TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES

August 10, 2015 – 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 7:03 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, Jr. – Acting Town Attorney
Scott Dixon – Associate to Town Attorney

C. Approval of the Agenda

Manager Brandon Holland indicated that an item needed to be added to "Action Items" so that the Governing Board could discuss the annual Christmas Parade managed by the Ayden Chamber of Commerce.

Motion: Commissioner Skinner
Second: Commissioner Harris
Discussion: None
Approved: 5-0
The motion to approve the revised agenda with an additional "action item" was approved.

II. PUBLIC RECOGNITION

A. Presentations

- Pitt County Board Chairman Glen Webb gave information regarding the NC Association of Counties and Cities Tour through Pitt County August 19-22 with a trip through downtown Ayden; a planned monument featuring Pitt County's founding documents to be located in the County Home Road District Park; and Pitt County's support of the

planned food processing manufacturing facility to be built in Ayden, which will hopefully bring jobs in the future.

- Mayor Tripp presented Ayden resident Jessie Caleb Avery with a certificate of recognition for earning #1 Rank in the American Cornhole Org. Juniors' Division and #8 Rank in the World Singles Division
- Mayor Tripp informed the Board and audience that Skylight Inn had just been named "one of the 5 best barbecue restaurants" in the U.S. via Food Network's "On the Road" TV series
- Mayor Tripp and Commissioner Davenport presented Ms. Linda Tucker-Gooding with a gift in recognition of her leadership and 2 terms of service on the Ayden Planning Board
- Mr. Phil Barletto from the American Red Cross spoke of his partnership with the Ayden Fire Department regarding a home fire preparedness campaign where he and volunteers will install free smoke alarms in Ayden residents' homes on August 22nd. He will be posting flyers in the community and called for more volunteers to assist them.
- Mr. Rich Moore, McDavid Associates Project Engineer, gave a presentation on a USDA Loan opportunity for sewer infrastructure repair (see "Discussion Items" for details)
- Mr. Chip Main gave a presentation on the 2016 Pitt County Property Tax Revaluation stating that notices will be mailed in February 2016 and new property tax bills mailed in July 2016 with a due date of September 2016

B. Public Comments

- Ms. Darlene Pollard, 4202-A Deer Meadow Court, asked why the utility bills are "going up," and also wanted to know if citizens are being taxed for the sinkhole that was repaired in front of the old Masonic Lodge. Town Manager Holland stated that the sinkhole repair cost was covered in last year's budget.
- Ms. Bess McLamb, 3960 Northeast College Street, stated that she wants a date when the ditch behind Ralph Ford's house (4028 Northeast College) will be cleared of bushes; a solution to the drainage (tile) problem in front of her house, and inquired whether the Town plans to give an electric rate reduction to its citizens.
- An unidentified group of three board members from the Ayden Free Will Baptist Church, 611 Third Street, took turns addressing the Governing Board stating that they did not understand the meter readings and charges and also believe the Town made a significant calculation error that has resulted in a utility bill they cannot afford to pay. In response, Town Manager Holland stated that he and the Finance Director had been working with their pastor, Harry Grubbs, and the error had been corrected more than one week ago. Mayor Tripp stated that once the electric rate study is complete, the Town will know how much to reduce the electric utility rate for all customers.
- Ms. Mary Dail, 313 Garris Street, expressed concern that due to lack of transportation, she and her neighbors' children could not participate in the July 25th Family Splash Day at the District Park, adding that the narrow road has no sidewalk and is unsafe for bicycles. She also stated that she has done everything that has been asked from Ayden's CDBG Administrator, but her family is still waiting for their house repairs, and she is concerned the grant money or deadline will run out before they get help. Both Mayor Tripp and Commissioner Mewborn agreed that all families who want it should have access to the District Park. Mayor Tripp stated that the Town intends to build a sidewalk to the District Park and reminded the audience that the Arts & Recreation Community Center is centrally located on S. Lee Street. He then recommended that the Ayden Arts & Recreation Commission look for transportation solutions for those families who do not have cars to drive to the District Park.

