

**MINUTES  
YANCEYVILLE TOWN COUNCIL  
May 5<sup>th</sup>, 2015  
7:00 PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on May 5<sup>th</sup>, 2015 at 7:00 PM.

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

**Staff:** Brian Collie, Town Manager, Lee Farmer, Town Attorney, & Ryan Strader, Finance Officer.

**Item 1: Call To Order**

Mayor Pro-Tem 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. The Mayor-Pro Tem 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 Pro-Tem & Council**

Attorney Farmer asked Council if he could suggest amending the agenda to add "Town Attorney Report" to 16(a) and add an item 17 to include closed session for contractual and litigation discussion. After review Mrs. Odessa Gwynn made a motion to approve the agenda with the Attorney's requested amendments. The motion was seconded by Mr. Keith Tatum and passed with a unanimous vote.

**Item 3: Consent Agenda**

Mayor Pro-Tem Foster asked Council to review the minutes from April 7<sup>th</sup>, 2015. After review Mrs. Gwynn made a motion to adopt as presented. The motion was seconded by Mr. Massey and passed with a unanimous vote.

**Item 4: Public Comment**

There were no public comments at this time.

**Item 5: FY 2015-2016 Budget Message**

Manager Brian Collie read aloud to Council and Citizens the Budget Message for fiscal year 2015-2016. The message went as follows:

“I am pleased to present the recommended budget for the fiscal year 2015-2016. The budget was prepared in accordance with G.S. 159.17, the North Carolina Local Government Budget and Fiscal Control Act. All funds within the proposed budgets are balanced, and all revenues and expenditures are identified for the fiscal year 2015-2016.

The budget is presented with no changes in the current ad valorem tax rate, water rate, or sewer rate. For 2015-2016, a conservative approach was used in preparing projections for all six statewide revenue sources: Beer and Wine Tax, Utility Franchise Tax on Electric Service, Sales Tax on Telecommunications, Piped Natural Gas Excise Tax, Local Option Sales Tax and Powell Bill revenues. The Town has developed a conservative budget that seeks to maintain current service levels, while also addressing infrastructure needs to maintain our current assets to allow for prolonged use and efficiency.

The proposed budget for the General Fund is approximately 12.82 % higher than the 2014-2015 fiscal year (up from \$668,818.42 in 2014-2015 to \$754,528.18 in 2015-2016); primarily due to the Yanceyville Fire Department expansion in which the Town will begin a 10 year, 0% interest loan on \$750,000. We are not expecting an increase in ad valorem tax collection for 2015-2016.

The Enterprise Fund is approximately .02% lower than the respective budget for the 2014-2015 fiscal year (down from \$1,652,712 in 2014-2015 to \$1,617,972 in 2015-2016). This decrease is primarily due to a reduction of funds allocated from the enterprise reserve fund and a more conservative and realistic allotment to capital outlay for water and sewer.

The Town will allocate 3% of all water revenues to the repayment of the USDA loan that has allowed the Town to pursue an emergency water line connection with the City of Danville, Va. The Town anticipates the revenues collected from the 3% of water revenues to allow the Town to pay off the debt taken on by the project much sooner.

The Special Revenue Fund will be used to track all monies awarded from Powell Bill funds, which are allocated from the State annually and are restricted for use on pedestrian and side-walk projects only. The Special Revenue Fund will be tracked as a stand-alone fund, and will be shown on the financial statements separate from the General Fund.

The total budget amount for all funds in 2015-2016 is \$2,573,850.18, compared to \$2,522,880.42 in 2014-2015 (a total increase of 2%).

There will be no proposed use of un-appropriated fund balance to balance the budget this year. The Town has made strong efforts to increase the un-

appropriated fund balance of the Town, and has done so over the past five budget cycles

The proposed budget for 2015-2016 will include the addition of one (1) full time Assistant Town Clerk position. The purpose of this position is to perform administrative and clerical work in assisting the Town Manager/Clerk in discharging the duties of the office; and all other related work as required. The Assistant Town Clerk will be responsible for maintaining and improving upon the efficiency & effectiveness of all areas under his/her direction and control.

The Town does intend to continue working with third-party contractors for Water and Wastewater Management and Operations, as well as for Code Enforcement needs.

