



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

May 9, 2016 – 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 7:05 p.m.

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

Phillip R. Dixon – Town Attorney

J. Scott Dixon – Associate Town Attorney

C. Approval of the Agenda

Mayor Tripp asked Interim Town Manager Leonard Barefoot if there were any changes in the agenda. Mr. Barefoot responded that he recommends withdrawing Item C: “consider restructuring town clerk role” under “Action Items.”

Mayor Tripp called for a motion to approve the revised agenda.

Motion: Commissioner Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve the revised agenda passed as presented.

II. PRESENTATIONS/PUBLIC COMMENTS

A. Public Comments

Victoria Killmon, 122 Woodview Drive, addressed the Board by asking its members to consider implementing a traffic calming/speed bump policy in the Pines neighborhood in

order to slow down drivers and mitigate the impact of traffic “cut throughs.” She began a petition drive by speaking with other neighbors in the Pines and, even though she did not receive the 60% required for a formal petition, she reported that many neighbors share her concerns about public safety regarding traffic. She asked the Board to consider phasing in the streets each year until NC-102 is closed (due to construction of SW Bypass).

Commissioner Skinner, who lives in the Pines, agreed that speeding is a real problem. After some discussion with Board members, Mayor Tripp recommended that the concern be sent to the Planning Board for study and that they bring their recommendations back to the Governing Board for approval.

Ms. Killmon also stated that the appearance of the Ayden District Park needs improvement and offered photos she took of trash scattered about and unclean bathrooms with broken paper towel dispensers. Interim Town Manager Barefoot stated that the complaint should go to the Arts & Recreation Commission.

Ms. Killmon also asked the Board to consider installing a cover over the Veterans’ Park Playground in order to shelter children from the similar heat, similar to the one at Paramore Park on Firetower Road.

Marvin “Bear” Baldree, 4246 Wildwood Drive, asked whether his street had ever been resurfaced and then inquired what streets were being repaired in the current fiscal year budget. He believes the Town will spend more money fixing potholes over the next 2 years if roads are not repaired. Manager Barefoot stated that all the current year Powell Bill funds had been exhausted and that Wildwood Drive would be on a future street repair schedule.

Charlie Pat Farris announced that he is candidate for House Representative in District 8, which covers Ayden/Pitt County, stated that he was on a “listening tour,” and asked the Board and citizens to consider supporting him in the June 7th congressional primary election.

Stephen Smith, Town Planner, gave an update on the May 20-21 “Kings of Q” BBQ Festival and Cook Off planned for downtown Ayden. He stated that the following Town owned streets will be closed: West Avenue from Third to First Streets; East Avenue from Third Street to First Street; Second Street from Blunt Street to Lee Street; Second Street from Lee Street to Martin Luther King Jr. Street; and Pitt Street from First Street to the alley at Cannon’s Car Wash. Board members had previously been given an aerial image of the “BBQ Village” depicting where all the cookers would be stationed. At present time, 27 cook teams are registered, with the goal being 36, and \$16,000 has been raised in sponsorships with an additional \$6,000 to 7,000 attributed to in-kind donations. Town staff has begun to install water and electric connections for the cook teams. Thousands of visitors are expected to come downtown for this event. Mr. Smith thanked Tony Peterson and Billy Merrill for their tireless support of the event and mentioned the BBQ Festival Committee had all worked hard on the event. Governing Board members expressed their appreciation for bringing the event to life for the benefit of all.

Mr. Lemuel Gilbert addressed the Board by stating that he was Ms. Mary Dail’s son-in-law and asked for the status of the CDBG Grant housing rehabilitation grant project as it relates to the house on 313 Garris St. He inquired if there were other avenues to pursue to get the home repaired. Mr. Barefoot stated that all funds for the latest CDBG projects have been

depleted, adding that the Town's project administrator, McDavid Associates, even reached out to Habitat for Humanity to seek assistance for Ms. Dail, but it turned out not to be feasible. He emphasized that the Town wants to help, but there is simply no other avenue to pursue. Mayor Tripp stated that the Town and McDavid Associates had held meetings with Ms. Dail and that the Town had also paid attorney fees to try and help, adding that the Federal government controls CDBG grant disbursements.

