TOWN OF AYDEN
GOVERNING BOARD MEETING
AGENDA

March 19, 2025 - 10:00 AM
District Courtroom – 2nd Floor of Town Hall – 4144 West Avenue

I. CALL TO ORDER

- A. Call to order
- B. Roll Call
- C. Welcome Visitors/Protocol for Public Comment
- D. Invocation
- E. Pledge of Allegiance
- F. Approval of the Agenda

II. ITEMS FOR DISCUSSION

A.	Development Within the Town of Ayden	Mayor Ivory Mewborn
B.	Customer Service Guidelines	Mayor Ivory Mewborn
C.	Creation of Task Forces and Comittees	Commissioner Sarah Connor

III. BOARD MEMBER COMMENTS

IV. ADJOURNMENT

Article 33C.

Meetings of Public Bodies.

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the following:

(1) The governing board of a "public hospital" as defined in G.S. 159-39.

(2) The governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(3) An administering organization as defined in G.S. 115C-407.50(1).

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8; 2020-3, s. 4.31(b); 2023-133, ss. 17(b), 20(a).)

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

(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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)

§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

(1) For public bodies that are part of State government, with the Secretary of State;

(2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;

(3) For the governing board and each other public body that is part of a city government, with the city clerk;

(4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

(1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.

(2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars ($10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail.

(3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.

(e) If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that

meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. - If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars ($25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. - The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.

(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote meetings conducted in accordance with this section even if all members of the public body are participating remotely. (1979, c. 655, s. 1; 2020-3, s. 4.31(c).)

§ 143-318.14. Broadcasting or recording meetings.

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

(1) The Legislative Research Commission;

(2) The Legislative Services Commission;

(3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.
(4) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
(5) The Joint Legislative Commission on Governmental Operations;
(6) The Joint Legislative Commission [Committee] on Local Government;
(7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
(8) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
(9) The Environmental Review Commission;
(10) The Joint Legislative Transportation Oversight Committee;
(11) The Joint Legislative Education Oversight Committee;
(12) Repealed by Session Laws 2011-266, s. 1.28(b), effective July 1, 2011 and Session Laws 2011-291, s. 2.50, effective June 24, 2011;
(13) The Commission on Children with Special Needs;
(14) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
(15) The Agriculture and Forestry Awareness Study Commission; and
(16) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
(17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

(1) Notice given openly at a session of the Senate or of the House; or
(2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly web site.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17, and G.S. 166A-19.24. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93; 2011-266, s. 1.28(b); 2011-291, s. 2.50; 2020-3, s. 4.31(d).)

§ 143-318.15: Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.

§ 143-318.16. Injunctive relief against violations of Article.

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

§ 143-318.16A. Additional remedies for violations of Article.

(a) Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. The

public body whose action the suit seeks to set aside shall be made a party. The court may order other persons be made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

(1) The extent to which the violation affected the substance of the challenged action;
(2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;
(3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;
(4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;
(5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;
(6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

§ 143-318.16B. Assessments and awards of attorneys' fees.

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

§ 143-318.16C. Accelerated hearing; priority.

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.16D. Local acts.

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 143-318.18. Exceptions.

This Article does not apply to any of the following:

(1) Grand and petit juries.

(2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.

(3) The Judicial Standards Commission.

(3a) The North Carolina Innocence Inquiry Commission.

(4) Repealed by Session Laws 1991, c. 694, s. 9.

(4a) The Legislative Ethics Committee.

(4b) A conference committee of the General Assembly.

(4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus that is called for the purpose of evading or subverting this Article.

(5) Law enforcement agencies.

(6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding these licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of the license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before the public body.

(7) Any public body subject to the State Budget Act, Chapter 143C of the General Statutes, and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.

(8) The boards of trustees of endowment funds authorized by G.S. 116-36.

(9) Repealed by Session Laws 1991, c. 694, s. 9.

(10) Repealed by Session Laws 2013-234, s. 10, effective July 3, 2013.

(11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95; 2010-171, s. 5; 2013-234, s. 10; 2021-88, s. 13.)

