

**MINUTES  
YANCEYVILLE TOWN COUNCIL  
March 1<sup>st</sup>, 2016  
7:00 PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on March 1<sup>st</sup>, 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 asked Council for a motion to approve the agenda as presented including an amendment to add a closed session for personnel after agenda item 13. Mayor Pro Tem Gwynn made a motion to approve the agenda as presented including Mayor Foster's amendment to add a closed session for personnel discussion after agenda item 13. The motion was seconded by Councilwoman Badgett-Lampkin and passed with a unanimous vote.

**Item 3: Consent Agenda- February 2<sup>nd</sup>, 2016 Minutes**

Mayor Foster asked Council to review the minutes from the February 2<sup>nd</sup>, 2016 Town Council Meeting. After review Mayor Pro Tem Gwynn made a motion to adopt the consent agenda for February 2<sup>nd</sup>, 2016 as presented. The motion was seconded by Councilman Massey 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- Special Use Permit, Solar Facility**

Mayor Foster asked for a motion to go into public hearing for a solar facility special use permit application. Mayor Pro Tem Gwynn made a motion to go into public hearing for a solar facility special use permit application. The motion was seconded by Councilman Tatum and passed with a unanimous vote.

Manager Collie introduced the special use permit application to Council. He stated that the special use permit before Council was for a solar facility proposed to be located on tax map & parcel 0082. 016, owned by Richard M. J.R., & W.M., R. Johnston. He stated that the application was submitted to the town under consent from the property owners by Caswell Solar, LLC, operated through Cypress Creek Renewables. Manager Collie stated that the submitted application & site plan met the Town's solar facility special use permit requirements set forth in section 42-202 of the Town's code of ordinances. Manager Collie stated that Council needed to make sure that the special use requirements in section 42-202, and the requirements set forth in Sec. 42-201. Special use permits granted by town council on recommendation of planning board. He then stated that on February 17<sup>th</sup>, 2016 the Planning Board approved a recommendation for Town Council to deny the special use permit application for the proposed solar facility with a 4 to 1 vote. The motion stated that the Planning Board felt that the use would substantially injure the value of adjoining or abutting property, and that the location and character of the use, if developed according to the plan as submitted would not be in harmony with the area in which it is to be located and would not be in general conformity with the plan of development of the city and its environs. Manager Collie stated that Council had been provided with a preliminary site plan of the proposed project and that a large scaled site plan was present and available for everyone's review. Manager Collie then stated that several representatives from Caswell Solar, LLC, were present and would possibly like to address Council during the public hearing.

Mayor Foster asked if anyone else would like to speak during the public hearing. Attorney Beth Trahos representing the submitted special use permit application from Caswell Solar approached Council and provided everyone with a packet of information including 3 affidavits from individuals representing for Caswell Solar. Ms. Trahos provided a summary of the project and stated that it met all of the town's zoning requirements. After Mrs. Trahos spoke Cypress Creek Renewables site developer, Richard Moretz came before Council, followed by licensed real estate appraiser, Richard Kirkland, owner of Kirkland Appraisals, LLC, and licensed electrical contractor, Chris Sandifer, PE. Each individual went over their purpose in the project and provided information to Council about the project going over the application and site plan. Each

representative stated that the proposed solar facility met all of the Town's requirements set forth in the Town's zoning ordinance and they answered all of Council's and staff's questions.

During the public hearing 3 citizens came before Council to address concerns. Both Mark & Chip Atwater came before Council and both stated that they were concerned with the location of the proposed solar farm. They both stated that due to its proposed location in the middle of Town that it would be an eyesore to the community. Property owner of the proposed development site, Russel Johnston came before Council and stated that he felt the proposed application met the Town's requirements and that it would be a benefit to the Town's tax base. He also presented a letter from State Employees Credit Union employee, Thomas Thompson that stated the Credit Union was ok with the proposed adjoin use.

