

**MINUTES  
YANCEYVILLE TOWN COUNCIL  
APRIL 2<sup>ND</sup>, 2019  
7:00PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on Tuesday, April 2<sup>nd</sup>, 2019 7:00 PM.

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

**Staff:** Brian Collie- Town Manager/Clerk, Kamara Graves- Town Clerk, and Lee Farmer- Town Attorney

**Item 1: Call to Order**

Mayor Alvin Foster called the meeting to order at 7:00 PM. 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.

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

Mayor Foster added Contractual to Item 15: Closed Session. After a short review, Mayor Pro Tem Gwynn made a motion to adopt the agenda with the addition of Contractual to Item 15: Closed Session. The motion was seconded by Councilman Massey and passed with a unanimous.

**Item 3: Consent Agenda- March 5<sup>th</sup>, 2019 Minutes**

Mayor Foster asked Town Council to review the minutes from the March 5<sup>th</sup>, 2019 Town Council Meeting. After a short review, Councilman Massey made a motion to adopt the minutes from the March 5<sup>th</sup>, 2019 Town Council Meeting as presented. The motion was seconded by Mayor Pro Tem Gwynn and passed a unanimous vote.

**Item 4: Public Comment**

Matthew Hoagland, 291 West Main Street Yanceyville, North Carolina. Mr. Hoagland thanked Town Council for the opportunity to speak. Mr. Hoagland addressed the classification of west Main Street in Downtown Yanceyville. He explained that depending on where he enters his address it doesn't necessarily say that he lives at 291 West Main Street. For example, he noted that if he puts his address in the GIS system, DMV, Tax Office, and Postal Service it states that he lives at 291 Main Street. Due to the issues with addresses if someone puts 144 Main Street in their GPS it takes you to the

Law Office of Bill Daniel when in fact it is the address of the Planning, Building Inspector, and Environmental Health of Caswell County. Mr. Hoagland, County Planner stated that from an administrative standpoint it causes a lot of confusion in that perspective. He noted that it is not necessarily a zoning issue, but it does affect all the property on West Main Street down to Badgett Sisters Parkway. Mr. Hoagland stated that he wanted to bring the issue before Town Council and encourage them to do whatever they can do in clarifying West Main Street as West Main Street.

Mayor Foster asked Mr. Hoagland has he done any investigation with the Postal Service or Caswell County GIS as to why it is different. Mr. Hoagland replied thankfully we have an excellent Postal Service, and they recognize my wife and myself. When there is a mix up with the mail they know where to take the mail. They also suggested speaking with Randy Jefferson, 911 Director and bringing it before Town Council.

Mayor Foster thank Mr. Hoagland for his comments and stated that the Town will investigate the matter.

#### **Item 5: Oath Administration Town Clerk- Kamara Graves**

Mayor Alvin W. Foster administered the Oath of Office for Town Clerk of Yanceyville, North Carolina to Ms. Kamara Graves.

#### **Item 6: Public Hearing- Discussion of Re- Adoption of Yanceyville Zoning Ordinance & Map**

Mayor Foster asked for a motion. Mayor Pro Tem Gwynn made a motion to go into Public Hearing for discussion of Re – Adoption of Yanceyville Zoning Ordinance and Map. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

Mayor Foster welcomed and thanked everyone for coming out to be a part of the Public Hearing for the Discussion of Re- Adoption of Yanceyville Zoning Ordinance and Zoning Map. He noted that Town Manager Collie will be presenting a brief overview of zoning. Mayor Foster explained that this is a Public Hearing so when making a comment or asking a question please state you name and address for the record.