§ 160A-71. Regular and special meetings; recessed and adjourned meetings; procedure.

(a) The council shall fix the time and place for its regular meetings. If no action has been taken fixing the time and place for regular meetings, a regular meeting shall be held at least once a month at 10:00 A.M. on the first Monday of the month.

(b) (1) The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. In addition to the procedures set out in this subsection or any city charter, a person or persons calling a special meeting of a city council shall comply with the notice requirements of Article 33C of General Statutes Chapter 143.

(2) Special meetings may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice.

(3) During any regular meeting, or any duly called special meeting, the council may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place and purpose or purposes of such meeting and shall be adopted during an open session.

(b1) Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the council.

(c) The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure. (1917, c. 136, subch. 13, s. 1; C.S., s. 2822; 1971, c. 698, s. 1; 1973, c. 426, s. 14; 1977, 2nd Sess., c. 1191, s. 7; 1979, 2nd Sess., c. 1247, s. 5; 1989, c. 770, s. 37.)

Agenda Item

Development Within the Town of Ayden

Item Explanation

This item was added to the agenda at the request of Mayor Ivory Mewborn.

Staff Comments

There are no staff comments at this time.

Action Requested

The staff recommends that the Board discuss any concerns related to the policy.

Agenda Item

Customer Service Guidelines

Item Explanation

In calendar year 2024, the Board considered several revisions to the Customer Service Guidelines, and in Dec 2024 the current version was approved. Since Dec 2024, town staff have received several calls from Ayden residents and business owners related to the various revisions. This topic was added to the Special Meeting agenda by request of Mayor Ivory Mewborn.

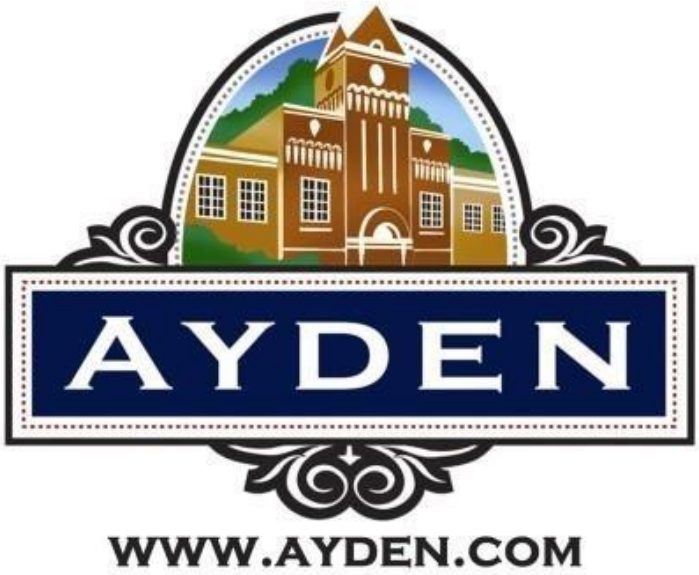
Staff Comments

There are no staff comments at this time.

Action Requested

The staff recommends that the Board discuss any concerns related to the policy.

Town of Ayden
Customer Service Guidelines



Establishing Service

The Town's Customer Service Department is in the Ayden Town Hall, 4144 West Avenue. The Customer Service is open from 8:30 a.m. to 5:00 p.m. Monday through Friday. Routine and regular service is performed during these hours except for holidays. Any request for utility service, or a request to add another service connection by a customer will be handled as a request for all services applicable to the location.

1. Application for Service: To begin the process, a customer must complete a Utility Service Application which may be obtained by one of the following methods:
    a. Visit our website and download a form.
    b. Email billing@ayden.com to request a form.
    c. Call Customer Service at (252) 481-5817 and request a form be faxed, mailed, or emailed.
    d. Visit the Customer Service Department at 4144 West Avenue
    e. Payment to establish a new service must be made prior to 3pm during office hours if requesting same day service. Same day service is not guaranteed.

