

TOWN OF LA GRANGE, NORTH CAROLINA

TOWN COUNCIL AGENDA



May 7, 2018
6:00 PM



TOWN OF LA GRANGE TOWN COUNCIL

AGENDA OUTLINE May 7, 2018

1. **Call to Order** **Mayor Gurley**
2. **Opening Prayer**
3. **Welcome**
4. **Public Hearings** **Mayor Gurley**
5. **Board of Adjustments - None**
6. **Public Comment Period** **Mayor Gurley**
7. **Amendments to and Approval of the Agenda** **Town Manager**
8. **Consent Agenda**
 - a. Approval of Minutes
 - i. Regular Session Minutes April 9, 2018
9. **New Business & Presentations** **Town Manager**
 - a. Consider Approval of Ordinance authorizing alcohol sales in the Town's Jurisdiction from 10:00am-12:00 noon (Brunch Bill).
 - b. Approval of Use of Community Park by the Missionary Baptist Church.
10. **Unfinished Business**
 - a. Update on the New Wells and Aboveground Storage Tank Project.
 - b. Update on the Wastewater Collection System Project.
 - c. Update on the Lenoir County 800 MHz radio system/equipment.
11. **Financial Report** – Year to Date Budget Information
12. **Closed Session**
13. **Council Member Comments/Concerns**

14. Adjournment



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 4

PUBLIC HEARINGS

As established by the Town Council during the February 25, 2006 Work Session, a Public Hearing period has been established and incorporated into the Regular Meeting Agenda. There are no Public Hearings scheduled for this evening.



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ITEM # 5

BOARD OF ADJUSTMENTS

There are no cases to be heard by the Board of Adjustments this evening.

RECOMMENDATION: N/A



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ITEM # 6

PUBLIC COMMENT PERIOD

As established by Council Action, the public has a designated time period during the Town Council's Regular Council meeting each month to address the council regarding items not included on the printed agenda.

All comments are subject to the "Public Comment Policy". The Council allotted time for up to five (5) citizens to address the council for up to 3 minutes each. Citizens **are required** to sign in with the Town Clerk between 5:45 and 6:00 on the night of the council's regularly scheduled meeting. A response from the Council or Town staff is **not** required during the Council Meeting.

RECOMMENDATION: None.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 7

AMENDMENTS TO AND/OR APPROVAL OF AGENDA

At this time, the Town Manager will recommend that the agenda be approved as submitted or he may recommend the addition of item(s) or deletion of item(s) from the printed agenda to be addressed during the Council Meeting.

RECOMMENDATION: Approval of Agenda as Recommended by Town Manager during the meeting.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 8

CONSENT AGENDA

Attached for your review and consideration are items submitted for the consent agenda. These items, if the agenda is approved, will be handled with a single action of the Council. If for any reason, a member of the council wishes to move an item from the consent agenda to the Items for Discussion and Approval, it is an automatic process that places that item(s) at the end of the printed agenda to allow for a more detailed discussion of the item.

ITEMS SUBMITTED FOR CONSENT:

1. **Consent Agenda**
 - a. Approval of Minutes
 - i. Regular Session Minutes April 9, 2018

RECOMMENDATION: Approval of Items submitted for Consent.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 8A

APPROVAL OF MINUTES

Attached for your consideration and approval are the minutes for the meetings since the last regularly scheduled Council Meeting.

RECOMMENDATION: Approval of Minutes as submitted.

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on April 09, 2018, at 6 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members Clifton Harrison, Albert Gray, Larry Gladney and David Holmes; Town Manager, John P. Craft; Town Attorney, David M. Rief; Town Clerk, Wendy S. Morton, MMC

Absent: Veronica Lee

Guest: 8

Staff: Director of Planning, Inspections and Safety, Nathan Rhue

Sherriff Officer: Jerry Davis

ITEMS 1, 2, 3: CALL TO ORDER, PRAYER, WELCOME

Mayor Woodard H. Gurley called the meeting to order and asked Council Member Holmes to open the meeting with prayer. Mayor Gurley then gave a warm welcome to everyone.

