

**YANCEYVILLE TOWN COUNCIL
MEETING MINUTES
Tuesday May 7th, 2024, 6:00pm**

The meeting of the Town Council was held in the Yanceyville Town Council Chambers at the Yanceyville Municipal Services Building located at 158 East Church Street, Yanceyville, NC and streamed through the Webex platform on Tuesday, May 7th, 2024, at 6:00pm.

Council Members present: Mayor- Alvin Foster, Mayor Pro Tem- Darrell McLean, Kenneth Darnell, Keith Tatum, and Brian Massey

Staff present in person: Kamara Barnett-Town Manager/Clerk, Lee Farmer- Town Attorney, Miranda Harrelson- Deputy Clerk, Elvis Strader -Public Works Supervisor, and Kathryn Hinton- Administrative Assistant

Also present: Franz Holt-AWCK, Town Engineer and Virginia Booker, Planning /Zoning Consultant

Item 1: Call to Order

Mayor Alvin Foster called the Town Council Meeting to order at 6:02 pm. The meeting opened with a silent prayer. He asked all to stand for the pledge of allegiance. Mayor Foster also stated that the Yanceyville Town Council rules and procedures reflect the revisions of the North Carolina open meeting law of the North Carolina General Statutes, a copy of the Yanceyville Town Council rules and procedures are available upon request. Yanceyville Town Council also has rules and procedures for electronic meetings that reflect the revisions of the North Carolina open meeting law of the North Carolina General Statutes, a copy of the Yanceyville Town Council rules and procedures are available upon request. Mayor Foster stated that it is the policy of the Yanceyville Town Council to allow 15 minutes during each monthly meeting for public comment. Individuals will be called in the order signed up to speak. Three-minute time limit for each individual.

Item 2: Review of Agenda – Mayor Foster and Town Council

Mayor Foster asked Town Council to review the Agenda. Mayor Foster made a revision to Item 8. He indicated that Item 8: should be read as, Public Hearing for Consideration and Adoption of Revised Town of Yanceyville Zoning Ordinance. Under Item 14: New Business, Mayor Foster added Consideration of Contract to Audit Town of Yanceyville Account- Cobb Ezekiel Loy & Company, P.A.

Mayor Foster asked if there are any other additions or deletions at this time.

Item 3: Consent Agenda

- a. Minutes from the April 2nd,2024, Town Council Meeting
- b. Minutes from the April 11th ,2024, Town Council Special Meeting

Mayor Foster asked Town Council to review the Consent Agenda. After a short review, Councilman Darnell made a motion to adopt the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

Item 4: Public Comment

Mayor Foster asked Kathy Hinton, Administrative Assistant if anyone signed up for public comment? Ms. Hinton indicated that two individuals had signed up for public comment. Mayor Foster asked each person when they approached the podium to state their name and address for the record.

Mayor Foster called Ms. Vicki Hastings.

Mrs. Vicki Hastings, 336 W. Main Street Yanceyville NC stated, Good Evening, Council Members. I appreciate the Town Council considering these changes to update the town's zoning ordinance. However, I question, if you adopt these changes will you actually follow your own rules? Over the past few years, we've seen numerous examples of Town Council horribly mismanaging their planning and zoning rules or just completely ignoring them. For example, the Zoning Ordinance isn't even your only set of zoning rules. The Town Code of Ordinances also has an entire chapter on zoning (Chapter 42). In other words, how do citizens know which set of rules we are supposed to follow? A quick look on the town's website also shows a zoning map that hasn't been updated since April 2021. And the data on the map says that it is for 2019. In other words, it is at least three to five years out of date when we know the town has re-zoned properties and approves projects since then. Of course, those re-zonings and approvals were also in error. Take for example the 9/11 and Veterans Memorial. Both properties that these monuments sit on are in the Central Business District. The Central Business Zoning District does not allow for "monuments and stonework". In other words, the last two major projects the town has been part of were both violations of your own rules. Then there's private property development. Your first rule when someone applies for rezoning requires that they submit a site plan. Yet two major recent approvals have gone through without a site plan. One is the Eckerd Facility right next door to my house. This project is of course already in violation of 3 conditions of its conditional zoning of the property. The violations include the fully enclosed dumpster, which is not a fully enclosed structure and sits next to the fence constructed and of course it already smells without 40 kids that will be added to this building. In addition to the required fencing and berms that were specified in this ordinance do not exist either and most certainly would have been overlooked if I didn't bring it to your attention. Then we could go on to talk about the potential setback violations and the water and sewer ordinances that have clearly been overlooked because of poor planning, lack of the site and town council agenda that are clearly different to your own written rules. I hold the signed ordinance right here in my hand and I clearly see mayor Foster and Ms. Barnett's signatures on this ordinance adoption. So, the pressing question here is will you both be held accountable for these tough conversations and corrections? Or will I need to bring forth Section 42-201 subset g to your attention? For those of you that do not know this section, it states, "For failure to comply with the plans approved by the town council or with any other conditions imposed under this special use permit, the permit shall thereupon immediately become void and of no effect." I mentioned there were two projects and the second one was a small apartment complex on Main Street which never even broke ground.

