

**MINUTES
YANCEYVILLE TOWN COUNCIL
December 2, 2014
7:00 PM**

The meeting of the Town Council was held in the Council Chambers at the Yanceyville Municipal Services Building on December 2, 2014 at 7:00 PM.

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

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

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 also reviewed the statement of Rules and Procedures.

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

Mrs. Odessa Gwynn asked to add an agenda item for “vehicle tax”. Mayor Pro Tem Foster said that they could add that as item 9 and then bump items after that up one. Mr. Keith Tatum made a motion to adopt the agenda with the referenced amendment. The motion was seconded by Mr. Brian Massey and passed with a unanimous vote.

Item 3: Consent Agenda

Mayor Pro-Tem Foster asked Council to review the minutes from November 11, 2014. After review Mrs. Gwynn made a motion to adopt as presented. The motion was seconded by Mr. Keith Tatum and passed with a unanimous vote.

Item 4: Public Comment

Ms. Margie Badgett-Lampkin addressed Council during public comments asking when Council plans on appointing someone to the vacant seat. She said that she knows there are various rules and regulations at the state level and that Yanceyville’s charter states we should have a 5 member Council.

Mr. Albert Tardy addressed Council stating that for time’s sake he would just like to conquer with Mrs. Badgett-Lampkin’s previous statements.

Item 5: Budget Amendment I

Mr. Collie read the Budget Amendment stating that it is to amend the General Fund Budget Ordinance, the expenditures are to be changed by increasing the Yanceyville Building Fund line item by \$20,000 that was in the previous year's budget but not spent. And to increase the Brown Property Loan line item by \$143,500 for the payoff of that property that was approved in the prior month. He said this will result in a net increase of \$163,500.00 in the expenditures of the General Fund Budget.

Mr. Collie stated that then we must amend the General Fund Budget Ordinance, the revenues are to be changed by increasing the Yanceyville Fire Department line item under NC Funding \$20,000 and \$143,500 for the Brown Property from savings. He stated this will result in a net increase of \$163,500.00 in revenues in the General Fund Budget.

Mr. Collie then stated we needed to amend the Enterprise Fund Budget Ordinance to increase the Emergency Water Line item by \$923,920 and the CWSRF Grant line item by \$20,000. He said this will result in a net increase of \$943,920.00 in the expenditures of the Enterprise Fund Budget. He then stated the Enterprise Fund Budget Ordinance revenues would need to be changed to reflect the \$943,920 in expenditures.

After discussion Mr. Keith Tatum made a motion to accept the amendment as presented. The motion was seconded by Mr. Brian Massey and passed with a unanimous vote.

Item 6: Discussion of Council Vacancies

Mayor Pro Tem Foster opened the floor for discussion. Odessa referenced her discussion from the last Council meeting on the matter and agreed with the public comments from tonight. She felt that the seat has to be filled to adhere to the charters policy and State's statute and that Mr. Foster should move into the Mayor spot and then fill his vacant seat with the people's opinion from the last election. Mr. Tatum said that he still stands with his comments that were published in the paper and that the position should remain unfilled until the next election. Mr. Massey agreed with Mr. Tatum and said that he feels that the people should vote on who feels that position, not Town Council. He said it is a privilege to serve and he thinks the seat should be filled through an election. Mayor Pro Tem Foster once again stated that it doesn't matter to him which seat he holds whether it remain as Mayor Pro Tem or Mayor. Mrs. Gwynn asked Mr. Massey what he meant by having it decided by an election, because having another election would be expensive. Mr. Massey then referenced Mr. Tatum's father when he passed away when serving on Council. Stating that Council did not fill the seat at that time and waited to the next

election to fill the seat. He said he doesn't want to use the previous election and that he doesn't mean anything against the previous elections candidates but the people should elect who goes in. Mrs. Gwynn and Mayor Pro Tem Foster both asked Mr. Massey is he wanting a special election to occur. Mr. Massey stated no and that he thinks we should wait to fill the seat with the next election in November 2015.

After further discussion Mrs. Gwynn made a motion to move Mr. Foster into the Mayor's seat. After no response Mayor Pro Tem Foster stated the motion fails with the lack of a second.

Mrs. Gwyn then made a motion to fill the Mayor's seat with the highest vote getter from the last mayoral election. Once again Mayor Pro Tem asked for a second then stated the motion failed with the lack of a second.