- Mr. Ray Langley, 3876 N. Hills Drive, asked when the Duke Energy Progress rate reduction will take effect, and when Mayor Tripp explained that the electric rate study will not be complete until October, Mr. Langley asked why Ayden citizens' rates must remain the same until then. He also asked why sewer rates are going up now when Ayden previously paid for CMSD to expand its sewer treatment plant, especially since he thought CMSD had also received past grant funding for its expansion. He ended his comments by stating that he could not hear Mr. Moore's presentation on the USDA loan/grant opportunity. Mayor Tripp responded by stating that CMSD had more loan money than grant funds in its past plant expansion, and said Manager Holland would get a copy of the USDA presentation to him for his review.

III. CONSENT AGENDA

A. Open Session Minutes of July 13, 2015
B. Open Session Minutes of July 27, 2015
C. Revised -- Ayden Housing Authority Minutes of March 9, 2015
D. FYE 2014 Tax Settlement Statement
E. FYE 2015 Tax Additions and Releases
F. FYE 2015 Order to Collect Property Taxes

Mayor Tripp called for a motion.

Motion: Commissioner Skinner
Second: Commissioner Mewborn
Discussion: None
Approved: 5-0
The motion to approve the consent agenda was approved as presented.

IV. PUBLIC HEARINGS

A. Preliminary Plant for Grayleigh Subdivision
Community and Economic Planner Stephen Smith distributed/displayed various maps and led a discussion about a preliminary plat submitted by the developer, Edmonson Construction Company of Greenville, LLC. The plat is approximately 23 aces, divided into 18 lots, and is located on the east side of Ayden Golf Club Road between Hines Drive Extension and NC 102. The property (Pitt Co. Parcel No. 05247) is located within the Town's ETJ and is zoned RA-20 (residential/agricultural). Water is available and would be provided by Eastern Pines Water Corporation, electric service by the Town of Ayden, and sanitary sewer by on-site septic systems.

Staff reviewed the submitted preliminary plat and found it to be in accordance with the Town's subdivision regulations. At its June 20th meeting, the Ayden Planning Board voted unanimously to recommend approval of the preliminary plat. Planner Smith also noted that the Ayden Fire Department approved the proposed subdivision's road layout, and that Developer would be responsible for four storm water permits.

Board members asked questions and expressed concern about there being only one way in and out of the proposed subdivision, and it was noted that the planned cul-de-sac allows easy turnaround for emergency vehicles, should they ever be required. Planner Smith then called

an Edmonson Construction representative to come forward and address specific questions from Board members.

Mr. Mike Baldwin, Edmonson Construction, stated he had 30 years of experiences with subdivision development, assured the Board that Mr. Edmonson was sensitive to the access issue stating that the road was only 800 linear feet and emphasized that the cul-de-sac radius was compliant with the International Fire Code, which is a quality control measure a step above Ayden's Zoning Ordinance. He further stated that although not required by Ayden's Zoning Ordinance, Mr. Edmonson chose to invest significant money for an attractive subdivision designed for curb and gutter (no driveway culverts that can produce overgrowth). He explained these lots will be as big as 3 acres each and the soils there won't allow much rain water runoff; therefore, it will not be necessary to have a retention pond. To address the potential option of "stub-out" streets, he said Mr. Edmonson avoids them as they end up being used for parking and basketball courts and, thus, become "eyesores."

Mayor Trip opened the Public Hearing at 8:40 p.m.; due to no public input, it was subsequently closed.

Mayor Tripp called for a motion and corresponding votes.

Motion: Commissioner Mewborn
Second: Commissioner Davenport
Discussion: None
Approved: 5-0
The motion to approve the preliminary plat for the Grayleigh Subdivision was approved as presented.

B. Future Land Use Map Amendment
Planner Stephen Smith distributed/displayed various maps and led a discussion about an application submitted by Lee Ball Properties to request a change to the Town's Future Land Use Map. Janie Fouke owns the 11-acre property located at the northwest corner of NC 11 and Jolly Road (Pitt County Parcel No. 81865). The property is currently zoned RA-20 (residential/agricultural) and borders NC 11 (zoned B-2, highway commercial) and Jolly Road (LI, light industrial) with the remaining borders being farmland. The applicant is requesting a classification change from low density residential to commercial.

Staff recommends approval of the Future Land Use Amendment based on the parcel being along a major transportation corridor that will become "NC-11 Business" after the Southwest Bypass is completed. At its June 20th meeting, the Ayden Planning Board voted unanimously to recommend approval of the requested Future Land Use Map Amendment.

Mayor Trip opened the Public Hearing at 8:45 p.m.

Mr. Sonny McLawhorn addressed the Governing Board by stating that he represents Dr. Janie Fouke and they feel that this property classification change will allow her to make the best use of her property. He also emphasized that the surrounding parcels are vacant.