Town Manager Collie explained that the Public Hearing gives everyone an opportunity to speak and ask question about the proposed changes on the Zoning Ordinance and Map. He noted that no vote will be made on the changes tonight. He explained that the Town of Yanceyville currently has a Zoning Ordinance and Map. There are several zoning districts which include certain permitted and proposed uses outlined in the Zoning Ordinance. Town Manager Collie explained that the Zoning Ordinance was initially adopted by the Town in 1997, and there have been several amendments. He explained that Town Staff, Yanceyville Planning Board, and a private contractor having be working on the Zoning Ordinance and Map in an effort to update them to the current North Carolina General Statues. He stated that language, several uses, etc. have changed with

the Zoning Ordinance and Map over the years. Along with the text document of the Zoning Ordinance a Zoning Map was also adopted by the Town in 1997. Town Manager Collie explained that the Town of Yanceyville was incorporated in 1986 and since then there have been several parcels of land that have been voluntary annexed into Town. He explained that several of the parcels were not given an official zone destination due to lack of records. Town Manager Collie provided a power point presentation to highlight portions of the proposed Zoning Ordinance text document. Zoning is the process of dividing land in a municipality in zones in which certain land uses are permitted or prohibited. Zoning is a tool most Towns and Cities use to govern uses examples are residential, commercial, or industrial. Zoning began as a tool to separate uses from one another particularly manufacturing from residential. Town Manager Collie explained that the Conditional Zoning District is one of the major changes in the Zoning Ordinance text document. Conditional Zoning Districts are zoning districts in which the property owner purposes development and use of property subject to standards and conditions submitted by the owner. The conditional district itself, like a rezoning, is created by means of a legislative decision. A conditional zoning district can be beneficial because, unlike a general use district, it allows a particular use or uses to be established with specific standards and conditions that will enhance the compatibility of the use with the area and adjacent property. He displayed an updated table of permitted use for each zoning district. He added that the special use permits now has an expiration date. When Town Council approves the special use permit land owners have to start construction on the site within 12 months or it becomes invalid. Town Manager Collie also highlighted adult establishments, campgrounds, RV, groups homes, shooting ranges, solar generation, tiny homes, and the sign ordinance has proposed changes. Town Manager Collie also presented the interactive Zoning Map of the Town of Yanceyville with the proposed changes outlined in colors. Town Manager Collie added that the overall point of the Recodification process is to assist and help citizens, and the Town function better.

Mayor Foster reminded citizens that as we go thru this process please wait to be recognized so that everyone has a chance to speak. He added to please state your name and address for the record.

Gilbert Anderson, 166 Court Square Yanceyville North Carolina. Mr. Anderson stated that since he moved to the County, he heard one of the reasons that the Town of Yanceyville hasn't reached its potential for growth/economic development is the quality of life. He explained that has been living here in Yanceyville for a while and trying to absorb as well as travel around to see how other communities operate. Mr. Anderson stated personally zoning has little effect on the County because we have very few people, very few businesses and little overall economic activity. I think that anything that restricts commercial activity is a detriment. I don't think that you should put a restriction on something because you are potentially saying we don't want you; we don't need you, and thanks for coming by. At the same time if zoning is implemented it should be extraordinarily encouraging and accommodating speaking to Town Council and the Planning Board. Everyone should have "can do" attitude. Businesses will come, some will succeed, some will fail and leave. The biggest problem with the development of this area is jobs. There are very few people here, because there are very few jobs, and without

the job there is no income and without income there is no commercial activity. Mr. Anderson encouraged the Town be accommodating, flexible, and creative. He added that it was encouraging to see the tiny house section, because a lot of major cities have not addressed them.

Mayor Foster thanked Mr. Anderson. Mayor Foster added that he thinks that conditional zoning makes the zoning ordinance much more flexible. Mayor Foster advised Town Council, the Planning Board, and the Public that the Zoning Ordinance is a living document and it can be changed and will change as the Town changes.

Matthew Hoagland, 291 West Main Street. Mr. Hoagland ask if your property is currently zones as a Residential and the map changes and your property becomes re-zoned as Highway Business how will the changes affect the property owner? Town Manager Collie referred to Chapter Nine on page 66 of the proposed zoning draft Non-Conformities. If the Town was to re-zone a property with a residential home on it to highway business it is not a permitted use. The home can remain on the property, but it will be referred to as a non-conforming use. For example, if a home burns down and you wanted to rebuild it would not matter because it's a non-conforming use. You would not be able to put a commercial use there and then decide to change it back to residential it would not be allowed. If the property was sold the non-conforming use remains. Town Manager Collie added that at this time the Town is not proposing any changes as such in the proposed zoning draft, however the Town does have several properties that are considered a non-conforming use. The Non-Conformance section is a template that a majority of Towns, Cities, and Counties use in North Carolina.