Mayor Gurley turned the meeting over to the Director of Planning and Inspections; Nathan Rhue.

ITEM 4: PUBLIC HEARING

There is one Public Hearing scheduled for this evening.

ITEM 4A: TEXT AMENDMENT-COMMUNITY CONVENIENCE STORES

Nathan Rhue, Director of Planning and Inspections proposed a Text Amendment to Chapter 37 Zoning of the Town Code of Ordinances to allow Community Convenience Stores as Conditional Uses within the R-10 Zoning District.

Article 13: Development Standards for Specific Uses

Add: Section 13-24 "Community Convenience Store"

Add: Amend Article 11 Section 11-4 "Table of Uses by Districts" to include "Community Convenience Store" as Conditional Use within R-10 Zoning Districts.

Director of Planning and Inspections Nathan Rhue state a request generated from a citizen, Ms. Dorethea Branch of 111 Martin Luther King Drive, that had a long existing Community Convenience Store, within a R-10 District, had been in operation since 1948. The previous business ceased to operate in April, 2017 as utilities were disconnected and the previous owners closed the business.

Currently, the existing Zoning Ordinance states that a non-conforming use, made unlawful by regulations applied to the district on which the property is located, that ceases to be in operation for a period of 180 days (6 months) must conform to current regulations. The current ordinance does not specifically identify "Community Convenience Store", all classifications related to "retail sales/service" (i.e. bakeries, drug stores, food stores, general merchandise stores) are not listed as permitted uses within the R-10 District. This request is not intended to allow this type of use within residential structures but, as noted in the conditions of the request, to bring conformity to the ordinance by allowing such use within established commercial type structures that have been in operation within 24 months. Conditions are also noted that there would need to be a separation of 3,700 feet from other properties with similar uses, allow the sale of alcohol (upon approval of State Agencies) but no on-site consumption, and operation from 6am – 11pm 7 days/week.

This request was subject to the Planning Board's consideration on March 26th with no one being in attendance to speak against the request as submitted and this Public Hearing was advertised as Public Notice in the March 28th and April 4th editions of the Weekly Gazette.

Director of Planning and Inspections Nathan Rhue stated there will be two (2) sections.

Section 1. Amend the existing Article 13, Development Standards for Specific Uses, to add "Section 13-24-Community Convenience Store" as a Conditional Use within the R-10 Zoning District and to include the following minimum conditions:

- a. Permitted Zoning District: R-10 (Medium-Density Residential) as Conditional Use Only Minimum separation of 3,700 feet required from properties with similar commercial uses;
- b. Must be located within existing Commercial Structure in operation within 24 months of CUP request;
- c. Upon approval from applicable NC State agencies, sale of alcohol is permitted but on-site consumption shall not be allowed;
- d. Hours of operation will be no earlier than 6:00 am and no later than 11:00pm, 7 days/week.

Section 2. Amend the existing Article 11 Section 11-4, Table of Uses by Districts, to add "Community Convenience Store" as a Conditional Use within the R-10 (Medium-Density Residential) District.

Mayor Gurley declared the Public Hearing is now open.

No Public Comment was received.

Motion was made by Mayor Pro-Tem Wooten to close the Public Comment and seconded by Councilman Holmes. Motion carried unanimously.

With no objection by Town Council, Motion was made by Councilman Gray to approve Section 1 that Amends the existing Article 13, Development Standards for Specific Uses, to add Section 13-24 Community Convenience Store as a Conditional Use within the R-10 Zoning District with minimum conditions of permitted Zoning District R-10 (Medium-Density Residential) as Conditional Use Only Minimum separation of 3,700 feet required from properties with similar commercial uses; Must be located within existing Commercial Structure in operation within 24 months of CUP request; Upon approval from applicable NC State agencies, sale of alcohol is permitted but on-site consumption shall not be allowed; Hours of operation will be no earlier than 6:00 am and no later than 11:00pm, 7 days/week and Section 2 that Amends the existing Article 11 Section 11-4, Table of Uses by Districts, to add "Community Convenience Store" as a Conditional Use within the R-10 (Medium-Density Residential) District and seconded by Councilman Gladney. Motion carried unanimously. (Ordinance No. 2018-04-01 is hereto attached)

ITEM 5: BOARD OF ADJUSTMENTS

Director of Planning and Inspections Nathan Rhue stated there are two (2) Board of Adjustment cases to be heard this evening.