When that was approved in November of 2022, Councilman Tatum even asked “if there are any proposed drawings of the apartments at this time.” Yet despite seeing no plans, the Town Council approved this project unanimously. The very next month in December 2022, the Town Council reappointed two Planning Board members whose terms were expiring without even allowing other town citizens to apply for the open positions. Perhaps all of this is just an oversight or worse, incompetence. But when you consider the way the Town Council handles their Planning Board appointments perhaps there’s an ulterior motive. On three separate occasions now, the Town Council has declined to appoint the former County Planning Director with no clear explanation why. And when you have denied this free, professional help you don’t even debate who to appoint. The votes are tallied before the meetings even begin. You must either debate the appointments before the meetings or in closed session, either of which a violation of public meetings is law. So, in conclusion, please update your zoning ordinance and other documents. But after you do, might I suggest you just follow your own damn rules.

Mayor Foster called Mr. Julian Williamson.

Mr. Julian Williamson, 198 Murphy Street, Yanceyville NC stated, First I would like to thank you for the additional streetlights on our street. It has made a world of difference. We are now requesting a turnaround at the end of Murphy due to increased traffic. Murphy Street is a dead-end street. Currently drivers are using someone’s private driveway to turn around. The UPS driver has it down pack when turning around. When drivers are unable to use Mrs. Graves private driveway, they use my driveway. Due to the increase traffic and drivers turning around it has created ruts and drainage issues within her yard. Mr. Williamson noted that people often mistake Murphy Street for Dillard School Drive. He explained that when Fulton-Walton Funeral Home is having a funeral people make the wrong turn and use either Mrs. Graves or his private driveway to turn around.

Mayor Foster thanked each, for their comment and mentioned that Town Council will take each under advisement.

Item 5: Code Enforcement Update: Jayne Pennix and Paul Fuller, State Code Enforcement

Mayor Foster introduced Mrs. Jayne Pennix and Mr. Paul Fuller, State Code Enforcement

Mr. Fuller indicated that he had been in the Town of Yanceyville over the last few weeks accessing and opening cases of violation regarding the Code of Ordinances. He noted that he can tell that the Town hasn’t really had any enforcement for some time, and he shows. He explained that due to lack of enforcement the residents have gotten complacent. He noted that curiosity letters have been mailed out along with some violations to residents at this time.

Mayor Foster thanked State Code Enforcement for their efforts in cleaning up the Town. He stated he has gotten several calls about seeing the State Code Enforcement Car.

*See Attached
Case Report April 2024
Yanceyville Complaint Form

Item 6: Water and Wastewater Treatment Facilities Update: Matthew Malone, Regional Manager Inframark

Mayor Foster introduced Mr. Matthew Malone Regional Manager to Town Council. Mr. Malone presented the monthly update as follows:

Yanceyville Water Treatment Plant:

No violations were recorded.

The Clearwell Level Indicator was repaired on April 17th.

A fault on High Service Pump # 1 was repaired on April 24th, with help from Danville Maintenance staff.

Raw Water turbidity levels are back to normal. Chemical demand has been reduced.

Charles Overby attended Certification School for Surface Water Operator Certification and is scheduled to take a test on May 30th.

Yanceyville Wastewater Treatment Plant:

No violations were recorded (One set of results left)

Have 4” rental pump onsite and pumped solids out of the Effluent Basins as well as Chlorine Contact Chamber

Number # 2 SBR was taken offline on April 7th to remove excess solids from the Basin. Solids were removed from the Basin, and it was put back online April 12th.

Underwood installed a new Mixer and Aerator for # 2 SBR on April 18th. Both Mixer and Aerator are in service and operating well.

Inframark Maintenance Team replaced a failed actuator on #1 SBR Mixer, returned to service.

The new Composite Sampler was delivered on April 25th. Sampler was installed on May 1st.

Mayor Foster thanked Mr. Malone for providing an update to Town Council.

Item 7: Public Hearing for Consideration and Adoption of Water and Sewer System Development Fees- Franz Holt, Town Engineer, Alley Willaim Carmen& King

Mayor Foster asked Town Council for a motion. Councilman Massey made a motion to go into Public Hearing for consideration of Water/ Sewer System Development Fees. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

Mayor Foster introduced Mr. Franz Holt, AWCK Town Engineer, to Town Council. Mr. Holt explained that in June of 2017, the North Carolina General Assembly ratified House Bill 436 “An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to Clarify the Applicable Statute of limitations”, thus amending Chapter 162A of the General Statutes by adding “Article 8, System Development Fees.” This is commonly referred to as the SDF Act. In accordance with the SDF Act, the Town of Yanceyville retained the services of Stantec Consulting Services Inc, a professional engineering consulting firm, to complete a system development fee analysis and prepare an accompanying written report. Mr. Holt explained that the Town of Yanceyville made the System Development Fee Study available for public review on the Town’s website for a minimum of 45 days. Town Manager Barnett mentioned that she did not receive any comments.