During Caswell Solar's presentation several questions and concerns were brought up by Council and staff. Those included screening, surrounding property value effects, the uses general conformity with the surrounding area, output from the proposed facility, life expectancy, state tax dollar changes for the solar industry, radiation studies and safety of the proposed use, and proposed value of the proposed facility.

After lengthy discussion Mayor Foster asked for a motion to come out of Public Hearing. Mayor Pro Tem Gwynn made a motion for Council to come out of Public Hearing. The motion was seconded by Councilman Tatum and passed with a unanimous vote. Mayor Foster stated that he felt Council should continue the Public Hearing until Council's April meeting so that they all could "digest" the information submitted at tonight's meeting. Mayor Pro Tem Gwynn made a motion to continue the public hearing until the Town Council meeting in April. The motion was seconded by Councilman Massey and passed with a unanimous vote.

#### **Item 6: Economic Developer Position Discussion- Mayor Foster**

Mayor Foster spoke as the Chairman of the Economic Development Commission stating that the EDC has an approved a motion to seek funding for an economic development department. He stated that the approved motion for the department seeks 55.5% funding from PCC to aid in their small business program initiatives and 45.5% from the County to aid in our lack of economic development. The County Commissioners have requested that the Town of Yanceyville consider allocating funds to go towards the County's portion that would in turn benefit the Town. The County's estimated portion is \$85,700.

He stated that manager Collie came up with 2 possible ways to consider the Town's funded amount, one estimated by population which would be

approximately \$7,451.80 and the other estimated by square miles which would be roughly \$1,113.33.

Mayor Foster stated that he felt the estimation by population would be the better route to go if Council chooses to fund the initiative. After Council discussion Mayor Pro Tem Gwynn made a motion to approve funding to the proposed economic development department by estimation of population being approximately \$7,451.80 annually. The motion was seconded by Councilwoman Badgett-Lampkin and passed with a 4 to 1 vote. Councilman Tatum voting no.

#### **Item 7: Hwy 62 South, Water Service Replacement**

Manager Collie presented a site map and cost estimate to replace water services to 15 customers along Hwy 62 South. He stated that the current water line is very old and is now located under the highway. He said that in the past couple years the line has broken causing leaks that are costly to repair. He stated that he would like to spend funds from the Town's enterprise capital improvement fund to fix the problem so that we don't continue wasting money repairing a very old line.

Council agreed that it was a needed improvement as long as the funds were there. Manager Collie stated that they were. Mayor Pro Tem Gwynn then made a motion to approve the funds to execute the project as presented. The motion was seconded by Councilman Massey and passed with a unanimous vote.

#### **Item 8: Franchise Agreement- PSNC Energy**

Manager Collie presented a proposed 30 year franchise agreement from gas company PSNC Energy to replace the 30 year agreement that runs out this year. He stated that the terms are basically the same as before but that it needs to be readopted. He stated that the Town cannot charge franchise fees to gas companies under general statute. After review a couple of minor errors were spotted within the agreement that PSNC would need to change so Council requested that it come back before them at the next Council meeting.

#### **Item 9: State Library of North Carolina (LSTA) EZ Planning Grant-PCC**

Manager Collie stated Piedmont Community College (PCC) would like to partner with The Caswell Council for the Arts, as the owner of many Caswell County art collections, to apply for a one-year State Library of North Carolina (LSTA) EZ Planning Grant (up to \$50,000 and due February 26). He stated that the funding would be used to assess archival

and special collections in Caswell and Person Counties and prepare to apply in 2017 for a LSTA EZ Digitization Grant (up to \$50,000). This second grant(2017) would allow PCC to assist our partners to digitally preserve selected records and special collections of Person County and Caswell County and make them available online. .

He stated that he was contacted to see if the Town wanted to be included in the grant so that the Town's museum could be digitally archived as well. Manager Collie said that he doesn't see a downside and that it would be beneficial to have the Towns art assets included.