Before these cases could be heard, the board has to follow the quasi-judicial evidentiary procedures for each hearing.

Mayor Gurley turned the meeting over to the Town Attorney David Rief.

Attorney Rief stated to the Council that the parties to this case are entitled to an impartial board. A board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any board member have any partiality to disclose and recusal to offer?

Mayor Pro-Tem Wooten state that he would like to recuse himself from the Council and excused himself from the room.

Attorney Rief stated the parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may include site visits as well as conversations with parties, staff, or the general public. Does any board member have any site visits to disclose?

Council Members did not have any site visits to disclose.

Attorney Rief stated does any board member have any conversations or other communications to disclose?

Council Members had none.

Attorney Rief stated based on the disclosures we've heard from the board concerning partiality and ex parte communications, does any member of the board or any party to this matter have an objection to a board member's participation in this hearing?

No one had any objections to the board member's participation in this hearing.

Attorney Rief stated this hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases. The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve a witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony for: Case # CUP-2018-01, Applicant Dorethea Branch for Issuance of Conditional Use Permit in order to open and operate a Community Convenience Store within the existing structure located at 109 Martin Luther King Dr.

At this time Ms. Dorethea Branch, her son Dennis Branch and Director of Planning and Inspections Nathan Rhue were sworn in to give their testimony. Ms. Janet Wiggins Rouse affirmed her testimony.

ITEM 5A: CUP: COMMUNITY CONVENIENCE STORE; 109 MARTIN LUTHER KING DRIVE

Director of Planning and Inspections Nathan Rhue stated the first case # CUP-2018-01 is for applicant Dorethea Branch who is requesting a Conditional Use Permit in order to open and operate a Convenience Store within the existing structure located at 109 Martin Luther King Drive.

Director of Planning and Inspections Nathan Rhue state a request generated from a citizen, Ms. Dorethea Branch of 111 Martin Luther King Drive, that had a long existing Community Convenience Store, within a R-10 District, had been in operation since 1948. The previous business ceased to operate in April, 2017 as utilities were disconnected and the previous owners closed the business.

Currently, the existing Zoning Ordinance states that a non-conforming use, made unlawful by regulations applied to the district on which the property is located, that ceases to be in operation for a period of 180 days (6 months) must conform to current regulations. As a Conditional Use, Community Convenience stores are permitted within the R-10 Zoning District. As part of the use, the following conditions must be met for the request to be considered:

- a. Permitted Zoning District: R-10 (Medium-Density Residential) as Conditional Use Only Minimum separation of 3,700 feet required from properties with similar commercial uses;
- b. Must be located within existing Commercial Structure in operation within 24 months of CUP request;
- c. Upon approval from applicable NC State agencies, sale of alcohol is permitted but on-site consumption shall not be allowed;
- d. Hours of operation will be no earlier than 6:00 am and no later than 11:00pm, 7 days/week.

In addition to these listed, additional conditions exist as found in Section 4-4 of the Town's Zoning Ordinance, and the applicant has submitted explanations as to how those conditions are met:

- Is listed among conditional uses in the district for which application is made? Yes
- Is essential or desirable to the public convenience or welfare? The applicant states that this is essential to those in the vicinity of the property and an asset to the neighboring school as there is not a similar business in this area.
- Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare? Being as there is no similar business in the immediate are, the applicant believes this addition will benefit those not able to travel and have a positive effect on the surrounding districts.
- Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the

community? The applicant believes that due to the unavailability of transportation, it will have a positive impact and prove to be a benefit for those that attend the neighboring school.

- Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities? Yes. The property is provided with all Town utilities and services.
- Will have ingress and egress designed to minimize traffic congestion in the public streets? Yes. As noted on the aerial view of the property, adequate off-street parking is available for patrons.

No written objection was submitted for this request prior to this public hearing and no one objected during the Planning Board consideration.

Attorney Rief stated We now open the evidentiary hearing for Case # CUP-2018-01 in the name of Ms. Dorethea Branch. The applicant has requested a Conditional Use Permit to open and operate a Community Convenience Store, located at 109 Martin Luther King Drive.

Attorney Rief asked Ms. Branch to confirm that she was sworn in and to give her full name and address.

Ms. Dorethea Branch, owner stated that she was sworn in, gave her name Ms. Dorethea Branch and her address at 111 Martin Luther King Dr., La Grange, NC. She said in 1948 she and her husband opened the Community Convenience Store and she is wanting to re-open the business to be ran in a respectable manner. She then asked her son Dennis Branch to speak on her behalf.

Mr. Dennis Branch, son stated that he was sworn in, gave his name Dennis Branch and address in Raleigh, NC. He said that he was raised in La Grange at his mother's address at 111 Martin Luther King Dr., La Grange, NC his entire life until he moved to Raleigh. There is no other store on that end of La Grange and he thought it would be good for the citizens that lived on that side of town to be able to have this convenience in their neighborhood.

Council Member Gray asked if the tenants were going to be screened?

Mr. Branch stated they would have a way to screen the tenants. We have a new property manager to oversee the business.

Council Member Gladney asked if they already had a tenant?

Mr. Branch stated they did have a tenant and the property manager is waiting on the outcome of this meeting.

Council Member Holmes asked if the property manager has the authority to terminate the lease?

Mr. Branch stated that the property manager does have the authority to terminate the lease, and that he evicted the last tenants.

Janet W. Rouse stated that she affirmed her testimony, gave her name as Janet Wiggins Rouse and her address 603 W. Queen Street, La Grange, NC. She stated that the area does need some type of business and asked Council to consider the store to be reopened.

Attorney Rief asked if anyone had any closing arguments?

Mayor Gurley declares the Public Hearing opened.

Ms. Dorethea Branch stated people have asked her to reopen the store.

Council Member Gray stated the store had always been respectable.

Motion was made by Council Member Holmes to close the Public Hearing and seconded by Council Member Harrison. Motion carried unanimously.

Motion was made by Council Member Harrison to approve the Conditional Use Permit (CUP) to operate a Community Convenience Store at 109 Martin Luther King Drive and seconded by Council Member Holmes. Motion carried 4-0 with Mayor Pro-Tem Wooten's recusal.

Attorney Rief stated this is the second (2) Board of Adjustment meeting tonight and since everyone was here for the first meeting, he would not go over it again. This is still a quasi-judicial hearing.

At this time, we will administer the oath for all individuals who intend to provide witness testimony for: Case # CUP-2018-02, Applicant Emmitt Blount for Issuance of Conditional Use Permit in order to open and operate a Barber Shop within the existing structure located at 103 South Street.

At this time Mr. Emmitt Blount, Alfonza Blount, Carolyn Blount and Director of Planning and Inspections Nathan Rhue were sworn in to give their testimony. Ms. Janet Rouse affirmed her testimony.

Attorney Rief turned the meeting over to Director of Planning and Inspections Nathan Rhue.

ITEM 5B: CUP: BARBER SHOP: 103 SOUTH STREET

Director of Planning and Inspections Nathan Rhue stated the second case # CUP-2018-02 is for applicant Emmitt Blount who is requesting a Conditional Use Permit in

order to open and operate a Barber Shop within the existing structure located at 103 South Street.

Director of Planning and Inspections Nathan Rhue state a request generated from a citizen, Mr. Emmitt Blount of 103 South Street, to open and operate a Barber Shop within a structure located on his property of the same address.

Public notification was sent to property owners within 200 feet of the property in question and public notification was published in the Weekly Gazette on March 28th and April 4th editions.

This matter was also reviewed by the Town's Planning board on March 26th in order to determine if the submitted information was in line with requirements of the Town's Ordinances and was found complete after their consideration.

Mr. Blount has previously operated this business in the past in the same location both as an active barber and providing the existing booths (illustrated in the photos) for rent to other barbers and beauticians.

Currently, the existing Zoning Ordinance states that a non-conforming use, made unlawful by regulations applied to the district on which the property is located, that ceases to be in operation for a period of 180 days (6 months) must conform to current regulations. As a Conditional Use, Barber Shops are permitted within the R-5 Zoning District. Explanation of how conditions found in Section 4-4 of the Town's Zoning Ordinance will be met should be included for consideration. Being as Mr. Blount is limited in some aspects of life, I met with him, with his in-home assistant present, to consider these conditions and provide you with his answers:

- Is listed among conditional uses in the district for which application is made? Yes
- Is essential or desirable to the public convenience or welfare? Yes. Many individuals have asked Mr. Blount to open the business and several have asked about renting the booths found inside. Mr. Blount pointed out that there is really no place in La Grange to have your hair done. Individuals need to go to Kinston, Goldsboro, or Snow Hill for those services.
- Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare? Mr. Blount stated that he will have a great amount of assistance if this barber shop is able to operate. He has a number of family members and friends in the immediate area that have expressed their willingness to assist keep an eye on things. Mr. Blount is also proposing that the business will operate from 8am-8pm which would allow time for people to have their hair done but not hang around all night.
- Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the

community? None of the listed items exist in the surrounding area with the exception of the transportation system. Mr. Blount stated that he is aware that parking must not be allowed along the streets for an extended period of time and, at no time, will parking be allowed in the street.

- Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities? Yes. Town water, sewer, and electric services supply the building and trash collection is also provided by the Town.
- Will have ingress and egress designed to minimize traffic congestion in the public streets? Yes. Included is a site plan of the property.

No written objection was submitted for this request prior to this public hearing and no one objected during the Planning Board consideration.

Attorney Rief stated We now open the evidentiary hearing for Case # CUP-2018-02 in the name of Mr. Emmitt Blount. The applicant has requested a Conditional Use Permit to open and operate a Barber Shop within the existing structure located at 103 South Street.

Attorney Rief asked Mr. Blount to confirm that he was sworn in and to give his name and address.

Mr. Emmitt Blount owner stated he was sworn in, gave his name is Emmitt Blount and his address is 103 South Street.

Mr. Blount stated he was a Master Barber since 1965 and the owner of Emmitts Unisex Cut and Style Barber Shop. He would like to reopen the business for the extra money and to allow clients to work and give them an opportunity. He would allow for people to rent booths part-time for \$50.00 a week, full-time barber \$75.00 a week and full-time cosmetology \$75.00 a week.

Janet W. Rouse stated that she affirmed her testimony, gave her name as Janet Wiggins Rouse and her address 603 W. Queen Street, La Grange, NC. She stated she never heard any negative comment about the barber shop when it was open and asked Council to consider reopening the barber shop.

Motion was made by Council Member Harrison to close the Public Hearing and seconded by Council Member Holmes. Motion carried unanimously.

Motion was made by Council Member Harrison to approve the Conditional Use Permit Case # CUP-2018-02 to operate a Barber Shop at 103 South Street and seconded by Council Member Holmes. Motion carried 5-0.

ITEM 6: PUBLIC COMMENT

The Council allotted time for up to five (5) citizens to address the council for up to 3 minutes each and are required to sign in with the Town Clerk between 5:45 and 6:00 on the night of the council's regularly scheduled meeting. A response from the Council or Town staff is not required during the meeting.

(NONE)

Mayor Gurley turned the meeting over to Manager Craft.

ITEM 7: APPROVAL OF THE AGENDA

Manager Craft recommends approval of the agenda as submitted with the following deletion of Agenda Item 12; Closed Session, as it will not be necessary.

Motion was made by Council Member Holmes to approve the agenda as submitted with the deletion of Agenda Item 12 and seconded by Mayor Pro-Tem Wooten. Motion carried unanimously.

ITEM 8: APPROVAL OF CONSENT AGENDA

Manager Craft recommended approval of the consent agenda as submitted:

- A. Approval of the Minutes
 - 1. Regular Session Minutes; February 05, 2018
 - 2. Closed Session Minutes; February 05, 2018
- B. Approval of Resolution Re-Appointing Mr. John Miller and Ms. Penny Dawson as Members on the Planning Board
- C. Approval of a request by the Chamber of Commerce to utilize Community Park for 2018 "Spot Jams".

Motion was made by Council Member Harrison to approve the Consent Agenda which includes, Approval of the Regular Session Minutes for February 05, 2018, Approval of Closed Session Minutes for February 05, 2018, Approval of Resolution Re-Appointing Mr. John Miller and Ms. Penny Dawson as Members on the Planning Board and Approval of a Request by the Chamber of Commerce to utilize Community Park for 2018 "Spot Jams" and seconded by Council Member Gray. Motion carried unanimously. (Copy of Resolution No. 2018-04-433 Re-Appointing Mr. John Miller and Resolution No. 2018-04-434 Re-Appointing Ms. Penny Dawson as Members to Planning Board are hereto attached).

LA GRANGE TOWN COUNCIL – NEW BUSINESS

ITEM 9A: PRESENTATION OF DRAFT LENOIR COUNTY TRANSPORTATION PLAN

The North Carolina Department of Transportation (NCDOT), the Eastern Carolina Rural Planning Organization (RPO), and local officials from Lenoir County have developed a Comprehensive Transportation Plan (CTP) for Lenoir County. Since completing the draft document, representatives of that group are making presentations to local officials, the public, and will conduct public hearings to move toward the formal adoption of the CTP.

Andy Bailey gave a copy of his presentation and supporting documents are attached in a separate email for the Town Council's review and consideration. No Action Required.

ITEM 9B: DISCUSSION OF PROPOSED CHANGES TO THE LITTLE BALTIMORE INTERSECTION

- Recently the NC Department of Transportation held a Public Officials Meeting as well as a public meeting to receive Comments on proposed designs for changes to the East Washington & Little Baltimore Intersections to bring Highway 70 up to interstate standards.
- Three (3) potential designs were revealed at that time.

Manager Craft stated there were three (3) options originally and Director of Planning and Inspections Nathan Rhue and John Craft designed one as well for a fourth (4) option.

Manager Craft discussed each option with the Council Members and asked them to give him the option they thought would be the best option for the town.

After further discussion, Council Members chose Option 2 for the Manager Craft to send written comments to NCDOT for consideration as NCDOT develops final plans for the Little Baltimore Intersection. No Motion Needed.

ITEM 9C: PRELIMINARY BUDGET DISCUSSION

Annually in April, the Town Manager requests the Councils input as to budget priorities for the upcoming budget. Primarily, the Manager needs to know if the Council desires to implement any new programs or services that would need to be funded in the upcoming budget.

Also, as in years past the Town Manager researches the changes in the CPI which has historically served as the basis for Cost of Living Increases (COLA) for the Town Employees and Town Council Salaries. This year, the Manager determined that the CPI. As determined by the United States Department of Labor Bureau of Labor Statistics, increased by 2.2% for the past 12 months ending in February 2018 (the latest information available). Based on this fact, the Town Manager is

recommending that the Town Council approve a COLA increase for all employees of 2.2%.

Manager Craft has also evaluated the equipment replacement plan and recommends that the Town Council approve the following scheduled purchases/payments or changes to existing plan:

- Purchase a Police Patrol Vehicle (one to be purchased annually)
- Make 2nd year (of 4) payment for second automated Garbage Truck
- Make 2nd year (of 4) payment for the Bucket Truck in the Electric Fund
- Make the 1st year (of 4) payment for Line Truck in the Electric Fund
- Postpone purchase of F250 Service vehicle (this vehicle was replaced after accident one year ago utilizing insurance proceeds)
- Postpone replacement of 72' Kubota zero turn mower until FY19-20
- \$50,000 Payment to Capital Reserve in the sewer fund for future purpose

Consider the Manager's Preliminary Budget Recommendation, which are:

- Maintain the current level of service, no new or changes to existing programs or services.
- Include a 2.2% Cost of Living Adjustment for all Town Employees
- Amend the Equipment Replacement Plan as recommended which would be:
 - Purchase a Police Patrol Vehicle (one to be purchased annually)
 - Make 2nd year (of 4) payment for second automated Garbage Truck
 - Make 2nd year (of 4) payment for the Bucket Truck in the Electric Fund
 - Make the 1st year (of 4) payment for Line Truck in the Electric Fund
 - Postpone purchase of F250 Service vehicle (this vehicle was replaced after accident one year ago utilizing insurance proceeds)
 - Postpone replacement of 72' Kubota zero turn mower until FY19-20
 - \$50,000 Payment to Capital Reserve in the sewer fund for future purpose

Mayor requests a motion to approve the Town Manager's Preliminary Budget recommendations to be included in the FY18-19 Municipal Budget.

Motion was made by Mayor Pro-Tem Wooten to approve the Preliminary Budget recommendations to be included in the FY18-19 Municipal Budget and seconded by Council Member Harrison. Motion carried unanimously.

ITEM 9D: DISCUSSION REGARDING 800 MHZ RADIO SYSTEM

Manager Craft stated Lenoir County promised the Town of La Grange the 800 MHz Radio Equipment if the Town of La Grange would spend \$800,000. The Town of La

Grange spend well over the amount of money that was asked and now Lenoir County is giving the 800 MHz Radio Equipment that was promised to the Town of La Grange to Jones County.

After further discussion, Manager Craft recommends that the Town Council direct the Town Manager to formally request that the Lenoir County Board of Commissioners:

- Provide all requested information to the Town Manager and Town Council as required by North Carolina General Statutes.
- Support the Town's desire to have the equipment that the County already has in its possession and was to be installed in 2016 finally be installed on the Seven Springs Viper Tower to improve the radio communications for the vast majority of western and southern Lenoir County for the safety of emergency personnel in the area.
- Have the County Manager and Emergency Services Director provide an answer as to where the equipment is and why it hasn't been installed already.

Motion was made by Council Member Holmes to direct Town Manager Craft to formally request that the Lenoir County Board of Commissioners provide all requested information to the Town Manager and Town Council as required by North Carolina General Statutes, support the Town's desire to have the equipment that the County already has in its possession and was to be installed in 2016 on the Seven Springs Viper Tower to improve the radio communications for the vast majority of western and southern Lenoir County for the safety of emergency personnel in the area, have the County Manager and Emergency Services Director provide an answer as to where the equipment is and seconded by Council Member Harrison. Motion carried unanimously.

Manager Craft asked Council if they would approve for Town Attorney Rief to prepare a demand letter to Lenoir County for release of Public Records on how much money was spent by Lenoir County on the 800 MHz Radio Equipment.

Motion was made by Council Member Holmes for Town Attorney Rief to prepare a demand letter to Lenoir County for release of Public Record on how much money was spent by Lenoir County on the 800 MHz Radio Equipment and seconded by Council Member Harrison. Motion carried unanimously.

ITEM 10A: UPDATE ON NEW WELL & ABOVE GROUND STORAGE TANK PROJECT

Manager Craft updated Council on the well project and above ground storage tank project, which involves two (2) new wells, and the addition of a 500,000 gallon above ground storage tank.

Manager Craft has identified two new well sites, and has negotiated the option and purchase of the land for the two (2) new sites.

Manager Craft stated the Town has received preliminary approval from the NCDENR Public Water Supply Section for both well sites. The Town has submitted its temporary permit renewal application with the NCDENR Division of Water Resources and anticipates approval of both sites, as well as the renewal of the Town's Temporary CCPCUA Permit on April 16th. The requested permit would enable the town to double its withdrawal (for a total of 197,100,000 GPY) from the surficial aquifer and enable the Town to meet withdrawal needs in the event that the town could no longer withdraw up to 75% (or 106,016,250 GPY) of its water from the Black Creek/Upper Cape Fear aquifer which is regulated under the rules of the Central Coastal Plain Capacity Use Area (CCPCUA) and will enable the town to meet current and future water needs with an annual capacity of 303,115,260 GPY.