Mayor Tripp closed the Public Hearing at 8:47 p.m. and called for a motion and corresponding votes.

Motion: Commissioner Mewborn
Second: Commissioner Skinner
Discussion: None
Approved: 5-0
The motion to approve Ordinance No. 15-16-03 to amend Ayden's Future Land Use Map was approved as presented.

C. Zoning Map Amendment
Planner Stephen Smith distributed/displayed various maps and led a discussion about an application submitted by Lee Ball Properties to request a change to the Town's Zoning Map. Janie Fouke owns the 11-acre property located at the northwest corner of NC 11 and Jolly Road (Pitt County Parcel No. 81865). The property is currently zoned RA-20 (residential/agricultural) and borders NC 11 (zoned B-2, highway commercial) and Jolly Road (LI, light industrial) with the remaining borders being farmland. The applicant is requesting the parcel be rezoned from RA-20 (residential/agricultural) to B-2 (highway commercial).

Staff recommends approval of the Zoning Map Amendment based on the parcel being along a major transportation corridor that will become "NC-11 Business" after the Southwest Bypass is completed. At its June 20th meeting, the Ayden Planning Board voted unanimously to recommend approval of the requested Zoning Map Amendment.

Mayor Trip opened the Public Hearing at 8:50 p.m.

Mr. Sonny McLawhorn addressed the Governing Board by stating that he represents Dr. Janie Fouke and they feel that this property classification change will allow her to make the best use of her property and also be important for the future development of Ayden.

Mayor Tripp closed the Public Hearing at 8:52 and called for a motion and corresponding votes.

Motion: Commissioner Mewborn
Second: Commissioner Harris
Discussion: None
Approved: 5-0
The motion to approve Ordinance No. 15-16-04 to amend Ayden's Official Zoning Map was approved as presented.

D. Conditional Use Permit Revocation
Planner Stephen Smith stated that a Conditional Use Permit was issued to Cannon's Car Wash, 4197 Pitt Street, on May 19, 2015. The permit was granted with two conditions: (1) car washing would occur inside the building and (2) all waste water would be contained inside the building and only enter the storm drainage system through approved drains in the service bays. Mr. Reggie Cannon, business operator, was present during the May Public Hearing and agreed to those conditions.

Since then, Ayden's Planning Office has received numerous complaints that cars were being washed outside. In June, staff shared these complaints with Mr. Cannon and advised that he was in violation. On July 11th and July 18th staff observed cars being washed outside. In accordance with the Ayden Zoning Ordinance, the Ayden Governing Board is the permit-

issuing authority and, thus, Mr. Cannon was notified in writing on July 30th that a hearing would be held to discuss the revocation of his Conditional Use Permit.

Mayor Tripp declared the Pubic Hearing to be open at 8:55 p.m.

Mr. Reggie Cannon addressed the Board by stating that he has done exactly as asked, adding that the same person has "hassled" him since he opened the business. He stated that the waste water does not run off into the street and sewer but, rather, it sits on his lot and evaporates. He further explained that he washes 18 wheeler trucks for Ayden Diesel, but they are too big to fit into his 18 x 18 foot bay as are the Ayden Fire Trucks that he also washes. When questioned by Commissioner Davenport, he admitted that he knew of one week with 100 degree temperatures when they washed cars in the street due to the temperature reaching 130 degrees inside the bays. But he feels he offers a good service in Ayden and wants to continue to provide it.

After several minutes of discussion between Mr. Cannon, Planner Smith and Board members, Commissioner Mewborn recommended that a compromise be reached during a meeting with Mr. Cannon, Manager Holland, Planner Smith, and the unnamed person who had been bothering Mr. Cannon. The meeting is to be held before September 14th, the date of the next Governing Board meeting, so that results can be reported to the Board at that time.

Seeing there were no other comments, Mayor Tripp closed the Public Hearing at 9:02 p.m.

Commissioner Skinner made a formal motion, and Mayor Tripp called for a second and votes.

Motion: Commissioner Skinner
Second: Commissioner Harris
Discussion: None
Approved: 5-0
The motion to table the Cannon's Car Wash Conditional Use Permit revocation until the September 14th meeting to enable a resolution of the current issues was approved.