2. Additional Information and Deposits: In addition to the fully completed Utility Service Application the customer must provide:
    a. Account deposit
    b. Valid State or Federal Issue Photo ID for **ALL** applicants.
    c. Social Security Number or EIN Federal Tax ID number in the case of a business. In the absence of SS# the account will be assessed a higher deposit.
    d. Lease agreement or Settlement Statement from the home purchase.
    e. Presence of in-ground irrigation system, if applicable.
    f. Presence of swimming pool, if applicable.
    g. Provide proof of property ownership.
    h. Pay bills by the "Due Date" shown on the monthly bill.
    i. A customer is required to pay a one-time administrative fee to begin utility service.

Any request for a social security number on the utility application is completely voluntary. It is requested for verification of your identity and to serve to collect any unpaid utility balance if you default on payment once the account is closed. Failure to provide results in a high utility deposit.

Upon completion of the Utility Service Application, review of additional information and payment of deposit and connection fee, the account shall be scheduled for connection. Customers may request connection dates in the future up to 30 days. The Town does not guarantee same day service.

Customers wishing to have utilities connected to a property that has not had utilities on for 180 days or more, will need to apply for an electrical inspection with the Pitt County Inspections Department.

A copy of the passed inspection report must be provided to the Town prior to services being connected.

Customer responsibility

- Allow the Town staff to have access to the property to set up and maintain service.
- Pay bills by the "Due Date" shown on the monthly bill.
- Install, maintain, and repair wiring in the home/business that conforms to all applicable law, rules, and regulations.
- The Town provides utility services for the sole use and convenience of the premises under contract. The customer will ensure that utility service is not given to anyone, including a neighbor. Violation of this policy will be cause for disconnecting service in accordance with applicable ordinances.
- Any request for utility service or a request to add another service connection by a customer will be handled as a request for all services applicable to the location. If a customer applies for utility service at a property that did not have active utility service at the time of the meter changeouts, the owner will incur the charge for new meters at the Town's current cost. If the Town discovers damage to any of our utility services, the customer will be responsible for the cost of replacement or repair as listed in the Fee & Charges Schedule.

Energy Audit Requirement

The Town, at its discretion, may require properties that have a history of high utility usage and poor payment over several owners or tenants, to have an energy audit performed before services are connected.

Prior Debt

The Town will not furnish service to an applicant who is indebted to the Town for service previously furnished unless and until the debt is satisfied in full. No personal checks will be accept for prior debt payment or deposits.

Customer Deposits

1. Residential: All utility accounts must include a guarantee of payment:
    a. Paying an account deposit as defined in the fee schedule. Deposits are held until the account is closed or disconnected for nonpayment. No interest will be paid.

2. Non-residential: All non-residential utility accounts must include a guarantee of payment which must be demonstrated by paying an account deposit as defined in the fee schedule. Deposits are held until the account is closed or disconnected for nonpayment. No interest will be paid.

Future Deposits

Any customer whose service is involuntarily terminated for non-payment, meter tampering, or other reasons will be required to pay a deposit, or an additional deposit, as specified in the above

information, prior to reconnection of service. This includes all customer accounts. The future deposit may be at a greater amount based upon account history.

Refunding Deposits

A deposit will be credited to the customer's account upon disconnection of service. After the deposit is applied, all outstanding balances on a final bill will be the responsibility of the customer and must be paid within Thirty-one (31) days or the balance will be turned over for collection. Deposits will not be refunded if the customer has another account with a balance. The remaining credit on the account will be transferred to the account with a balance.

Billing

Each account shall be billed on a monthly schedule. From the date of the bill, the customer has 20 days to pay the account without penalty. On the 21st day, a 3% penalty will be applied. If payment is not received prior to the 25th day, a non-payment penalty will be applied, and the account becomes eligible for disconnection. (See List of Fees & Charges located on the Town website)

Billing Adjustments

The Town makes every effort to accurately bill all utility accounts. From time to time however, errors may occur. These errors may result in over billing or under billing a customer's account. Immediately upon discovery of such error, the Town shall begin the process of either billing the customer for undercharges or crediting the customer's account for overcharges. In no circumstance shall the Town back bill a customer or credit a customer's account for greater than a 24-month period.