After a discussion Mayor Foster asked for questions. He added that Town Council will need to review the system development fee analysis and think about where they would like to set the Water / Sewer System Development Fees.

Mayor Foster asked Town Council for a motion. Councilman Tatum made a motion to go out of Public Hearing for consideration of Water/ Sewer System Development Fees. The motion was seconded by Councilman Darnell and passed with a unanimous vote.

*See attached

Item 8: Public Hearing for Consideration and Adoption of Revised Town of Yanceyville Zoning Ordinance: Virginia Booker, Attorney- Planning & Zoning Consultant -

Mayor Foster opened the Public Hearing for Consideration of Revised Town of Yanceyville Zoning Ordinance.

Town Manager Barnett explained as required by NCGS 160D-601(d) the Yanceyville Planning Board has reviewed text amendments to bring the Yanceyville Zoning Ordinance into conformity with N.C. G.S. 160D, Local Planning and Development Regulation, and to make other revisions and updates. Town Manager Barnett introduced Mrs. Ginger Booker.

Mrs. Booker, Attorney at Law noted that she has provided services/working for the Town of Yanceyville for a number of years on Planning and Zoning. She explained that the proposed amendments update and correct definitions, refer to statutory references by their G.S. 160D citations, and provide for processes and procedures required by G.S. 160D. All amendments are text amendments, and they do not affect the zoning or setbacks of any property. She noted that most of the changes are procedural. Mrs. Booker made note of the Sign Chapter of the Zoning Ordinance that was completely revised last year to deal with the Outdoor Advertising Signs to limit the potential amount of signage patronizing the Danville Casino. She further explained that this version of the Zoning Ordinance includes Chapters on the Planning Board and the Amendment Process. She explained that the purpose of all updates is to give the Town a clear set of directions, when all else fails to read the directions. Mrs. Booker indicated that Town Council along with the Public has had access to the Zoning Ordinance with the changes shown in read. She noted that she would be happy to answer any questions at this time. Mrs. Booker also thanked the Planning Board for being present and taking time to read through the document.

Mayor Foster opened the floor for questions.

After no questions, Mayor Foster asked Town Council for a motion. Councilman Darnell made a motion to go out of Public Hearing for Consideration of Revised Town of Yanceyville Zoning Ordinance. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

After the discussion Mayor Foster asked Town Council for a motion. Councilman Darnell made a motion to adopt the Town Council Statement of Consistency for adoption of Revised Zoning Ordinance. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

Mrs. Booker indicated that once this version of the Zoning Ordinance is adopted the Town Manager will be able to post this document on the Town’s website and remove the other. Mayor Foster thanked Mrs. Booker for her time and working with the Town through this.

*See attached

Item 9: Mayor Update- Alvin Foster

Mayor Foster noted that at the April 11th, 2024 Town Council Special Meeting, Town Council approved and adopted the Yanceyville Fire Department Standards of Operations. He noted that in his opinion we should have reviewed this document. He explained that the relationship between the volunteer firefighters and the Town of Yanceyville must be mutually beneficial. He noted that the Town of Yanceyville owns the buildings and the equipment. However, calls are answered by volunteers not by Town personnel, He further explained that we (Town Council) have people that we answer to LGC, State Treasurers Office, State Auditor. We (Town Council) took an oath of office, and we must uphold that. He stated but I do think there is some latitude that we can get what we want, and this relationship stay mutually beneficial between the Volunteer Firefighters and the Town.

Mayor Foster made a motion to establish a work group consisting of Mayor Pro Tem McLean, Councilman Darnell, Chief Massengill, Line Officer (Volunteer Firemen of the Chief ‘s Choice), Town Attorney Farmer to provide legal advice and Town Manager Barnett to provide technical assistance. The workgroup will review and discuss possible amendments to the Yanceyville Fire Department Standards of Operations. So that this relationship will remain mutually beneficial because whether it’s the volunteers, administrative staff, or Town Council we are here to do what’s best for our citizens.