After discussion Councilwoman Badgett-Lampkin made a motion for the Town to endorse the grant application presented. The motion was seconded by Councilman Massey and passed with a unanimous vote.

#### **Item 10: Wireless Attachment Agreement- Duke Energy Progress**

Manager Collie presented on a draft wireless attachment agreement with Duke Energy Progress. He stated that he was contacted by the company because they do not have on record an attachment agreement for the Town to have their Wi-Fi antennas on their power poles. Manager Collie stated that he did some research and concluded that at the time the Town started the Wi-Fi project the poles were still owned by Progress Energy and that he found an approved signed agreement from the Town but it did not include Progress Energy's required signatures. He stated that he was in communication with Duke Progress Energy on the matter but that they have not gotten back to him on whether or not they have the previously signed agreement. He stated that regardless of the company being sold the agreement if it was executed properly should still stand. He recommended tabling approval until Duke Energy Progress responds on the issue.

Mayor Pro Tem Gwynn made a motion to table the agreement discussion until Council's April meeting. The motion was seconded by Councilman Massey and passed with a unanimous vote.

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

Mayor Foster stated that he had previously spoken with Mayor Pro Tem Gwynn and that he said that they both agree to head the efforts in scheduling the First Friday events as they did the previous year.

He stated that he looked forward to having some good bands come to perform and requested that the Town extend it a month longer than usual into from May until October. Council all agreed to both request.

### **Item 12: Town Attorney Report**

Town Attorney Lee Farmer presented a resolution for the Town to take ownership of the Yanceyville Methodist Church cemetery as previously discussed. He said that the church has dissolved and that the last remaining members approached the Town about taking the cemetery over by the transferring of deed and conveyance of the church's cemetery fund of approximately \$75,000 to a community fund in trust. He said that the fund would annually disburse funds for cemetery maintenance to the Town. Mr. Farmer stated that it will eventually become the Town's problem whether Council agrees to take the property or not but that if we do it now at least we would have funding to be able to maintain it rather than having to come out of pocket.

Mayor Foster asked about the sale of the parsonage. Mr. Farmer went over the endowment fund disbursement that included the parsonage. Manager Collie asked approximately what the annual disbursement would be. Mr. Farmer stated that in the past year it was 4.5%. After discussion Mayor Pro Tem Gwynn made a motion to approve the resolution as submitted. The motion was seconded by Councilman Massey and passed with a unanimous vote.

Attorney Farmer then updated Council that the demolished "Duggar" property on West Main St. was now owned by the Town and that he is setting up the sale of the property through the court system for the following weeks.

### **Item 13: Town Manager Report**

Manager Collie stated that he would like to fund some cleanup efforts to the town property off West Church St. & First Ave. He said that this was property acquired during the 2008 CDBG project and is a drainage area but has a house foundation and several fallen trees that need to be removed. Council agreed to proceed with the clean-up.

He then stated that he would like to add 3 to 4 street lights around "Ford Building" property currently owned by the Town that resemble the current ornamental lights the Town has around surrounding property's. He stated that each light is an additional \$25 a month. After discussion Mayor Pro Tem made a motion to proceed with getting the lights. The motion was seconded by Councilman Massey and passed with a unanimous vote. Mr. Collie stated he would bring the agreement back before Council was it was received from Duke Progress Energy.

**Item 14: Closed Session- Pursuant to G.S. 143-318.11- Personnel**

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 Tatum 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 15: Informal Discussion/Public Comment- Discussion & Comments must directly relate to agenda items**

Mrs. Ruby Graves and Mrs. Monroe complimented Council on the stance they took concerning the solar facility special use permit application and both said that it is not a good location for a solar farm.

**Item 16: Adjournment**

After no further discussion Councilman Tatum made a motion to adjourn. Councilwoman Badgett-Lampkin 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

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Brian Collie, Town Clerk

Yanceyville Town Council  
Meeting March 1<sup>st</sup>, 2016