Deceased Customer Accounts

In the event of the Town discovering that an active utility account is listed in a deceased customer's name, the Town will send a certified letter requesting that service be transferred to someone in charge of the Estate within 30 days. Failure to do so within 30 days will result in disconnection of utility services.

Customer Requested Adjustments

The Town recognizes that customers may experience failure of equipment and appliances that can result in higher-than-normal consumption. On a case-by-case basis, the Town shall investigate the nature of the failure and determine if the account is eligible for an adjustment. In most cases, however, accounts are not eligible for an adjustment. A notable exception would be in the case of a burst water pipe which may be eligible for a credit on the calculated cost of sewer service. If the Town determines that an account is eligible for an adjustment, proof of repair in the form of a paid invoice to a contractor or a receipt for repair supplies must be provided before the adjustment can be completed.

Disputed Bill and Hearing

If a customer disputes the accuracy of his or her bill, he or she has the right to a hearing at which he may be present or be represented by another person of his choosing who may present orally or in

writing his or her compliance and contentions. The Finance Director has the authority to settle the issue. Appeals must be made to the Town Manager prior to appearing before the Board of Commissioners.

Payments

All accounts must be paid in full by the due date monthly or they may become eligible for disconnection. Customers may make payments by:

1. Mailing a check or money order to Post Office Box 219 Ayden, NC 28513.
2. Using a debit or credit card via the Town of Ayden's website at www.ayden.com
3. Participation in automatic bank draft. An application for bank draft can be found at www.ayden.com
4. Visiting the Customer Service Department at 4144 West Avenue during normal business hours. We accept cash, checks, money orders, debit, and credit cards (convenience fee applies).
5. For customer convenience, payments by check or money order may be placed in our drive thru drop box located in the parking lot at the Town Hall. Payments are retrieved daily at 8:30am on regular business days.

A bill is past due if not paid by 5:00pm on the due date.

Extensions on Payment Due Dates

Customers may request an extension for their delinquent utility bill balance before their disconnect date. The maximum length of time allowed is 10 days past the disconnect date. The extension must be requested by the account holder and must be documented on the customer's account. These requests can be made in person at our office at 4144 West Avenue, online at the Town website of by phone. These requests need to be made 48 hours prior to the cutoff date. If the request is made less than 48 hours prior to the cutoff date, the request will **not** be honored. If payment is not received as documented, utility services will be disconnected without further notice and the balance must be paid in full to restore services.

Customers participating in Bank Draft, Budget Billing, or Senior Citizen/Disabled Due Date are **not** eligible for extensions.

An extension is a privilege and may be granted based on customer need and circumstances. Approval of an extension request is not guaranteed. No more than two (2) extensions shall be granted within a 12-month period.

Payment Plan Arrangement

Due to unforeseen circumstances, customers may need to spread the bill over time to avoid disconnection. The Finance Director, on a case-by-case basis, will review the circumstances and determine if a customer is eligible for a payment plan. Only one payment plan is allowed in a 12-month period. Maximum length for a payment plan is 12 months. Failure to make future utility payments timely will void payment plan arrangement, requiring remaining amount due to be paid in full immediately or be subject to disconnection.

Senior Citizen and Disabled Customer's Due Date

The Town will transition from 4 Billing Cycles to 2 Billing Cycles in early 2025. For those clients with Special Due Dates that do not coincide with the new billing cycles, the Town Finance Department will work with them individually to find the best billing and payment plan. During the anticipated 2-3-month transition, these clients will not incur late fees. At the completion of the transition, the Special Due Dates program will be dissolved, and all client accounts will be under the then-current Customer Service Guidelines.

Email and Text Authorization

Many times, the Town attempts to correspond with customers through email and/or text. By providing the Town an email address and a cell phone number, a customer authorizes the Town to communicate with them in this manner. Such communication can include private account information.

Returned Checks or Drafts

The Town will accept only cash, certified check, money order, or credit/debit card from any customer having two (2) returned checks or drafts. Upon receipt of the first returned check or draft, the customer will be informed either by phone call or door hanger that they have 48 hours from notification to pay the returned item with either money order, debit/credit card, or cash. (The second occurrence of a returned check or draft the customer will **not** receive a phone call or door hanger prior to disconnection of service.) Upon receipt of a second returned check or draft, the customer will be advised that all bills must be paid in cash, credit/debit card, or by money order for the duration of the account.