Kenneth Graves, 443 Marshall Graves Road Yanceyville. Mr. Graves stated that he would like Town Council to consider re-zoning his property located on Highway 158 near Westside Texaco Parcel 0067-009 from Restricted Residential to Highway Business.

Mayor Foster stated that he would like the Planning Board to review the request first before submitting to Town Council.

Tyrone Kimbro, 4801 Pitikin Court Greensboro NC. Mr. Kimbro stated that the proposed changes on his property include changing the front portion of his property, Parcel 0082-112 from Restricted Residential to Highway Business, how much of the tract is proposed for change? Town Manager Collie suggested to Mr. Kimbro to give him a phone call so that he could give a more accurate acreage. Mr. Kimbro asked would the changes have any impact on the taxes. Town Manager Collie explained that the proposed changes would not affect property taxes. He explained that the Planning Board felt that because the property is located on one of the Town's main highways it would make the property more flexible. Mr. Kimbro stated if Highway 86 was every widen would it affect the property. Town Manager Collie stated that Highway 86 near the property already has a 150ft right away. Mayor Foster added that the right away is wide enough to handle a four-lane highway.

Russell Johnston, 2179 Bertha Wilson Road Providence, North Carolina. Mr. Johnston commended the Planning Board and Town Staff on doing a great job over the last couple of years on the Zoning documents. He stated that a lot of hard work and effort has went into this project. As for economic development it would be nice to see more jobs come to Yanceyville. Mr. Johnston stated that he didn't have an interest in the property located, Parcel 0068 025 behind the Family Dollar store located off of Firetower Road, but he felt that tract would be ideal for a light industrial or manufacturing. Town Manager Collie stated that the current zone is restricted manufacturing and the proposed zone is residential agricultural. Mr. Johnston suggested to Town Council to consider keeping the tract some type of industrial use. If a company or corporation would like to locate here the site would be ready to go. Town Manager Collie noted that at this time the parcel has two proposed zoning destinations along Highway 86 is proposed highway business and residential agricultural along Firetower Rd.

Mayor Foster stated that all request and questions will be taken into consideration and reviewed by the Planning Board before coming back before Town Council. Mayor Foster asked all Planning Board Members to stand he stated that the members have put in a lot of hours over the last two years with very little pay. Thank you for your efforts.

After the discussion, Mayor Foster asked for a motion to go out of Public Hearing. Councilman Tatum made a motion to go out of Public Hearing for discussion of Re – Adoption of Yanceyville Zoning Ordinance and Map. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote.

Mayor Foster asked for a motion to go back to Regular Session. Councilman Tatum made a motion to go back to Regular Session. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote.

#### **Item 7: Submission of Certificate of Sufficiency for Voluntary Annexation -Oakes**

Town Attorney Lee Farmer stated that the Town Clerk has executed a Certificate of Sufficiency for the Oakes Property. Mr. Douglas Oakes, requested a voluntary annexation for a small tract of into the Town of Yanceyville. Town Attorney Farmer noted that the finding is correct and a Public Hearing needs to be scheduled for the June Town Council Meeting to annex the property.

Mayor Foster asked Town Council for a motion. Councilwoman Badgett -Lampkin made motion to set the Public Hearing for June 4<sup>th</sup>, 2019 Town Council Meeting to annex the Oakes Property. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

**Item 8: Parks and Recreation Trust Fund Grant Application Yanceyville Pavilion Park Project-** Adoption of Resolution – Caswell County Comprehensive Master Plan, Site-Specific Plan Capital Improvement Plan for the Yanceyville Pavilion Park