Town Attorney Phil Dixon stated that title to the house has not been cleared due to more than 40 relatives having an ownership stake in the house and that, to date, not all of the deeds have been signed.

Mr. Gilbert asked Mayor Tripp for more information and for a plan to address Ms. Dail's housing issue.

III. CONSENT AGENDA

- A. Temporary Street Closures for BBQ Festival (May 20-21)
- B. Open Session Minutes of April 11, 2016
- C. Resolution to Declare Certain Property Surplus

Interim Manager Barefoot stated that he wanted to add clarification to some consent agenda items explaining that for Item "D" the Ayden Main Street Committee voted to appropriate its own funding for the BBQ Festival. He also stated that the Ayden Community Theatre previously pledged its assets to the Town to be used for a specific purpose, and the Town is now allowing for the proper accounting of that money via Item "E," Capital Reserve Fund.

Mayor Tripp called for a motion to approve the consent agenda.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the consent agenda passed.

IV. PUBLIC HEARINGS

Interim Manager Barefoot stated that Planner Stephen Smith would present plans for Board consideration and public input.

- A. Future Land Use Map Amendment: Old NC 11/NC 11
Baldwin Design Consultants requests a future land use map amendment to change the land use classification from medium density residential to industrial for 11.8 acres of property located between NC 11 and Old NC 11 for Happy Trail Farms, LLC. Mr. Mike Baldwin was present and stated that the requested rezoning to industrial was intended to be compatible with the changes the SW Bypass will bring. It was noted that the Town of Ayden doesn't allow contract zoning.

The Ayden Planning Board unanimously recommended approval of the subject future land use map amendment at its February 15th meeting.

After a brief review of the land use map depicting the subject property, Mayor Tripp declared the public hearing to be open at 8:00 p.m. Seeing there were no public comments, it was subsequently closed.

Mayor Tripp then called for a motion and votes.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 15-16-17 to amend the Future Land Use Map was approved as presented.

B. Zoning Map Amendment: Old NC 11/NC 11

Baldwin Design Consultants requests a zoning map amendment to change the zoning from R-8 to L-1 for 11.8 acres of property located between NC 11 and Old NC 11 for Happy Trail Farms, LLC. The Ayden Planning Board unanimously recommended approval of the subject zoning map amendment at its February 15th meeting.

After a brief review of the land use map depicting the subject property, Mayor Tripp declared the public hearing to be open at 8:07 p.m. Seeing there were no public comments, it was subsequently closed.

Mayor Tripp then called for a motion and votes.

Motion: Commissioner Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 15-16-18 to amend the Official Zoning Map was approved as presented.

C. Future Land Use Map Amendment: Weyerhaeuser Road

The applicant is the Town of Ayden and property owners are Louis/Virginia King and Brenda Galindo. Staff recommends approving the future land use map amendment request from industrial to low density residential for approximately 1.4 acres located at 4536 and 4550 Weyerhaeuser Road. The recommendation is based on the property being completely surrounded by RA-20 zoning and the predominant land use in the area being residential/agricultural.

The Ayden Planning Board unanimously recommended approval of the subject future land use map amendment at its March 21st meeting.

After a brief review of the land use map depicting the subject property, Mayor Tripp declared the public hearing to be open at 8:09 p.m. Seeing there were no public comments, it was subsequently closed.

Mayor Tripp called for a motion and votes.

Motion: Commissioner Mewborn

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 15-16-19 to amend the Future Land Use Map was approved as presented.

D. Zoning Map Amendment: Weyerhaeuser Road

The applicant is the Town of Ayden and property owners are Louis/Virginia King and Brenda Galindo. Staff recommends approving the zoning map amendment request from light industrial to RA-20 (residential) for approximately 1.4 acres located at 4536 and 4550 Weyerhaeuser Road. The recommendation is based on the property being completely surrounded by RA-20 zoning and the predominant land use in the area being residential/agricultural.

The Ayden Planning Board unanimously recommended approval of the subject future land use map amendment at its March 21st meeting.

After a brief review of the land use map depicting the subject property, Mayor Tripp declared the public hearing to be open at 8:10 p.m. Seeing there were no public comments, it was subsequently closed.

Mayor Tripp called for a motion and votes.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 15-16-20 to amend the Official Zoning Map was approved as presented.

E. Zoning Text Amendment: Conditional Zoning Districts

Planner Stephen Smith explained that adding Conditional Zoning Districts would give the Town the perception of being "business friendly," offer flexibility in controlling the types of permitted uses, and add protection for other property owners. He added that it will give the Town the advantage of knowing up front what the use will be. The process will be voluntary.

The text amendment seeks to add Conditional Use Zoning Districts to the zoning ordinance. If approved, the amendment would address circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property, even though the use itself could, if properly planned, be appropriate for the property and consistent with the objectives of this ordinance, county planning policies, and adopted land use plans. The review process established would provide for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

At the February 15, 2016 Planning Board meeting, staff was directed to draft a zoning text amendment that would add Conditional Zoning Districts to the Town's Zoning Ordinance. At the March 21, 2016 Planning Board meeting, staff and the Planning Board continued

discussion on Conditional Zoning Districts. Based on these discussions, staff began drafting the proposed text amendment. At its April 18, 2016 meeting, the Planning Board voted unanimously to recommend approval of the text amendment as presented.

Mayor Tripp called for a motion and votes.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 15-16-21 for a text amendment to the Town's Official Zoning Ordinance by adding Conditional Zoning Districts was approved as presented.

V. ACTION ITEMS

A. Consider Modifications to FYE 2016 Electric Rate Schedule

Interim Town Manager Barefoot stated that through an analysis of the Town's current Electrical Rate Schedule, it has been determined that the Town's assigned electrical rate schedule for the Ayden Grifton Sports Ball Field does not adequately reflect the proper cost for the type of service being provided. ElectriCities's staffers Allen Williamson and Rebecca Fryman analyzed the data and recommend that the Town create a new rate schedule similar to those used by Duke Energy Progress or Greenville Utilities for sports field lighting accounts and switch the Ayden Grifton Sports Ball Field account to that schedule as soon as practical.

He then stated that he recommends the Ayden Governing Board modify its Fiscal Year 2015-2016 Operating Budget Electrical Rate Schedule by adding the following schedule for Sports Field Lighting Facilities:

EL3-SFL	Sports Field Lighting (SFL)	
	Base Customer Charge	\$21.00
	Demand Charge (All kW)	\$2.00 per kW
	Energy Charge (All kWh)	\$0.09190 per kWh

He also recommends that the Board authorize staff to move and switch the Ayden Grifton Sports Ball Field account to that schedule as soon as practical.

The new schedule/rate would apply to electric service used exclusively for customer owned lighting systems specifically designed for outdoor athletic fields which are normally used for football, baseball, softball, tennis, races, and other organized competitive sports, subject to applicable provisions of the Town's Utility Regulations.

Mayor Tripp called for a motion and votes.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to modify the FYE 2016 Operating Budget Electric Rate Schedule by creating a new rate: EL3-SFL for Sports Field Lighting and to authorize staff to move/switch the Ayden Grifton Sports Ball Field account to the new schedule was approved as presented.

B. Consider Modifications to FYE Utility Fee Schedule

Manager Barefoot stated that it recently came to his attention that the cost for residential customers to connect to the Town's sanitary sewer street lateral lines can become cost prohibitive in rare situations where the street lateral lines are greater than 8 feet in depth. In such cases a private contractor must do the work because the Town does not have the necessary equipment to make the connection.

The Town's current fee schedule calls for in-town residential customers to pay for the "cost of materials/labor plus 20% for depths greater than 8 feet." For out-of-town residential customers the Town's current fee schedule calls for residential customers to pay for the "cost of materials/labor plus 20% multiplied by 2 for depth greater than 8 feet."

Staff feels that these charges are excessive and discourages development and/or connection to the Town's sewer system and, thus, recommends that both schedules be modified so they require only that the full cost of the tap be borne by the customer. Mr. Barefoot stated he agrees with the recommendation and asks that the Board consider implementing it.

Mayor Tripp called for a motion and votes.

Motion: Commissioner Mewborn

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to modify the FYE 2016 Operating Budget Utility Fee Schedule by modifying sanitary sewer connection fees as presented was approved.

C. (Withdrawn; see revised agenda motion/vote)

D. Consider Appointing Alternate Representative to Neuse Regional Water & Sewer Authority

Due to its size, the Town of Ayden is allowed just two representatives to serve on WASA's Board of Directors. On December 3rd, 2013, with departure of Town Manager Adam Mitchell, the Governing Board voted to appoint Mayor Tripp as primary representative to the WASA Board of Directors and Robert Sutton as alternate representative. During the September 14, 2015 meeting, the Governing Board appointed town manager Brandon Holland to replace Robert Sutton as an alternate representative.

With Brandon Holland no longer working for the Town of Ayden it is appropriate to consider appointing a new alternate member to serve WASA. Each appointed member receives agenda package material prior to the meetings and is empowered to votes when attending WASA meetings.

Manager Barefoot recommends that the Board appoint Public Works & Utilities Director James Proctor as Ayden's alternate representative for the WASA Board. The Board may then

consider appointing the new town manager as primary representative for the Town of Ayden as appropriate.

Mayor Tripp called for a motion.

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to appoint James Proctor as an alternate representative to the WASA Board was approved.

E. Consider Changing Splash Pad Hours During Collard Festival

At its April 11th meeting, the Governing Board asked for a recommendation from the Arts & Recreation Commission to determine the feasibility of opening the District Park Splash Pad open during the Collard Festival. Typically the Splash Pad is open only during the summer months when Pitt County Schools are in recess.

The Arts & Recreation Commission discussed this item at its April 28th meeting and members were in consensus that the Splash Pad be opened only on Saturday, September 10th during the Collard Festival.

Manager Barefoot stated that staff recommends that the Governing Board concur with the Arts & Recreation Commission and approve opening the District Park Splash Pad only on Saturday, September 10th during the Collard Festival.

Mayor Tripp called for a motion.

Motion: Commissioner Mewborn

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to concur with the Ayden Arts & Recreation Commission and approve opening the District Park Splash Pad only on Saturday, September 10th during the Collard Festival passed.

VI. DISCUSSION ITEMS

Interim Manager Barefoot reminded the Board that they had just approved a recess until May 18th to continue budget negotiations for the FY 2016-17 Budget. Then he stated that since he would be gone the week of June 13th, it will be necessary to reschedule the regular business meeting/public hearing for the FY 2016-17 Budget. After some discussion, the Board agreed to meet on June 21st at 7 pm for the next business meeting/public hearing for the budget.

VII. INFORMATION

Manager's report
Staff reports

VIII. BOARD MEMBER COMMENTS

All Board members thanked the citizens for coming to the meeting. Mayor Tripp thanked the committee members and staff for all their hard work on the BBQ Festival. Commissioner Skinner thanked the Town's code enforcement officer for all his hard work and also stated that it was time to resolve Mary Dail's housing issue because he was "tired of hearing about it" at the board meetings. Commissioner Mewborn stated that Ayden has a "promising future if we all work together."

IX. CLOSED SESSION

Mayor Tripp asked Town Attorney Phil Dixon to cite the reason for entering Closed Session, to which Mr. Dixon responded: "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 asked the Board for a motion.

Motion: Commissioner Harris
Second: Commissioner Skinner
Discussion: None
Approved: 5:0

The motion to enter closed session at 8:35 p.m. passed.

X. RETURN TO OPEN SESSION

Mayor Tripp asked the Board for a motion.

Motion: Commissioner Harris
Second: Commissioner Skinner
Discussion: None
Approved: 5:0

The motion to return to open session at 9:00 p.m. passed.

XI. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:00 p.m.

CERTIFICATION

Minutes from the May 9, 2016 meeting were adopted and certified this 21st day of June 2016 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri Scharf, Town Clerk