

MINUTES
YANCEYVILLE TOWN COUNCIL
June 3, 2014
7:00 PM

The Yanceyville Town Council held its regular monthly meeting at the Yanceyville Municipal Services Building on June 3, 2014 at 7:00 PM.

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

Staff: Brian Collie, Town Manager & Lee Farmer, Town Attorney

Item 1- Call To Order

Mayor Davis called the meeting to order at 7:00 PM. The meeting opened with silent prayer followed by the pledge of allegiance. The Mayor also reviewed the Statement of Rules and Procedures.

Item 2- Review and Adoption of Agenda-Mayor & Council

Mrs. Odessa Gwynn made a motion to adopt the agenda as presented. The motion was seconded by Mr. Alvin Foster and passed with a unanimous vote.

Item 3- Consent Agenda

Mayor Curtis Davis presented the consent agenda. After review from Council Mr. Alvin Foster made a motion to approve the minutes from Town Council's May 6, 2014 meeting. The motion was seconded by Mrs. Odessa Gwynn and passed with a unanimous vote.

Item 4- Public Comments

Ms. Kim Ayers came before Council and read a memo about the StrikeForce initiative which is an initiative through the USDA to get the word out on the services they offer to rural poverty stricken areas. Mrs. Ayers asked the Council if they would be willing to set a date for a Strikeforce meeting at Town Hall. Council asked Mrs. Ayers to get some information to Manager Collie.

Mr. James McCaden came before Council to ask why he wasn't given enough time to remove his belongings from 292 First Ave. before it was demolished. Mr. Collie responded by stating that he was sorry that Mr. McCaden did not get his property from the mentioned address. He said that the property was demolished with the 2008 CDBG grant funds and that the property owners, which did not include Mr. McCaden had signed an agreement and willingly wanted the structure demolished. Mr. Collie stated that he had personally talked with the property owners and that they stated that they had told Mr. McCaden who once rented the home that he was to remove all of his belongings over a year and a half ago. The property owners stated that there was nothing in the home that needed to be removed.

Mr. Gilbert Anderson from 106 Court Square came before Council making three different comments. He stated that it would be nice to have the Council agendas on the website prior to the

meeting for people to see. He also said he would like to see the minutes from previous meetings put on the website before the next meeting stating that even though they weren't adopted yet you could put a disclaimer stating that on them. His third comment was that he would like to see Council have a policy that would require Council meetings to be on a consistent schedule and time. He said he thinks these three things might help Town functions seem a little more transparent.

Mr. Albert Tardy came before Council to inquire why the Town decided to start back cutting the Historical Societies next door lot. He said that he remembered the previous Town Manager putting a stop to the Town cutting it. Mrs. Gwynn then talked about the Town refusing to mow the MBros park lot when it was requested by the non-profit. She said that she had asked Mr. Collie who requested the Town employees to start back cutting the Historical Societies lot. Mr. Collie stated that after last month's meeting he instructed the Public Works employees to stop cutting the lot and that he did not know the past encounters with the issue until recently. He said that he was negligent in allowing the Public Works employees to mow the lot because when they asked him if they could to make the downtown area look better for the upcoming Heritage Festival he said that they could.

Item 5- Public Hearing- 2008 CDBG Grant Closeout- Tony Patnode

Mrs. Gwynn made a motion to go into public hearing to discuss the 2008 CDBG Grant Closeout. The motion was seconded by Mr. Massey and passed with a unanimous vote. Mr. Tony Patnode with Hobbs and Upchurch came before Council to go over a memo that he had given Council and give a summary of the project. He said from the 2008 CDBG Community Revitalization Project the total amount funded was \$850,000 and that the Town had committed \$59,900 to the project. He said of the \$850,000 there was \$49,443.33 that were unexpended and that \$1,260.40 was that of the Town's commitment.