Town Manager Collie updated Town Council on the resolution needed in order to submit the grant application to Parks and Recreation Trust Fund Grant (PARTF) by May 1<sup>st</sup>, 2019. Town Manager Collie explained that we have discussed this project several times in the past. The Pavilion Park will include a playground, splashpad, restrooms, sidewalks, and benches. The Pavilion Park is also inclusive which will accommodate children and adults with special needs. There are several people present tonight who have dedicated a great deal of time in getting all the documentation needed for the grant application. Town Manager Collie explained that a grant application process is not easy and requires a lot of work, time, and dedication. He explained that the PARTF grant is based off a point system with several itemized categories, and if you are able to fulfill the category requirements you are awarded the points. The more points awarded the chances of obtaining the grant increase. Town Manager Collie explained that the community involvement category went extremely well. As a part of the required community involvement the Town created surveys to offer feedback. There were 1030 surveys completed 18 responses were not in favor of the Pavilion Park Project. The Town was required to get 100 responses from Yanceyville residents, 382 Yanceyville residents responded. Town Manager Collie explained that this resolution is part of fulfilling the requirement for the grant application. The resolution includes the Capital Improvement Plan which includes what the Town foresees with recreation in the future. The CIP plan includes the Pavilion Park, renovations/upkeep of Maud Gatewood Park, and the completion of the Multi-use Path Project. The Comprehensive Master Plan from Caswell County was adopted by the County in 2017 that encompasses the Recreational Master Plan, which is one of the items needed for the PARTF application. The plan needed to reflect the project as site specific, the actual location of the Pavilion Park. Town Manager Collie explained that the property for the site was not cited in the County's Master Plan, however it was mentioned several times in the plan that Downtown Yanceyville should have additional recreation including water amenities such as the splashpad. Town Manager Collie stated that he went before the Caswell County Commissioners, and was able to get them to make an amendment to the Recreational Master Plan to include the Pavilion Park site plan as an addendum. The addendum will allow the Town to use the Plan and get the points for that category. Town Manager Collie thanked the County for the amendment so that the Town could benefit. The site-specific Master plan was written per guidelines to fulfill the grant requirements. Town Manager Collie explained that adopting this resolution does not bind the Town to anything it's just allowing the Town to get the additional points needed to get a higher score.

Councilman Massey asked is this a commitment for the PARTF Grant or is this just a formality in applying for the grant. Mayor Foster replied that this is just one of the steps needed in applying for the PARTF grant.

Mayor Foster asked for a motion. Mayor Pro Tem Gwynn made a motion to adopt the Resolution Approving the Caswell County Comprehensive Master Plan,

Site- Specific Plan, and Capital Improvement Plan for the Parks and Recreation Trust Fund (PARTF) Grant Application for the Yanceyville Pavilion Park. The motion was seconded by Councilwoman and passed with a unanimous vote

**Item 9: Letter of Support for Thomas Day**

Mayor Foster stated the Town of Milton and the Non-profit Organization that looks after the Thomas Day Tavern asked the Town of Yanceyville for a letter of support. They are seeking funding and designation as a North Carolina Historic Site. The Town of Yanceyville has no obligation it is simply a letter stating that the Town of Yanceyville supports the Town of Milton and the Nonprofit Organization in their endeavor. Mayor Foster noted that there is a designation in the Governors proposed budget for the Thomas Day Tavern. Mayor Foster added that it's a piece to the puzzle.

Mayor Foster asked for a motion. Councilman Massey made a motion to submit a letter of support on the behalf of the Town of Yanceyville to the Town of Milton for the Thomas Day House in Milton, North Carolina to become a North Carolina Historic Site. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote

**Item 10: CDBG Budget Ordinance- Wastewater Treatment Plant Project**

Town Clerk Graves explained that as a recipient of Federal Community Development Block Grant Funds, the Town is required to have a Project Budget Ordinance outlining the CDBG funding awarded to the Town in the amount of \$2,000,000 for the Wastewater Treatment Plant Upgrades. She noted that the Project Budget Ordinance for the WWTP reflect two-line items:

Pubic Sewer Improvements	\$1,928, 000
Administration	<u>\$272,000</u>
	\$2,000,000

Mayor Foster asked for a motion. Mayor Pro Tem Gwynn made a motion to adopt the CDBG- Project Budget Ordinance for Wastewater Treatment Plant upgrades. The motion was seconded by Councilman Massey and passed with a unanimous vote.