Item 7: Town Manager Report

Mr. Collie addressed the Council stating he had contacted Duke Energy Progress and met with a Mr. Jerry Carver 2 weeks ago concerning extending the Town's street lights around the block of where the Municipal Building is. Mr. Carver said that with the help of the Historical Society we could install nine more lights around Cole Street and Main Street. Seven lights will be going in from the Historical building back around to Town Hall building. Two lights will be added on the Historical property. He said the fence will need to be removed before we install those two lights, but Fred Smith informed me that the historical society had already planned on replacing the fence this year. He said so this would be the perfect time to install these lights. Mr. Carver said the Town of Yanceyville will need to reseed all property back and that here will be a construction cost added to bore under two sidewalks of \$ 425.86. He said the monthly cost for the nine lights will be \$224.19 per month. Mr. Collie said that if Council decides to have the lights installed there will be a ten year contract period on these new lights. Council agreed to put the approval of the lights on next month's agenda. Mr. Tatum asked Mr. Collie who pays for the lights and the maintenance. Mr. Collie stated Duke Progress Energy would.

Mr. Collie then stated that the LGC will be reviewing the Fire Department application tonight with hopeful approval and that he will inform Council when he hears back from them. He said that the LGC did address concerns from our audit this year in an attached letter. He said that he has responded and attached the response as well. He said it basically states that the Town has inadequate segregation of duties due to the small staff having many hats. This has been reported in the Town's audit for the past several years but the LGC has not addressed the issue directly until now. He stated that we will need to make some changes to stay in their good

graces and to be able to operate more efficiently and properly. Mayor Pro Tem Foster asked Mr. Collie to put the LGC's issues addressed in their letter on the agenda for next month.

Mr. Collie then stated that the fence surrounding the Municipal Building parking lot and property is in dire need of replacement. It is rotting and the bases along with several boards have already fallen which is making things look run down and bad. He said he would like to request that the Public Works Department remove the eyesore and in the future look into replacing it when monies allow. Mayor Pro Tem Foster asked Council if they agreed to remove the fence and Council agreed.

Mayor Pro Tem Foster stated that he asked Mr. Collie to make an amendment to the Water Policy and that he has done so and laid in front of everyone the policy with the requested amendments. Mr. Collie stated that the amendment is highlighted in red on pages 5 & 6. He said that with the amendments it will make it easier on customers to be able to pay their bill and easier on them in cases when water is unfortunately turned off. After discussion Mr. Tatum made a motion to adopt the Water/Sewer Policy amendment as presented. The motion was seconded by Mr. Massey and passed with a unanimous vote.

Item 8: Closed Session- Personnel

A motion was then made to go into closed session to address personnel issues by Mr. Massey. The motion was seconded by Mrs. Gwynn and passed with a unanimous vote.

After Council returned to the chambers from closed session Mrs. Gwynn made a motion to go out of closed session. The motion was seconded by Mr. Massey and passed with a unanimous vote.

Mrs. Gwynn then made a motion to go back into open session. The motion was seconded by Mr. Massey and passed with a unanimous vote.

Item 9: Vehicle Taxes- Mrs. Odessa Gwynn

Mrs. Gwynn said that she would like to discuss further the issues she found with past vehicle taxes not being correct for the Town. Mayor Pro Tem Foster said that Mr. Collie and he had separately talked with County Tax Director, Thomas Bernard this past week and that we were both told that he case was an isolated occurrence. He said that Mr. Bernard had said he checked a handful of other citizen's previous bills and that no other case was found where they were not collecting the proper amount. Mrs. Gwynn then asked if she was the only one. Mr. Collie stated that he wasn't sure but that Mr. Bernard had addressed the question of why the

past years collection amount was so much higher with 2 justifications. He said that before the NCDOT took over the collection of vehicle taxes that the Counties collection rate was around 83% and after it has been almost 100%. He then said that the last year's bill was during that transition period to the new system and that instead of the normal 12 month collection time table that the last years bills were for 18 months. Mrs. Gwynn once again went over her experience in finding out that she was being billed under the proper amount and how she was simply told that she got "lucky" and after requesting that she pay the correct amount she was sent a delinquent notice in which both cases did not sit well with her. Mrs. Gwynn stated that she felt Mr. Bernard's verbal response was not adequate and that she would like his response in writing. Mr. Collie stated that he would inform Mr. Bernard of the request along with the County Manager.

Item 10: Informal Discussion/Public Comment

Mayor Pro Tem Foster open the floor to discussion but stated that it had to reference items on tonight's agenda. Ms. Margie Badgett-Lampkin said we were a little fuzzy on explaining the vehicle tax discussion at first. Mayor Pro Tem Foster went back over the scenario from the beginning and explained in further detail.

Mr. Gilbert Anderson asked if County residents that have a P.O. Box in Town are currently being over charged. There was no answer.

Item 11: Adjournment

After no further discussion Mrs. Gwynn 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:

Alvin Foster, Mayor Pro Tem

Brian Collie, Town Clerk

Yanceyville Town Council
Meeting December 2, 2014