Mr. Patnode said that the project provided housing rehabilitation assistance for 5 dwellings, installed water main improvements along Church Street and First Avenue, flood and drainage improvements, and clearance of 3 vacant dwellings and 1 vacant mobile home. He said that the project originally encompassed a larger scope, which was reduced by funds received in two other projects which are now closed. He said that no additional time extensions can be granted and that remaining funds will be de-obligated and returned to the State's Grant Funding Pool.

4 different individuals from the public spoke during the public hearing which included Margie Badgett-Lampkin, James McCaden, Rachel McCaden, Kim Monroe, and Russell Canty. Their questions ranged from what exactly the funds consisted of, why certain homes were demolished that were once on the list to be rehabilitated, why the project was stopped and started so many times, why the Town Manager specifically stopped the project the second time, and if the Manager would report back to Council if he found out why 292 First Avenue was once supposed to be rehabilitated but eventually torn down. After a lengthy discussion on these topics it was deemed that the project did have some mishaps that stemmed from a previous employee of Hobbs and Upchurch that was the project administrator when the project started. Town Attorney Lee Farmer explained that due to what supposedly happened that a case was currently open against that individual and that details couldn't really be discussed. Mr. Collie agreed that he would try to look into the initial evaluation of the property at 292 First Avenue to see if it was indeed ever considered for rehabilitation.

A motion was made by Mr. Alvin Foster to go out of Public Hearing. The motion was seconded by Mr. Keith Tatum and passed with a unanimous vote.

Item 6- Review and Approval of Yanceyville Walkway Improvements Engineering Design Contract- Franz Holt

Mr. Collie stated that this contract is to secure Alley, Williams, Carmen, and King as our engineering designer for the Multi-use path project that extends from the Town Municipal building to the Maud Gatewood Park on Firetower Rd. The proposed contract is attached for your review. Mr. Franz Holt with Alley, Williams, Carmen, and King in attendance to go over the project contract with you.

Mr. Franz Holt then addressed the Council giving a summary of the project stating that it consist of both sidewalk (764 ft. at 5' wide concrete) and multi-use paths (2370 ft. of 10' paved) starting at North Avenue and going up Fire Tower road stopping at Maud Gatewood Park. He said that the total project was estimated at \$430,000 with \$250,000 of funds being given to the Town by NCDOT and the other \$180,000 coming out of the Town's Powell Bill fund. He then went over what would be Alley, Williams, Carmen, and King's responsibilities in the project stating an estimated fee of \$52,250.00.

Mr. Massey asked about how the path would cross Hwy 86 and exactly where the path started. Mr. Holt said that they would put crosswalk signs and all other required devices from the DOT into place. He then said that it would start where the current sidewalk stops on North Avenue. Mr. Tatum commented that it is obviously very expensive to build sidewalks and inquired about who would mow around it. Mr. Farmer stated that the Town would own the easements. After further discussion Mayor Davis asked if anyone else had any questions. Mr. Foster then made a motion to approve the contract as presented. Mr. Keith Tatum seconded the motion and it passed with a unanimous vote.

Item 7- Budget Ordinance Amendment III

Mr. Collie presented budget amendment III for fiscal year 2013-2014 stating that due to some unforeseen circumstances, mainly the reemergence of the 2008 CDBG grant funds, some items needed to be moved around and adjusted in the budget before the end of the year. He said that we needed to amend the general fund by decreasing the expenditures under general government by \$2,853.92 and the capital improvement plan by \$19,309.94 while increasing the CDBG 2008 grant match by \$35,000 which would result in a net increase of \$12,836.14 in general fund expenditures. He then said that we needed to amend the special revenue fund revenues and expenditures for the CDBG 2008 grant by \$54,000.

After discussion Mrs. Gwynn made a motion to approve budget amendment III as presented. The motion was seconded by Mr. Alvin Foster and passed with a unanimous vote.

