event, a contingency of \$60,000 to \$70,000 over and above the actual bids will be factored in.

Mayor Tripp asked when the Town could expect final projections, to which Mr. Taylor replied that all construction drawings should be complete and bids turned in for all work by November. All materials should be in by the end of November or early December at which time a contractor will be on board to install.

Town Manager Holland reminded Mayor Tripp and the Commissioners that any additional work will come back to the Board for approval, and that these costs have already been accounted for in this fiscal year's budget.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to adopt Resolution No. 14-15-04 to award contracts for electric substation components and project work as detailed above was approved as presented.

B. Ordinance Requiring Owner to Demolish and Remove House Located at 4331 East Avenue

Town Manager Holland stated that Code Enforcement Officer Jim Mallow would not be at the meeting, but referred the Board members to the Notice of Failure of Order to Take Corrective Action and timeline that Mr. Mallow had prepared for the meeting to illustrate that all due diligence had been completed in accordance with NCGS 160A-443. The house has been vacant and without electricity for some time. Neighbors have made numerous complaints about the tall grass and illegal activities in or near the house. What is now required is for the Board to officially condemn the property via resolution so that the demolition work can begin.

Commissioner Skinner inquired whether the house would be burned down as an exercise for the Ayden Fire Department, and Planner Stephen Smith said he would look into it.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Harris

Second: Commissioner Ross

Discussion: None

Approved: 5-0

The motion to adopt Ordinance No. 14-15-05 to demolish and remove the dwelling at 4331 East Avenue was approved as presented.

C. Revisions to the Arts and Recreation Commission's Bylaws

Director of Arts & Recreation Tommy Duncan was present to represent the Arts & Recreation Commission and its desire to seek approval for amending its bylaws:

1. Add requirement that all members are required to attend and assist with at least two special events each year
2. Add a provision to allow a member living within the Town's Extra-Territorial Jurisdiction (ETJ) to serve as the ETJ member
3. Add provision that all members will receive notice of all meetings via email at least one week before the scheduled meeting

Mayor Tripp asked about the "thought process" for adding an ETJ member. Mr. Duncan replied that they currently have a member who regularly attends the Commission meetings, who is also well established in the arts and, thus, considered a valuable resource. However, she does not live within the Town's limits. The Commission wants to allow her to have input on issues and decisions, which will require revising the bylaws to formalize her participation.

Mayor Tripp also suggested adding "unless the member has no email" to amendment #3. He then called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve amendments to the Arts & Recreation Commission's bylaws as detailed above was approved as presented.

D. Ordinance to Change Ayden Park Hours

Town Manager Holland stated that Ayden's current ordinance for the hours of operation for Ayden Parks states that "the Ayden District Park shall be open to the public from sunrise to 30 minutes after sunset each day."

In its August 28, 2014 meeting, the Ayden Arts & Recreation Commission discussed the District Park hours. Members stated their concern that with the language in the current ordinance, with the park closing at sunset, citizens would not lawfully be able to use the lit walking trail in the warm months after daylight savings time has ended. The Commission unanimously voted to extend the operational hours for the District Park to 9:00 p.m., year round.

Arts & Recreation Director Tommy Duncan stated that although walkers assume their own risks, the trail is well lit, and Ayden Police Officers always patrol our parks, as often as every 30 minutes. Commissioner Mewborn asked expressed concerns about public safety and asked whether the Town would have staff on duty to oversee the park during the evening hours. Commissioner Harris said that he, too, was concerned about safety due to how isolated the

District Park is, but on the other hand he wants park usage to be as high as possible. He suggested that the Town think about duplicating ECU's campus security measure whereby blue lights are installed on poles along with phones specifically designed for emergencies. Mayor Tripp agreed that a blue light system would be beneficial for the District Park.

However, due to an impasse on the safety concerns, the Board did not reach a consensus or final decision. It was then recommended that the topic be tabled until the next meeting.

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to table the decision to change the park hours until the next Board meeting was approved.

E. Staff Organizational Chart Restructuring

Manager Holland stated that Ayden's current organizational chart and structure has the Arts and Recreation Director under the supervision of the Public Works Director. He added that while it is uncommon in municipal organizations for one department head to supervise another department head, the current model of the Public Works Director supervising the Arts and Recreation Director served an effective purpose during the construction of the new District Park. However, in the absence of an Assistant Town Manager, modern municipal organizational structures provide that all department heads report directly to the Town Manager. Therefore, it is his recommendation that the Arts and Recreation Director report to the Town Manager in the same fashion as the other Town Department Heads. Manager Holland distributed a revised organizational chart indicating the change in supervision.

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

Motion: Commissioner Mewborn

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve having the Arts & Recreation Director report directly to the Town Manager and revising the Town's organizational chart to reflect this change was approved.

F. Recommendation for Naming Rights and Location of Second Park Shelter

Public Works & Utilities Director Robert Sutton reminded the Board that during the FY 2014-15 budget process, the Board allocated \$14,000 to acquire a 16 x 20 foot shelter, a size similar to the one currently at the District Park. As the new park opened, it quickly became evident that securing an additional, larger shelter would be desirable. However, the cost of a larger shelter (30 x 50 feet) would cost approximately \$25,000 for materials only.

At the August 11th Governing Board meeting, the Board discussed this item and then asked the Arts and Recreation Commission to recommend a location for the larger shelter and to consider the business owner's offer for naming rights.

Mr. Sutton reminded the Board that during a recent conversation with Tripp Brothers Construction, the owner stated he would trade the costs of site and construction work for naming rights on the shelter. This idea is consistent with the Town's sponsorship and naming rights policy and procedure that was developed and approved by the Arts & Recreation Commission and the Governing Board before Phase I was completed. At its August 28th meeting, the Arts and Recreation Commission unanimously approved the decision to allow Tripp Brothers Construction naming rights for the shelter. Additionally, they chose a location nearest to the current beach volleyball area as the most desirable place for the large shelter.

Staff is now asking the Governing Board to endorse the naming rights and location of the additional, large shelter.

Commissioner Ross asked what the value of labor would be, and Mr. Sutton responded that the contractor who wishes to have naming rights determined his donated labor to be worth about \$25,000 to \$30,000. Commissioner Ross asked if there had been any other bids, and Mr. Sutton replied that no others had expressed a desire. Commissioner Ross then asked if staff had asked any others, and Manager Holland replied that the Town was not legally required to bid the shelter project or solicit offers for naming rights, which is why the manner was being handled in this way.

Commissioner Ross then stated that usually it is only distinguished people who are allowed the name buildings and other amenities in a town.

At this time it became apparent that Commissioner Davenport was non-responsive and paramedics were called in to assist. Mayor Tripp called for a motion to recess for 5 minutes.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 4-1

The motion to recess for 5 minutes was approved.

VII. RECESS

When another 10 minutes passed and Commissioner Davenport was still unable to participate, the mayor called for a motion to recess the meeting to a later date and to add storm water utility fees as an agenda item for the next meeting.

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 4-1

The motion to recess the meeting until September 22nd at 7 pm with the addition of "storm water utility fee" as an agenda item was approved.

CERTIFICATION

Minutes from the September 8th, 2014 meeting were adopted and certified this 15th day of October 2014 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk