

**MINUTES
YANCEYVILLE TOWN COUNCIL
July 5th, 2016
7:00 PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on July 5th, 2016 at 7:00 PM.

Council members present: Alvin Foster, Mayor, Odessa Gwynn, Mayor Pro Tem, Margie Badgett-Lampkin, Brian Massey, and Keith Tatum.

Staff: Brian Collie, Town Manager, Lee Farmer, Town Attorney

Item 1: Call To Order

Mayor Alvin Foster called the meeting to order at 7:00 PM. Meeting opened with silent prayer. He asked all to stand for the pledge of allegiance. Mayor Foster also stated that copies of the Town's Rules and Procedures were available if anyone needed a copy.

Item 2: Review and Adoption of Agenda – Mayor & Council

Mayor Foster then asked Council for a motion to approve the agenda as presented. Mayor Pro Tem Gwynn made a motion to approve the agenda as presented. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

Item 3: Consent Agenda- June 7th, 2016 Minutes

Mayor Foster asked Council to review the minutes from the June 7th, 2016 Town Council Meeting. Mayor Pro Tem Gwynn cited an error within the first paragraph of the last page. Manager Collie stated that he would make the correction. After review Councilman Massey made a motion to adopt the consent agenda for May 3rd, 2016 as presented with the cited correction. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

Item 4: Public Comment

Mayor Foster stated that no one had sign up to speak during public comments, and asked the audience if anyone would like to approach Council for comments.

Item 5: Public Hearing- Zoning Map Amendment- Tatum Holdings, LLC.

Mayor Foster asked for a motion to go into public hearing. Mayor Pro Tem Gwynn made a motion to go into public hearing for a zoning map

amendment. The motion was seconded by Councilman Massey and passed with a 4 to 1 vote. Councilman Tatum abstaining because of personal conflict to the subject matter. Manager Collie stated that the public hearing was set to discuss a requested zoning map amendment. He stated that a copy of the application from property owner, Tatum Holdings, LLC. letter from the potential buyer detailing the proposed use, aerial map, zoning map, and criteria concerning the town's process to properly approve a zoning map amendment.

Mr. Collie reviewed the letter with Council stating that Lowder Buildings LLC is interested in opening a new manufacturing facility in Yanceyville N.C. Lowder Buildings LLC is a portable storage building manufacturing company. Mr. Collie stated that in order for this business to locate here the property would need to be re-zoned for manufacturing. He said that the property is currently owned by "Tatum holdings LLC", tax map 0067 book 164, and the address for the property is located behind 290 US Highway 158 W. He stated that the property is currently zoned restricted residential. Mr. Collie stated that per the town's ordinance he has sent detailed mailings to all surrounding property owners and placed a posting at the property concerning tonight's meeting as required.

Mayor Foster asked if anyone had any questions or would like to speak during the public hearing. Adjoining property owner, Diane Beame asked how the use, if approved, would affect her properties current use. She said that one day her children may want to build a residential home. Mayor Foster stated that her property would remain restricted residential and that the only property up for zoning change at this hearing is the property owned by Tatum Holdings, LLC.

Josh Lowder, owner of Lowder Buildings came before Council. He thanked Council for allowing him to present his proposal. He said they project the business will gross approximately \$3 million in sales for the year 2017 and create up to 25 new jobs with annual pay ranging from \$45,000-\$110,000 per year. And that they have averaged a 30% yearly growth in sales since opening in 2009. Mr. Lowder stated the manufacturing facility would be approximately 7500 ft.² a 50' x 150' building with 20' wall height. The building would be heated via an outdoor wood furnace. The facility would be strategically placed on the property allowing a comfortable buffer so as to have minimal effect on neighboring properties. He stated that he plans on leaving as much natural vegetative buffer as possible and fence if needed. He stated that the noise levels from the business would not harm surrounding residential properties any more than current surrounding uses. Council members asked Mr. Lowder how much traffic would be coming and going and what his hours of operation were. Mr. Lowder stated that traffic would be limited on the

property under consideration to employees and weekly delivery trucks. He stated that his hours were from Monday-Friday from 8:00 a.m. to 5:00 p.m.

After further review Mayor Pro Tem Gwynn made a motion to go out of public hearing. The motion was seconded by Councilman Massey and passed with a 4 to 1 vote. Councilman Tatum abstaining because of personal conflict to the subject matter.

Councilman Massey made a motion to approve the zoning map change for tax map 0067 book 164, re-zoning it from restricted residential to restricted manufacturing. The motion was seconded by Mayor Pro Tem Gwynn and passed with a 4 to 1 vote. Councilman Tatum abstaining because of personal conflict to the subject matter.

Item 6: Water/Sewer Policy Discussion- Suburban Mobile Home Park Manager, Monty Pelto

Manager Collie stated that Suburban Mobile Home park manager, Monty Pelto had requested that he come before Council tonight to discuss a recent problem he has had at the park. Mr. Collie stated that the park has 1 town owned master meter that services several privately owned water meters that go to each individual trailer. He stated that within the past year that the park has had 2 water leaks coming from 2 different trailers. Mr. Collie stated that the town's water policy states that a leak adjustment can only be granted once per twelve month period for each water service and that the park's master meter was considered 1 service.

Mr. Pelto came before Council and thanked them and Mr. Collie for allowing him to speak with them about this issue. He re-stated what Mr. Collie summarized and said that the 2nd leak came from a trailer whose tenant is on a fixed income and isn't able to pay for the high water usage due to the leak. He stated that he understands the policy but thinks there is room for improvement in cases like this and wanted to know if it would be possible for Council to allow a leak adjustment for this tenant or possibly look into making an amendment to the policy. He stated that he has managed this park for roughly 10 years.