Item 8- Town Attorney Memos for Council Review- Lee Farmer

Town Attorney, Lee Farmer came before Council to present a memo on the proposed Town of Yanceyville Fire Station expansion project and Council meeting procedure and decorum. He said that during preliminary discussions, many suggestions have been made concerning possible

funding sources and construction methods. He said the three available funding options are self-funding by the Town, government funding by financing, or conventional funding by bank financing. He stated that the LGC strongly suggest that the Town consider funding with RDA or a private bank to preserve our fund balance. After discussion Mr. Farmer said that Council also needs to consider which construction method we will use for this project. He said the three available options are formal bidding, design build contracting, or design-build bridging contracting. Mr. Farmer said he had enclosed a memo from the School of Government concerning these construction methods.

Mr. Farmer then presented a memo that stated after observing the April and May regular meetings of the Yanceyville Town Council, he believes it is very important for the members of the Council to review the adopted August 6, 2013 meeting rules and procedures for the Town of Yanceyville. He said as a governing board, it is critical that all meetings be governed in a standard and efficient manner. He said he had attached rules developed by the School of Government that are used exclusively by municipal and county boards throughout North Carolina. He then said he had also enclosed an article prepared by Frayda Bluestein of the School of Government concerning the issue of individual member recordings of closed sessions. He noted that no N.C. statute creates or gives members a right to individually record a closed session and that such recording could expose the member and the Town to various possible legal claims or liability.

Item 9- Town Manager Report

Town Manager Brian Collie then read his managers' report stating that Mrs. Carolyn Payne our current Finance Officer of 11 and ½ years has submitted her letter of retirement set for August 29, 2014. He said he wanted to inform Council of this and to let everyone know that I will begin the process immediately to advertise the job in hopes of hiring someone for the position before Mrs. Payne retires so that she can help transition that person into the job.

He stated he wanted to make everyone aware of a provision in SB786—Regulatory Reform Act of 2014 that could potentially undo the water supply reclassification you all most recently secured (the EMC voted on it in January 2013). The pertinent provision in the bill is in Section 3.4, entitled "water supply watershed classifications." As outlined in the bill, this new procedure would force the EMC to renege on its previous decision to reclassify the waters. Further, local governments that implemented related water supply watershed ordinances pursuant to that reclassification would be required to repeal those protective ordinances. He also wanted to make the Council aware that on July 15th the Board of Elections will be using the Town Municipal Building once again to hold the 2014 second primary election.

Mr. Collie said that on May, 29th we signed all documentation with BB&T to close on the emergency water line project. Funding of the bond anticipation note has been confirmed, the bond counsel opinion is released, and this financing is officially "closed." At this time we are ready to begin construction as soon as the project administrators get everything in order. He said that soil borings and required environmental testing has been approved and will start next week at the site of the Fire Department expansion. This is to ensure proper soil compaction and that the soil does not have any past residual contamination from previous uses. These are preliminary test that should be done to avoid unforeseen cost during construction.

Mr. Collie then said that he had recently been made aware that our public works all-terrain vehicle (John Deere Gator) that was purchased last year to be used for Town work purposes cannot be

driven on Town streets or right of ways. This is contrary to the previous Town Managers assumptions that we could after advice before purchase from the State Highway Patrol. Senator Woodard found out about our need and has drafted a bill that would allow us to be included in a list with several other towns, cities, and counties under G.S. 20-171.24 that would allow us to use it for its intended purpose. I have attached the proposed bill just to keep Council informed.

Item 10- Adjournment

Mayor Davis asked Council if we could reconvene this meeting until 7:00 p.m. on June 10, 2014 to continue discussion of the memo Town Attorney Lee Farmer provided concerning the Fire Department expansion. Mayor Davis then made the motion to reconvene the meeting until June 10th, 2014 at 7:00 p.m. Mr. Foster and Mr. Tatum seconded the motion. The motion passed with a unanimous vote.

Brian Collie, Town Manager, 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:

Curtis E. Davis, Mayor

Brian S. Collie, Town Clerk