E. Mixed Beverage Proposal for Ayden's 2015 Municipal Election
Town Manager Holland stated that Ayden last voted on a mixed beverage proposal in 2012 and, in accordance with the state's statute, the Town has met the three-year waiting period and may now decide whether to bring the matter forward again. The Pitt County Board of Elections would need a response (in the form of a resolution) from the Governing Board by August 14th in order to have the mixed beverage proposal on Ayden's municipal election ballot in November.

Mayor Tripp declared the Public Hearing open at 9:05 p.m.

Mr. David Springer, 3782 Wood Duck Court, addressed the Board by stating he was a Christian and felt it would be fundamentally wrong, and then asked "what do we want Ayden's future to look like?" He feels without "liquor by the drink" Ayden could preserve its small town character without inviting "big city problems" that would involve our fire and police forces. Ultimately he feels the citizens lives would be at stake, and he feels that is reason enough to say "no."

Mrs. Paula Springer, 3782 Wood Duck Court, stated that she is a stay-at-home mother of five children, and she is "unsettled" when driving with her kids due to the potential of encountering a drunk driver on the road. She reads the newspaper and has noticed more DUI's, mostly in Greenville, and she knows that liquor is being served there. She is concerned that with her husband being the "bread winner, what impact his would have on her family if he were injured in a car accident caused by a drunk driver.

Ms. Becky Faulkner, 545 Second Street, said she thought it "sad" that the Governing Board would even consider worsening the Town of Ayden. She feels that access to the District Park is not as important as "liquor by the drink" as it is "not good for children or anyone."

Seeing there were no other comments, Mayor Tripp closed the Public Hearing at 9:15 p.m.

Commissioner Davenport stated that three years ago there were more citizens making comments, and very few spoke against it. She does not blame "liquor by the drink" but people who drink and drive. She believes that fine restaurants in Greenville do not encourage "drunks," and that Ayden residents are going to these establishments when we could have them spending their money here in Ayden at the same type of restaurants.

Mayor Tripp stated that eight years ago the Small Town Main Street Committee recommended more fine restaurants in Ayden. Since then, business migration has been away from Ayden as residents can go only five miles away to visit one of these establishments. He noted that Ayden needs restaurants that are open on weekends, just as other NC downtown areas who have younger populations and establishments that cater to them. He agreed with Commissioner Davenport that liquor is already readily available in Ayden.

Commissioner Mewborn asked if action would be needed from the Board tonight, and Mayor Tripp responded that he felt more citizen input was needed. Commissioner Harris agreed that more input would help with such a "complex issue."

Mr. Ray Langley asked about the difference between the Board choosing to table the decision for more input and citizens using the ballot to cast their votes for or against the measure. He feels both could be given a chance to be heard on a ballot. Commissioner Harris responded that it could still be on the ballot during the Spring 2016 primary election, and Mayor Tripp added that it is more important to educate the public before going to the polls.

Mayor Tripp called for a motion and corresponding votes.

Motion: Commissioner Skinner
Second: Commissioner Ross
Discussion: None
Approved: 5-0
The motion to table the resolution for a mixed beverage election in Ayden until more citizen input is received was approved.

V. ACTION ITEMS

A. Final Plat for Grayleigh Subdivision

Planner Stephen Smith advised that the Edmonson Construction Company of Greenville, LLC is requesting approval of a final plat that depicts four (4) lots on approximately 5 acres with frontage on Ayden Golf Club Road (Pitt County Parcel No. 05247). The property is within the Town's ETJ and is currently zoned RA-20 (residential/agricultural). Proposed lots 15-18 will have driveway access to Ayden Golf Club Road as approved by NCDOT. Water will be provided by Eastern Pines Water Corporation; electric service by the Town of Ayden; and sanitary sewer disposal by on-site septic systems.

Staff reviewed the final plat for the proposed Grayleigh Subdivision (section 1) and determined it meets all applicable requirements of the Town's Subdivision Regulations. Additionally, it is compliant with the Preliminary Plat just reviewed and approved by the Governing Board during this meeting. As such, staff recommends approval of the Final Plat and notes that at its June 20th meeting, the Ayden Planning Board unanimously recommended approval of the Final Plat.

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

Motion: Commissioner Skinner
Second: Commissioner Harris
Discussion: None
Approved: 5-0
The motion to approve the Final Plat for the Grayleigh Subdivision, Section 1, was approved.