Mayor Foster asked Mr. Pelto if the park was serviced with city sewer. Mr. Pelto stated that it was. After further discussion Manager Collie asked for direction concerning this issue. Mayor Foster stated to put a hold on the accounts overage portion due to the leak and look into a possible amendment to the water/sewer use policy for circumstances like this within mobile home parks. Councilwoman Badgett Lampkin asked Mr. Pelto about his conversations regarding this issue with the previous town manager. Mr. Pelto said that he had addressed this issue in the past but

was not provided with any help until recently when Mr. Collie allowed him to come before Council tonight and discuss the issue. Council then agreed to let Mr. Collie look into the matter further and bring back before them possible amendments to the policy.

Item 7: Code Enforcement Update- Bradley Davis, Code Enforcement Officer

Manager Collie introduced the town's new code enforcement officer, Bradley Davis. Mr. Collie stated that Mr. Davis has been with the town for 3 months now, working under our contract with PTRC. He stated that Mr. Davis has picked up quickly and has been doing a good job getting properties into compliance.

Mr. Davis introduced himself to the Council and provided them with an up to date code violation report log. Mr. Davis went over his report and stated that he had been in contact with the DEEDS group concerning the old Dillard School. He said that he has been in contact with several individuals that could potentially help set up a path and find funding to much needed work on the school. He stated that there will be a meeting with these individuals and DEEDS at the property on July 23rd and encouraged Council to attend.

Item 8: Code Enforcement- Jerry Totten Case

Manager Collie stated that it has been over 2 years since Council tabled an ordinance to demolish properties owned by Jerry & Virginia Totten located at 247 & 259 West Church St. He stated that Council granted the last 1 year extension on May 5th, 2015 and stated that Mr. Totten shall submit a timeline for the year to town staff on how what improvements he planned to make and when over the next year. Mr. Collie stated that he has not heard from or received any information from the Totten's since that date and that he cannot visually tell that any improvements had been made to the 2 abandoned structures over the past year.

After further discussion Council agreed that they had given the Totten's a fair amount of time to make improvements to the properties and that they had negligently ignored the town's request. Council agreed to allow Mr. Collie to send the Totten's a certified letter stating that their time was up and that penalties will begin.

Item 9: Town of Yanceyville Cemetery Discussion

Manager Collie stated that Council needs to set a cemetery fee schedule on the town's recently acquired cemetery. He stated that he has received calls concerning plot fees, and that the previous church that owned the

cemetery charged \$300 per burial plot. Council agreed to allow Mr. Collie to look into this further and see what other municipalities across the states in N.C. with cemeteries charge.

Item 10: Planning Board Terms

Manager Collie stated that he was recently made aware that 3 of the 5 Planning Board member terms had lapsed on 12-1-2015. He stated he confirmed the term lengths after researching old town council minutes and that he apologizes that this has happened. He recommended that Council extend the current 3 term lengths for 6 months so that he could properly advertise for the positions and so the current planning board could finish overseeing the recodification and re-zoning project they started over a year ago.

After Council discussion Councilwoman Badgett Lampkin made a motion to extend the 3 expired Planning Board term lengths by 6 months from this date. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

Item 11: Resolution & Petition of Intent to Close Public Right of Way

Attorney Farmer stated that on April 5th Council approved a major subdivision plat for the Brian Center Property owned by SMV Yanceyville, LLC. He stated that the property has an unopened street that has never been constructed dating back to a plat from 1986. He said that the owners of the property have requested that the town adopt a resolution to release the unused street right of way so that they can successfully market the property.

Manager Collie stated that a copy of the proposed resolution, petition, and map were included in Council's agenda packet for review. Attorney Farmer stated that the resolution was for review only tonight and that it had to come before Council as a public hearing before it could be approved.

Mayor Pro Tem Gwynn made a motion to set a public hearing for August 2nd, 2016 to consider approval of the requested resolution. The motion was seconded by Councilman Massey and passed with a unanimous vote.

Item 12: Town Manager Report

Manager Collie went over the following in his report: Multi Use Path project update, water/sewer customer's late fee proposal (% based approach), backflow prevention & grease trap installation update, First Friday schedule, & Town Hall Day.

Item 13: Closed Session- Attorney/Client, Economic Development, & Contractual Purposes

Mayor Foster asked for a motion to go into closed session. A motion was made by Mayor Pro Tem Gwynn. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

After Council re-entered the chambers from closed session, Mayor Foster asked for a motion to come out of closed session. Mayor Pro Tem Gwynn made a motion to come out of closed session. The motion was seconded by Councilwoman Badgett Lampkin and passed with a unanimous vote.

At that time, Mayor Foster asked for a motion to go back into open session. Mayor Pro Tem Gwynn made a motion to go back into open session. The motion was seconded by Councilman Massey and passed with a unanimous vote.

Mayor Foster stated that nothing had been discussed during closed session that needed to be reported on at this time.

Item 14: Informal Discussion/Public Comment- Discussion & Comments must directly relate to agenda items

Ms. Monroe asked about the Planning Board terms and the recent backflow prevention letters sent to town residents.

Item 15: Adjournment

After no further discussion Councilman Tatum made a motion to adjourn. Mayor Pro Tem Gwynn seconded the motion which passed with a unanimous vote.

Brian Collie, Town Manager/Clerk, prepared the above minutes. They represent a brief description of those matters that were addressed at this meeting. A detailed account of this meeting is available for review on tape at the Yanceyville Municipal Services Building.

Respectively Submitted:

Alvin Foster, Mayor

Brian Collie, Town Clerk

Yanceyville Town Council
Meeting July 5th, 2016