If a returned check or draft is not paid within the 48-hour period, utility service will be disconnected without further notice. Customers disconnected after a returned check or draft which has not been satisfied within 48 hours shall be notified that they have 10-days to clear the unpaid balance with the Town or the matter is turned over to the Pitt County District Attorney's office for collection. In the event a new customer posts a utility account deposit by personal or corporate check and the check is returned to the Town for any reason, the account will be immediately disconnected without benefit of prior notification. A notation of this provision shall be included on the customer service agreement signed by the customer at the time of account activation.

As allowed by the State of North Carolina, a charge is added to the customer's bill for each returned check. (See List of Fees & Charges located on the Town website)

Assistance for Paying Bills

There are several organizations that may assist customers who are having difficulty paying their bills. We encourage each customer to seek assistance prior to their disconnection of services for nonpayment.

1. Pitt County Social Services 252-902-1110

2. Ayden Area Ministries
3. Salvation Army 252-756-3388

Equal Payment Plan

The Town offers our customers a payment option which allows them to pay a flat amount per month for utility service. To participate in the program, customers must have excellent or good credit with the Town. This amount is the average of the prior twelve (12) months of utility consumption. Due dates for payments remain the same as normal and all penalty and disconnect policies will remain in effect. No penalties will accrue, regardless of the account balance, if the payment is received by the due date. In the event of nonpayment disconnection, or more than two cutoff penalties charged to the account during the twelve (12) month period, the customer will be required to bring their account to a zero balance and will no longer be eligible for the program. During the customer's twelfth month of participation, their monthly payment will be recalculated. At that time, any credit balance or balance due will be paid in full to or from the customer. The customer will be notified by letter of the new monthly payment amount. If the customer chooses to be removed from Budget Billing, any past due balance is owed immediately.

Any customer, who has had any delinquencies or bad checks, in the previous twelve months, will not be eligible to participate in the Equal Payment Plan.

Customers enrolled in the Equal Payment Plan will be automatically renewed each year. If an enrolled customer no longer desires to participate in the program, they must notify customer service in writing.

No payment extensions are allowed for Equal Pay customers. No exceptions

Bank Draft Plan

The Town offers customers the option of having their checking accounts drafted on the day before their due date. This relieves the customer of having a lost or late payment and saves a trip to Town Hall or the cost of an envelope or stamp. The draft date will be the day before or the day of the due date each month. A customer's due date is based on which billing cycle the customer is in. The Town has five billing cycles. Customers wishing to participate in the Bank Draft Plan should contact Customer Service to determine which billing cycle they are in. The customer will need to provide the Town a voided check. Only customers with good credit (no return checks) will be eligible for this program.
Any draft returned by the bank due to insufficient funds or a closed account will be treated as a returned check, charged the maximum allowed returned check fee and released from the bank draft program.

No payment extensions are allowed for Bank Draft customers. No exceptions

Medical Alert Program

The purpose of this program is to identify customers with chronic or critical health concerns by means of a medical seal affixed to the electric meter on the home. In the event of unplanned interruptions

of electric service, such as are common following storms, homes designated with a medical seal are given higher priority for restoration of service. Due to circumstances beyond the control of the Town and its employees (storm damage, loss of generation, etc.), electric power cannot be guaranteed 100 percent of the time. Each customer listed with the Medical Alert Program should have a back-up plan for movement of the life support patient if the Town is unable to restore power in a length of time that is acceptable.

In the event of non-payment, homes designated with a medical seal are given personal notification in the form of a phone call, face to face meeting or certified letter of the pending disconnection of electric service. Customers with a medical seal will be disconnected for nonpayment following diligent and proper notice.

Participation in the Medical Alert Program is restricted to customers with documented chronic or critical health concerns. The Town must receive an annual certification of medical necessity form completed by a physician or hospital. If after notification from Town to the customer that the annual certification has not been received, you will be removed from the Medical Alert Program.