B. Consider Date for Ayden Christmas Parade

Ms. Laura Todd, Executive Director for the Ayden Chamber of Commerce, addressed the Governing Board by stating that the Chamber and its Board recommends that Thursday, December 3rd at 6:00 p.m. be the official Downtown Ayden Christmas Parade and Market this year. She further stated that she had visited with downtown business owners after last year's event and they informed her that they support an evening parade and also saw an uptick in sales last year when their businesses were open at night. She would like to have church choirs singing Christmas carols along the parade route as well.

Board members were amenable to the marketing concept and the chosen date, suggesting that a consistent date be chosen each year as is done for the Collard Festival Parade.

Commissioner Skinner made a motion and Mayor Tripp called for votes:

Motion: Commissioner Skinner
Second: Commissioner Davenport
Discussion: None
Approved: 5-0
The motion to approve December 3rd at 6:00 p.m. and the first Thursday evening in December for years forward regarding the Downtown Christmas Parade passed.

VI. DISCUSSION ITEMS

Application for USDA Loan for Sewer Rehabilitation

Town Manager Holland stated that Project Engineer Rich Moore, McDavid and Associates, was present to discuss an opportunity to augment the Town's current funding for sewer rehabilitation.

Mr. Moore acknowledged that the Town recently procured a 0% interest rate loan through the NC Division of Water Resources Clean Water State Revolving Loan (CWSRF) of $980,000 (pending Local Government Commission approval), adding that 0% interest loans will no longer be available in the future. He stated that to further expand collection sewer replacement needs, USDA Rural Development staff have approached the Town about filing a loan application for long term financing (38 years at an interest rate of 2.875%). Grant assistance of up to 25% of the project costs could be an additional option. The USDA Program offers lower annual debt service, but the total final payment value is higher (compared to the NCCWSRF Program) due to the longer term of payment (38 years vs. 20 years, respectively).

The USDA has flexibility built into the application process in that it allows the Town to use CWSRF project funds as "match," potentially increasing the overall percentage of grant that could be obtained from the USDA. Mayor Tripp stated that he appreciated that flexibility adding that it means borrowing approximately $600,000 instead of $1,000,000. He asked if the USDA allows early pay-off of the loan, and Mr. Moore said "yes." Mr. Moore stated that the comparison would be the impact of current rates charged to the citizens vs. CMSD's ongoing costs that could lead to the necessity of having to expand its plant again to "treat" Ayden's surface water/overflow, and that would be very expensive for the Town.

Commissioner Davenport agreed and assured the citizens present that they would get something back for the rate increase they are paying. She further stated that for the Town it is either an expense or an investment, but that by recapturing surface water and avoiding another plant expansion, the Town gets a "2 for 1" benefit.

Commissioner Davenport the stated that she wished to make a motion.

Motion: Commissioner Davenport
Second: Commissioner Harris
Discussion: None
Approved: 5-0
The motion to proceed with filing a loan application with the USDA for sewer rehabilitation was approved as presented.

VII. INFORMATION

Staff departmental reports

VIII. CLOSED SESSION

Mayor Tripp called upon Acting Town Attorney Phil Dixon, Jr. who recommended that the Board enter Closed Session that evening pursuant to NCGS 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.

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

Motion: Commissioner Harris
Second: Commissioner Ross
Discussion: None
Approved: 5-0
The motion to enter closed session at 9:50 p.m. was approved.

IX. RETURN TO OPEN SESSION

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

Motion: Commissioner Harris
Second: Commissioner Skinner
Discussion: None
Approved: 5-0
The motion to return to open session at 10:10 p.m. was approved.

Mayor Tripp stated that the Pitt County Development Commission recently agreed to donate a parcel of land to the Town of Ayden for its agricultural partnership project involving a food processing facility that will bring future jobs to the Town.

Commissioner Davenport stated that the Town needs to put "liquor by the drink" on its ballot and let the Ayden citizens decided whether or not they want it. Mayor Tripp agreed and added that a strategic plan is needed to ensure that it will pass or the Town will lose this important economic development opportunity for 3 more years.

X. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 10:15 pm.

CERTIFICATION

Minutes from August 10th, 2015 meeting were adopted and certified this 14th day of September 2015 in Ayden, North Carolina.

THE TOWN OF AYDEN INCORPORATED SEAL 1891 PITT COUNTY, NC

AYDEN, NORTH CAROLINA

Stephen W. Tripp, Mayor

ATTEST:

Sherri Scharf, Town Clerk