Mayor Foster made a motion to establish a work group consisting of Councilman Darnell, Mayor Pro Tem McLean, Chief Massengill, Line Officer (Volunteer Firemen) and Town Manager. The motion was seconded by Councilman Massey. The motion failed with the (2-3). Mayor Foster did a roll call vote. Councilman Darnell- No, Mayor Pro Tem McLean- No, Mayor Foster- Yes, Councilman Massey-Yes, Councilman Tatum- No

Item 10: Town Manager Updates- Kamara Barnett

Announcements:

Thursday, May 16, 2024, 6:00pm -Joint Council Meeting with the Town of Milton and the Caswell County Board of Commissioners. Hosted in Milton

Friday, May 17th, 2024, 10:30-6:30pm the Town along with the Caswell County Solid Waste Department and Senior Center will host “Shred Day” at the Pavilion.

Tuesday May 21, 2024, 6:00pm Budget Workshop

Monday May 27th, 2024, Town Hall will be closed for Memorial Day

Caswell County Clerk of Court Request:

Caswell County Clerk of Court, John Satterfield has requested the use of the Town Council Chambers adjoining room to conduct jury trials due mechanical issues with the elevator at the Courthouse. Approximately May 2024 thru December 2024. The Caswell County maintenance will provide daily cleaning of all rooms including restrooms that the court system will be using. In the past Town Council allowed the Court System to use this space due to Covid restrictions and when the Courthouse experienced issues with their HVAC system. Town Manager Barnett noted that if you have any additional request for the County, please let me know and I will follow up with the County Manager to resolve.

Caswell County Board of Election Request:

Caswell County Board of Election has requested to utilize the Yanceyville Museum of Art for the upcoming election on Tuesday, May 14th, 2024.

Item 11: Consideration of Amendment to Grant Project Ordinance for the Town of Yanceyville American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

Town Manager Barnett explained that this Grant Project Ordinance supersedes Grant Project Ordinance #2022-03 for the Execution, Acquisition, Construction, and Installation for the American Rescue Plan Project. This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Yanceyville has received \$625,603.08. The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1), and expend all its ARP/CSLFRF funds for the provision of government services.

Mayor Foster asked Town Council for a motion. Councilman Darnell made a motion to adopt and approve the amendment to Grant Project Ordinance for the Town of Yanceyville American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

* See Attached

Town Manager Barnett explained to Town Council that she received a phone call from Town Attorney Farmer indicating that he was on his way to the meeting and would arrive shortly. Mayor Foster moved to Item 14: New Business. Mayor Foster recessed the meeting until Town Attorney Farmer arrived.

Item 12: Town Attorney Updates- Lee Farmer

Town Attorney Farmer discussed the collection of back property taxes. He noted that there is a significant amount of taxes that haven't been collected to date. He noted a few months back he made a recommendation to have an outside firm, Zacchaeus Legal Services, who specializes in the collection of property taxes do a presentation to Town Council. If Town Council is still inclined, he will reach out to the firm to schedule a date. Town Council agreed.

Town Attorney Farmer noted that the former Law office that the Caswell County Tax Office used finally collected back taxes on the Fragier Blackwell Property that has been an issue for years. He

indicated that those funds should be coming to the attention of the Finance Officer in the next few weeks.

Item 13: Consideration of Amendment to Rule 22(b) (Conduct and Procedures) of the Yanceyville Town Council Rules and Procedures

Town Attorney presented the amendment to Rule 22(b) (Conduct and Procedures) of the Yanceyville Town Council Rules and Procedure. Town Attorney Farmer indicated that after the last Town Council Meeting some Councilmembers expressed concern regarding individuals taking photos and videos during Town Council meetings.

After a discussion Mayor Foster call for a motion. Councilman Darnell made a motion to approve the Amendment to Rule 22(b) (Conduct and Procedures) of the Yanceyville Town Council Rules and Procedures. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

*See attached

Item 14: New Business

- a. Consideration of Contract to Audit Town of Yanceyville Accounts

Town Manager Barnett stated that the Town received a letter of engagement and contract from Cobb Ezekiel Loy & Company, P.A. to audit the Town's accounts for Fiscal Year 23/24. Contract not to exceed \$21,710. She indicated that the Town has worked with this firm in the past and recommends approval of contract.

Mayor Foster asked Town Council for a motion. Councilman Darnell made a motion to approve the audit contract from Cobb Ezekiel Loy & Company, P.A. to audit the Town's accounts for Fiscal Year 23/24 not to exceed \$21,710. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote.

Item 15: Adjournment

Mayor Foster asked Town Council for a motion to adjourn. After no further discussion, Councilman Tatum made a motion to adjourn the May 7th, 2024, Town Council Meeting. The motion was seconded by Mayor Pro Tem McLean and passed with a unanimous vote. The meeting ended at 7:42pm.

Kamara Barnett, Town Clerk and Miranda Harrelson, Deputy Town Clerk prepared the above minutes. They represent a brief description of those matters that were addressed at this meeting.

Respectively Submitted:

Alvin Foster, Mayor

Kamara Barnett, Town Clerk

Miranda Harrelson, Deputy Town Clerk