Disconnecting Service

Voluntary Disconnection: A customer may request voluntary disconnection of service. Request must be made in writing or by email and should include ID, service location, the date of service to be disconnected the forwarding mailing address for the final bill. Upon receipt of the required information, the account shall be scheduled for disconnection. Customers may request disconnection dates in the future. Same day disconnections are **not** guaranteed.

It is the customer's responsibility to request service be disconnected. Request made by persons other than the customer account holder, including landlords, will not be honored. The customer will be responsible for all services and fees charged to the account up to the date of the requested disconnection.

Involuntary Disconnection of Service: The Town may discontinue utility service for any of the following reasons:

a) Failure of the customer to pay bills for utility service.
b) Failure of the customer to pay deposits for utility service.
c) Failure of the customer to pay a returned check or draft.
d) Upon discovery of meter tampering including bypassing the meter or altering its function.
e) Failure of the customer to permit Town employee's access to their meters and/or load management switches at all reasonable hours. Locked gates, loose dogs, parking cars over meters, etc. are violations of Town policy.
f) Use of power for unlawful reasons.
g) Discovery of a condition which is determined to be hazardous or unsafe.
h) Provision of false information on a Utility Service Application.
i) Failure to provide all required documents for opening an account.

After an account has been closed either by customer request or policy of the Town, all funds, including deposits, refunds, and overcharge credits will be first applied to amounts owed the Town on the closed account. Remaining funds will then be applied to any amounts owed on any other accounts the customer may have with the Town. When those accounts have been fully satisfied, a check for any remaining funds will be issued to the customer.

Disconnection During Extreme Weather

The Town will not exercise its right to disconnect service for non-payment of any bill when the safety and well-being of a customer may be at stake. For that reason, disconnection for non-payment may not be conducted on an extremely cold winter day when temperature is 32 degrees or below nor on extremely hot summer days when temperature is 100 degrees or more. If a customer's bill remains unpaid on the next business day, the disconnect for non-payment may then occur. This delay in disconnection for non-payment will not preclude the Town from disconnection at a future date and does not change the customer's liability for payment of all bills and fees.

Transferring Service

If transferring service from one location to another that the Town services, all past due bills must be paid in full. The remaining amount owed, and any fees will be transferred to the new account. A new deposit may also be assessed. New application needs to be fill out.

Reconnection

When it becomes necessary for the Town to discontinue services for any of the reasons listed in Involuntary Disconnection of Service, service will be restored after payment of:

1. All past due bills due to the Town including additional fees and charges required by this policy.
2. Any deposit as required.
3. Any material and labor cost incurred by the Town according to the current fee schedule.
4. Reconnecting services payment must be received by 3pm during business hours for services to be reconnected. Same day reconnect is not guaranteed.

Payment for reconnection must be made by cash, money order, debit, or credit card. No checks will be accepted. NO EXCEPTIONS.

After-hour reconnection is **not** available to our customers. Same day reconnections may not be available.

Meter Reading

Utility meters are read by the Town according to an established schedule. Reading dates vary slightly from month to month due to weekends, holidays, weather conditions, and other factors. Monthly billing periods are assumed to be 30 days but may range from 27 to 33 days. The Town's well-trained meter readers use modern meter reading equipment and techniques. If meter reading corrections are

necessary, the Town will make the adjustments, and a new bill may be issued upon request. A credit due to a customer from a meter reading error will be posted to the customer's account.

Meter Switch Tampering

All meters and other equipment furnished by the Town will be the property of the Town. It is unlawful for anyone other than a Town's agent to cut on or off utility services (including electricity, water, or load management.) Tampering with electric meters is prohibited by North Carolina Statues 14-159-1 and 14-151-1. Tampering with a meter or bypassing a meter is the same as stealing. Many customers who would be financially burdened with paying for the stolen services require the aggressive enforcement of this policy. The Town will call for prosecution of cases of meter tampering, electric water theft and fraud to the fullest extent of the law. Any damage to these devices will be paid for by the customer. Should any Town personnel find an electric meter with the seal cut or removed, whether during utility disconnection or normal meter reading cycles, a charge of up to $500 will be added to the customer's account, which will be subject to any utility payment policies of the Town. Should a customer discover and report their seal cut, no charge will be levied.