**Item 11: CDBG Code of Conduct/Conflict of Interest- Wastewater Treatment Plant Project**

Town Clerk Graves explained that as a recipient of Federal Community Development Block Grant Funds, The Town is required to have a written Code of Conduct which governs the performance of local elected official, employees, and agents engaged in the award and administration of contracts supported by federal funds.

Mayor Foster asked for a motion. Councilman Tatum made a motion to adopt the Code of Conduct for CDBG-Wastewater Treatment Plant upgrades. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote.

**Item 12: Veterans Memorial/Sidewalk Discussion-Public Safety**

Town Attorney Farmer updated Town Council on the Veterans Memorial/Sidewalk- and Public Safety Memorial. He noted that the Veterans Memorial Committee is getting fairly close to ordering materials in a few months for the Veterans portion of the Memorial. Town Attorney Farmer suggested to Town Council to authorize Town Manager Collie to talk with the Town Engineers, Alley William Carmen & King to do an initial site plan, design, and cost of the Public Safety Memorial that the Town has committed to construct. The Public Safety Memorial will include Fire, Police, and EMS. Town Attorney Farmer explained that it would not be good planning to mobilize construction on the site twice. He added that funds are available for the sidewalk.

Mayor Foster asked for a motion. Councilman Massey made a motion to authorize Town Manager Collie to talk with the Town Engineers, Alley William Carmen & King to do an initial site plan, design, and cost of the Public Safety Memorial that the Town has committed to construct. The motion was seconded by Mayor Pro Tem Gwynn and passed with a unanimous vote.

**Item 13: Town Attorney Report**

None

**Item 14: Town Manager Report**

Town Manager Collie updated Town Council on contract with Turner Murphy Company for the Wastewater Treatment Plant Upgrades. The contract has been signed and executed at this time and will be submitted to the North Carolina Division of Water Infrastructure.

Town Manager Collie announced that the 2019 First Friday Events will begin May 3<sup>rd</sup> thru October 4<sup>th</sup>. All First Friday Events will include the Cruise-In. Event time is 7pm nightly except for the Month of October it will begin at 6pm.

Town Manager Collie reminded Town Council of the Budget Calendar for 2019-2020  
Thursday April 4<sup>th</sup> 6: 00pm Budget Workshop (Basic, outlines priorities, etc.)  
Thursday April 11<sup>th</sup> 6: 00pm Budget Workshop (General Fund Review)  
Thursday April 18<sup>th</sup> 6: 00pm Budget Workshop (Enterprise Fund Review)  
Thursday April 25<sup>th</sup> 6: 00pm Budget Workshop (optional)

**Item 15: Closed Session -G.S. 143-318.11- Real Estate, Attorney/ Client Consultation and Contractual**

Mayor Foster asked for a motion. Mayor Pro Tem Gwynn made a motion to go into Closed Session General Statues 143-318.11 Real Estate, Attorney/ Client Consultation, and Contractual. The motion was seconded by Councilman Massey and passed with a unanimous vote.

After Town 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 Councilman Massey and passed with a unanimous vote.

Mayor Foster asked for a motion to go back into Regular Session. Mayor Pro Tem Gwynn made a motion to go back to into Regular Session. The motion was seconded by Councilman Massey and passed with a unanimous vote.

Mayor Foster stated that nothing was discussed during Closed Session that needed to be reported at this time.

**Item 16: Informal Discussion/ Public Comment** – Discussion & Comments must directly relate to agenda items

None

**Item 17: Adjournment**

Mayor Foster asked Town Council for a motion to adjourn the Town Council Meeting. After no further discussion, Councilman Tatum made a motion to adjourn the Town Council Meeting. Councilwoman Badgett-Lampkin seconded the motion that passed with a unanimous vote.

Brian Collie- Town Manager/Clerk and Kamara Graves-Town 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

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Brian Collie, Town Manager / Clerk

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Kamara Graves, Town Clerk