Some of the major items in this year's budget are outlined below:

- Yanceyville Fire Department Addition
- Re-codification of the Town Code
- Updating the Town's Zoning map
- Updating Public Works Fleet
- Yanceyville Emergency Water Line Connector Project
- Sidewalk/Multi-use path project (North Ave./Firetower Rd.)
- Museum Artwork Rehabilitation
- Maintenance Contracts for water and sewer equipment maintenance/repair
- Chemicals for water and sewer plant
- Dredging of lagoons at both the Water and Wastewater Plants
- Zoning Code Enforcement services
- Wi-Fi Network Expansion
- Town Hall Updates and Maintenance

#### Grant Projects:

We are currently completing construction of the Yanceyville Emergency Water Line Connection. This project connects the water supply infrastructures of Yanceyville with the City of Danville, V.A. 38% of this project is funded with grant dollars received from the USDA. The Town anticipates beginning a sidewalk/multi-use path project in the upcoming year with grant funds from the Department of Transportation and the State. We have recently applied for \$2 million in CDBG grants from the NC Division of Water Infrastructure to improve and enhance the operations of our wastewater treatment facility. The Town does anticipate applying for additional CDBG and Rural Development grants in the coming year for water/sewer and infrastructure projects.

**Budget Format:**

This year's budget format presents the revenues and expenditures in a line item format. The budget is designed to function as a work plan in guiding departmental operations, in an attempt to accomplish all the goals and objectives outlined by Town Council. The operating budget is divided into the General Fund, Enterprise Fund, and Special Revenue Fund. A description of these funds is included with the proposed budgets.

**Manager's Message:**

The proposed 2015-2016 budget balances revenues with expenditures in accordance with state statutes. The proposed budget substantially address' the goals and objectives established by the Town Council. The recommended budget provides the financial resources necessary to continue improving the current level of Town services.

On behalf of all our outstanding Town employees, I want to express our gratitude to the Mayor Pro-Tem and Town Council for their strong leadership and dedication to the community. And to the dedicated Town employees, thank you for the continued devotion to providing outstanding service to the Town and the citizens of our community.”

Manager Collie then stated that the public hearing for adoption of the budget will be held at the next Town Council meeting on June 2<sup>nd</sup>, 2015.

**Item 6: Public Hearing- Solar Facility Regulations**

Mayor Pro-Tem Foster asked for a motion to go into public hearing for the adoption of solar facility regulations as a special use. Mrs. Gwynn made the motion to go into public hearing. The motion was seconded by Mr. Tatum and passed with a unanimous vote.

Manager Collie went over the recent amendments from the Planning Board's recommended draft stating that they had made the revisions based upon discussions and concerns vocalized during the Town's solar workshop in March 2015. He stated that the Planning Board only made 3 changes. They removed the words “principally” and “primarily” from the definition, they added “& reforestation” to section K(c), and they also added “Caswell County Register of Deeds” to section K(2) after the words “submitted to the”. He stated that the draft language Council has before them tonight passed with a recommendation to adopt with a 4 to 1 vote from the Planning Board on April 15<sup>th</sup>, 2015.

Mr. Gilbert Anderson addressed Council and asked if the Planning Board attended the Town's solar workshop. Manager Collie responded and stated that he recalled 4 out of the 5 board members attending the workshop. Mr. Anderson then went on to discuss how fast the technology

for solar was changing and he indicated that we just need to make sure that these facilities aren't intrusive to the Town and its citizens.

After no further discussion Mrs. Gwynn made a motion to go out of the public hearing. The motion was seconded by Mr. Massey and passed with a unanimous vote.

#### **Item 7: Approval of Solar Facility Regulation as a Special Use**

After review Mr. Tatum asked questions about the requirements of the decommissioning plan and what happens if a facility is abandoned but is not removed and cleaned up. Mayor Pro-Tem Foster said that a lien would be placed upon the property for whatever cost are associated with the removal and clean-up. After further discussion Mayor Pro-Tem Foster made a motion to accept the solar facility language as presented. The motion was seconded by Mr. Massey and passed with a unanimous vote.

#### **Item 8: Code Enforcement- Jerry Totten Case**

Manager Collie stated that on May 6, 2014, Council granted an extension of 1 year to bring property located at 247 & 259 West Main St owned by Jerry & Virginia Totten into compliance with the Towns of Yanceyville Minimum Housing Standards Code. Within that 1 year extension of the ordinance to demolish Council requested that the Totten's get the Town a written timeline of what improvements they intend to make at the properties during the extension. Mr. Collie stated that he had not received the requested timeline and does not know what improvements have been made to the property. He stated that the 1 year extension will end in 4 days and Council needs to review the tabled issue and make a decision on how to proceed. Manager Collie informed Council that both Mr. & Mrs. Totten were present tonight.

Mayor Pro-Tem Foster asked the Totten's if they had anything they would like to say to Council. Mr. Jerry Totten addressed Council giving a very passionate speech detailing the historical significance of the houses, and how they housed the first African American school teachers in the Town. He said that his plans are to receive funds to rehabilitate the homes to give homeless veterans a place to live. He said that he was working with several groups and A&T University in hopes of getting funds to complete the project. Mr. Totten said that over the past year he had replaced the roof on one of the houses, along with some windows and other odds and ends that needed fixing. Mayor Pro-Tem Foster asked Mr. Totten why he did not provide the Town with the requested timeline. Mr. Totten apologized for not getting the timeline to the Town and stated several hardships he had dealt with over the past year. Mayor Pro-Tem Foster said that he has seen improvements to the property and that he can clearly

tell that Mr. Totten has passion for the project. Mayor Pro-Tem Foster said that what is tabled is an ordinance to demolish the houses but that he doesn't feel the Town needs to be in the demolition business and felt that as long as Mr. Totten continues to improve the property that doesn't need to be done at this time. Mrs. Gwynn addressed the lack of the Totten's providing a timeline and stated that the ordinance does need to be re-addressed at this time. She stated that she understands Mr. Totten's hardships may have gotten in the way of him complying.

After further discussion Mrs. Gwynn made a motion to extend the ordinance for demolition for another 12 months with quarterly progress reports provided to Town staff along with a timeline addressing how they will proceed as soon as possible. The motion was seconded by Mr. Massey and passed with a unanimous vote. Manager Collie asked Mr. Totten to provide him with a timeline that not only addresses the long term goals and funding, but what exactly he intends to fix on the 2 houses over the next year.

**Item 9: Resolution & Supplemental Bond Order- Emergency Waterline- Paul Jacobson, Bond Counsel**

Mr. Paul Jacobson, Bond Counsel addressed Council and gave a brief summary concerning the resolution and supplemental bond order for the completion of the emergency water line project. He said that the resolution and bond order were for the issuance of the \$673,000 water and sewer bond anticipation note dated May 29, 2014 maturing May 28, 2015 and bearing interest at the rate of 1.03%. The Bond from the USDA will start on May 28, 2015 for 40 years at an interest rate of 2.75%.

After further review Mayor Pro-Tem Foster asked for a motion. Mrs. Gwynn made a motion to accept the resolution and supplemental bond order for the emergency water line as presented. The motion was seconded by Mr. Tatum and passed with an unanimous vote.

**Item 10: Audit Contract for FY 2015-2016- Stout, Stewart, McGowen, & King LLP**

Finance Officer, Ryan Strader addressed Council to review the audit contract from Stout, Stewart, McGowen, & King LLP for fiscal year 2015-2016. Mr. Strader said that this is the same firm that the Town has used for years and the same contract that was used last year for the same price. He said that the LGC requires the Town to approve a motion every year on audit contracts regardless of any change. Mr. Strader said that the contract price was \$16,000 for FY 2015-2016.

After little discussion Mr. Tatum made a motion to accept the audit contract as presented for fiscal year 2015-2016. The motion was seconded by Mr. Massey and passed with an unanimous vote.

### **Item 11: First Friday Concessions- Discussion**

Mayor Pro-Tem Foster addressed Council on the subject of whether the Town will allow food vendors to set up for First Friday events. He said that in the past the Town has not allowed it but he thinks it could help fundraising for non-profits. He said he that Caswell County Family Services has shown interest in selling food at one of the events. The Mayor Pro-Tem stated that he feels as long as it is a non-profit that helps the community that he thinks it would be ok as long as it doesn't get to be too many. Mrs. Gwynn asked about what health requirements. Manager Collie said that any vendor wanting to sell food at a First Friday event would first need approval from the Caswell County Environmental Health Department before being allowed to sell food on Town property. Mayor Pro-Tem said that if approved we should limit it to non-profits and require them to clean up afterwards and haul off any trash that results from them being there. Mr. Tatum made a motion to allow non-profits to sell food and drinks at First Friday events as long as they clean up after themselves. The motion was seconded by Mr. Massey and passed with a unanimous vote.

### **Item 12: No Parking Restrictions- "No Parking Signs"**

Manager Collie stated as discussed at recent meetings the Town needs to address vehicular safety issues in certain areas of the Town, specifically being parking. He said that he has attached chapter 34, article II "parking, stopping, and standing" from the Town's code of ordinances. He said that he feels the current language would allow the Town to be able to place no parking signs 20 to 30 feet from the corner of intersections and stop signs where needed. He said that he would like to submit a request to the NCDOT for this to be done at the intersection of Main St. & First Ave. The Town Council agreed.

### **Item 13: Sign Ordinance Review**

Manager Collie addressed Council stating that as discussed at last month's meeting he has attached the Town's sign regulations for discussion. He said that as the sign ordinance currently reads several businesses around Town were in violation. He asked for instruction from Council on whether they felt he should pursue corrective actions on these businesses or whether they felt the sign ordinance should be looked at for amending. Manager Collie stated that even before his tenure with the Town that the

ordinance has not been fully enforced for a long time and that he did not want to start causing controversy without Council's awareness.

After review and discussion Council agreed to take a close look at updating the sign regulations in the next fiscal year during the re-codification process.

#### **Item 14: Code Enforcement Contract- Proposal/Discussion**

Manager Collie presented a proposal from Piedmont Triad Regional Council for the administration of the Town's code enforcement policies and the much needed updating of the Town's zoning map. Manager Collie stated that for the last several years the Town has contracted its code enforcement needs to N-Focus and that their contract ends June 30<sup>th</sup>. He said that PTRC had approached him and wanted to start providing the Town with these services along with our zoning map amendment project. Mr. Collie stated that the contract totaled \$12,600 for the year and that a representative would come before Council with a code enforcement update every other month. Mr. Collie said that N-Focus's current contract for just code enforcement services is \$11,894 annually. Mayor Pro-Tem Foster stated that PTRC already provides these services to several other Towns and Counties in the region with success and he felt like we should give them a chance. Manager Collie stated that he felt N-Focus was doing a good job and that this should not reflect negatively on them if approved to contract with PTRC.

After further discussion Mr. Massey made a motion to accept PTRC's proposal as presented. The motion was seconded by Mr. Tatum and passed with a unanimous vote.

#### **Item 15: Yanceyville Town Code- Re-Codification Proposal**

Manager Collie addressed Council stating that as requested in our recent budget workshop on April 23<sup>rd</sup> he has requested and received a proposal to re-codify the existing outdated and inaccurate Town code of ordinances for fiscal year 2015-2016. He said that the proposal is from attorney Ginger Booker. He stated that she is a retiree from PTRC and has been doing recodifications for many Town's across the state. He said that she is very familiar with Yanceyville and particularly likes working with smaller Town's that need help. Mr. Collie went over a list of services that would be provided in the process and said the proposal was set to not exceed \$20,000 at an hourly rate of \$100, but that Mrs. Booker stated that it will more than likely be a lot less. Manager Collie stated that this project is long overdue and needs to be done as soon as possible for the Town to operate in a professional manner.

After further discussion Mrs. Gwynn made a motion to accept Mrs. Booker's proposal for recodification of the Towns code as presented. The motion was seconded by Mr. Tatum and passed with an unanimous vote.

### **Item 16: Town Manager Report**

Manager Collie addressed Council with his monthly report. He stated that Piedmont Electric & USDA had approved the Town's Rural Economic Development Grant which gives the Town a 10 year 0% interest loan from Piedmont Electric Membership Corp. for the payment of the \$750,000 Fire Department Expansion Project.