Any residential, commercial, or rental property served by the Town with three or more incidences of a cut seal, whether voluntarily reported or through Town discovery, will face permanent discontinuance of service with the Town.

Residential & Commercial

Utility Deposits

Why do we charge deposits?

Reduce Liability

RESIDENTIAL DEPOSITS

Town of Ayden submitted $94,970 to NC Debt Set off

(January 2024 – December 2024)

129 Accounts

(123) $74,956 RESIDENTIAL utility accounts last year

(6) $20,014 Code Enforcement (Condemnation/Grass Cuts)

The amount was more than that..

We cannot submit to NC Debt Set off

- If they are Deceased
- If the Account Balance is less than $50
- If we do not have the Social Security Number (This was not always done)

Payments from NC Debt Set off

- We are not the highest priority agency
- NC State Tax Refund only- not Federal Returns
- Lottery Winnings
- $15 is deducted from every payment for administrative cost

Residential Utility Deposit
$450

Stays on until the account until it is closed

No more credit checks

Previously we ran Credit Checks for everyone requesting a Residential utility account

If the credit score was poor, clients were required to pay a deposit.
If they passed the credit check, no deposit was required.
For the clients that had poor credit, after a year of timely payments, the deposit was applied to the account.

Our policy has always reserved the right to recharge the deposit if 2 late payments/2 disconnects after the deposit was credited.

We found out that passing the credit check was not a guarantee for timely payments.
Many times we found that after we credited the deposit back to the account we had to recharge the deposit due to disconnects and late payments.

Which increased our liability but also creating a hardship for the account holder.

Currently, everyone pays a deposit. The deposit remains on the account until it is closed.
The deposit is used to offset any balance and anything remaining is sent to the customer.
Clients closing their accounts are eager to leave their forwarding address for any remaining deposit.
Having up to date forwarding addresses, helps offset the workload of eSheats for the state (checks not cashed).

- Town received $29,992 in 2024 year from NC Debt Set off
  - 129 Accounts
  - Out of the 129 that paid $33,554.59 remains on their accounts
- Amount received reflects years of past accounts with balances

- 1 Tax account $60 (2015)
- 3 Housing Authority accounts $555 (2022)
- 1 Condemnation $295
- 124 Utility accounts $29,082

Since 2006
Town of Ayden has submitted
$1,082,839
to NC Debt Set Off

81% of that amount is for Utilities $887,550

We have ONLY collected $255,182 from Debt Set off since
2006- March 2025

COMMERCIAL DEPOSITS

Commercial Deposit Amounts are determined by:

- average electric (kw) usage
- size of building

Small Commercial Utility Deposits $600

Large Commercial Utility Deposits $3,000

Industrial Commercial Utility Deposits $3,500

No Credit Checks for Businesses

No way to recoup any unpaid balances

Cannot send to NC Debt Set Off unless the business owner applies using their SSN

If business ownership changes, including location we require a new account to be established

Why?

Businesses can change owners and/or legal entities (LLC, S Corp, Inc.) using same established business name as a different DBA’s and we are left with old accounts with balances

$68,993

Town of Ayden has 102 Inactive Business/Commercial Accounts

Cannot collect – No way to collect, deposit is the only way to reduce liability for commercial account

Size of Building may be smaller/larger

Town of Ayden does not earn interest on Deposits

Questions?

Agenda Item

Creation of Task Forces and Comittees

Item Explanation

During the 10 March 2025 Regular Meeting of the Governing Board, the Board voted to create two Task Forces: one focused on the drainage issues within the town, and one focused on town utilities. As the Board discussed the details for setting up this special meeting, Commissioner Connor requested the topic of task force and committee creation be added to the agenda so that the Board could discuss the matter further.

Staff Comments

There are no staff comments at this time.

Action Requested

For each task force or committee created, the Staff recommends that the Board:
1) Identify which committees and task forces it would like to create.
2) Define the focus for all committees and task forces.
3) Define the personnel structure of each task force or committee created.
4) Provide any additional guidance it deems appropriate.