He then informed Council of the Historic Association Heritage Festival set for May 16<sup>th</sup>. Mr. Collie stated that the Historical Association has claimed that their property was recently vandalized by someone turning on an outside faucet causing it to run for a prolonged period causing a very high water bill. He stated that a Town Public Works employee found the faucet on and reported it to the association. He said the per the Towns water/sewer policy that an adjustment is only allowed when a customer has a leak and that the policy does not address adjustments to be given for vandalism but the Association has requested an adjustment. He said that he informed them that he could not allow an adjustment but that he would inform Council about the issue and the request. Mayor Pro-Tem Foster stated that he was actually on the square with the Public Works employee when the running faucet was found and that he thinks that in cases like this Council should allow an adjustment as long as a lock is placed on the faucet to prevent future tampering. Mr. Collie said that if Council were to allow the adjustment that it would set precedence for anyone to receive the same in the future. He then said that if this happens to anyone in the future that Council could review granting a 1 time variance for adjustment on a case by case basis. Mayor Pro-Tem Foster then made a motion to grant an adjustment to the Historical Association's Museum water faucet vandalism with the condition that they install a lock on their faucets. The motion was seconded by Mrs. Gwynn and passed with a unanimous vote.

Manager Collie then informed Council that the FFA inter local agreement for water to the "Community Garden" was approved by School Board.

Mr. Collie stated that during recent budget workshops Council agreed to staff's request to install technology that would allow online water/sewer bill pay for customers and acceptance of credit cards for in house for water/sewer bill pay. He said that this is an attempt to make our water/sewer customers transactions with the Town easier.

Mr. Collie also stated that after staff request, Council had agreed to install a citizen alert/update system for late water/sewer bills and Town events.

He said that the Town continually gets angry customers when water services are turned off without prior alert. He said that everyone should be aware of the dates water bills are due but it's very easy to sometimes forget and that this is just an attempt to create better customer service to the Town Citizens.

Mr. Collie then stated that he completed and recently graduated from the UNC School of Government Municipal & County Administration course, and he thanked Council for allowing him to go. He stated that it was a great experience and he retained a great deal of useful knowledge. Council congratulated him on his graduation.

### **Item 16 (a): Town Attorney Report**

Attorney Farmer addressed Council with a weapons ordinance draft for review stating that the County had recently adopted something similar and that the court system has expressed that they would like to see uniform enforcement with the Town and the County.

Attorney Farmer then presented Council with 2 petitions for annexation requests. He said the first was for Quail Meadows Subdivision off Murray Rd. and that all 24 owners had signed the petition for voluntary annexation. He said that the second was for a small parcel off of Chandler Rd. and that the owner of that parcel has signed and requested voluntary annexation as well. Mayor Pro-Tem Foster said that the Town has always accepted voluntary annexations when requested. Attorney Farmer stated that Council would need approve a motion to allow Town Clerk, Collie sign the certificates of sufficiency for petition request before he could act on the annexations. Mr. Tatum made a motion to allow Clerk Collie to sign the certificates of sufficiency after review for the 2 presented voluntary annexations. The motion was seconded by Mr. Massey and passed with a unanimous vote.

Attorney Farmer then presented the signed inter local agreement from the Caswell School Board for the water to the FFA Community Garden & the approved easement for Carolina Manor's water connection from the Caswell School Board to Town Manager/Clerk, Collie.

### **Item 17: Closed Session- Contractual**

Mayor Pro-Tem asked for a motion to go into closed session for contractual discussion. Mrs. Gwynn made a motion to go into closed session for contractual discussion. The motion was seconded by Mr. Tatum and passed with a unanimous vote.

After Council and staff returned from closed session Mrs. Gwynn made a motion to go back into regular session. The motion was seconded by Mr. Massey and passed with a unanimous vote.

**Item 18: Informal Discussion/Public Comment**

Mr. Albert Tardy addressed Council and asked why the Historical Associations issue was considered vandalism.

**Item 19: Adjournment**

After no further discussion Mr. Tatum made a motion to adjourn. Mr. Massey 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:

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Alvin Foster, Mayor Pro Tem

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Brian Collie, Town Clerk