The construction of the proposed water tank would be as follows:

- Increase finished water storage capacity to 1.2 million gallons, or approximately 4 days of finished storage.
- Should help mitigate/eliminate pressure issues that exist in the northeastern service area.
- Improve fire flows in all of the service area.

Updated cost projections from the Engineer for the project are as follows:

- 500,000-gallon tank:	\$1,900,000
- Well 7:	620,000
- Well 8:	<u>610,000</u>
- Total Estimated Project Cost:	\$3,130,000

Town will seek grant/loan funding from the State Revolving Fund as well as the USDA.

Additional notes:

- The Town currently has 1,494,359,537 gallons of water in its Cretaceous Water Bank.

Next Steps:

- Receive final approval from NCDENR Water Resources
- Have Town Attorney prepare options to purchase both properties
- Execution of Options

- Drill test wells on both properties to determine water quality and flow potential
- If test wells meet operational and water quality parameter, town will execute the options and purchase the properties; or will seek other sites.
- Complete designs for wells and tank
- Seek funding and Local Government Commission Approval for loan.
- Construction of wells and tank
- Place wells and tank in service

There was no questions or discussion and no motion was needed.

ITEM 10B: UPDATE ON WASTEWATER COLLECTION SYSTEM REHAB PROJECT

Manager Craft updated Town Council on the proposed project to rehab the Wastewater Collection System, stating the town has developed a sewer shed map to determine best locations to monitor flows to determine which area has the worst infiltration and inflow. After determining the worst area, further analysis will be done to enable the engineer to develop a scope of work, as well as plans and specification required to prepare a bid document.

There were no questions or discussion and no motion was needed.

ITEM 10C: UPDATE ON THE FORECLOSURE PROCESS FOR NONPAYMENT OF SPECIAL ASSESSMENTS

Town Attorney Rief updated the Council on the foreclosure process for nonpayment of Special Assessments on the following three (3) properties:

- | | |
|---|---------------------|
| - Perkins Property (West Washington Street) | Town Purchased |
| - Joyner Property (South Caswell Street) | Phillip Scott Grant |
| - Blizzard Property (South Caswell Street) | Town Purchased |

This will be final if there are no upset bids on Wednesday, April 11th.

There were no questions or discussion and no motion was needed.

ITEM 11: FINANCIAL REPORT

At the Manager’s request, the Financial Director has included Year to Date Budget information to the Council in an effort to keep the Council informed as to the status of the Town’s finances. This information will be provided monthly with no formal presentation. The Manager and Finance Director will answer any questions that the council has regarding the information provided.

ITEM 12: CLOSED SESSION

None

ITEM 13: COUNCIL MEMBER COMMENTS AND CONCERNS

During the August 5, 2013 Council Meeting, the Council directed the Manager to include an opportunity for Council Members to make comments or express concerns on items not on the Agenda at the end of each Council Meeting.

As directed, Council Members will be recognized and provided an opportunity to speak about issues or items not included on the Agenda.

With no further business, Motion was made by Mayor Pro-Tem Wooten and seconded by Council Member Holmes to adjourn the meeting at 8:58 pm.

Wendy S. Morton, MMC, Town Clerk

Mayor, Woodard H. Gurley



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 9A

CONSIDER APPROVAL OF ORDINANCE AUTHORIZING ALCOHOL SALES IN THE TOWN'S JURISDICTION FROM 10:00 AM – 12:00 NOON ON SUNDAYS

Jessica Edwin of the NC Retail Merchants Association, the manager at Food Lion, the Manager at the Speedway, and the owner of Traveler's have requested that the Town Council pass the attached Ordinance which would allow alcohol sales in the Town's jurisdiction from 10:00 am until 12:00 noon on Sundays.

On June 29, 2017, the North Carolina General Assembly passed what is commonly referred to as the "Brunch Bill" which allows counties and municipalities to pass local ordinances that would permit alcohol sales on Sundays from 10:00am until 12:00 noon provided that the establishment is located in the jurisdiction of La Grange and holds an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays. This bill was signed into law on June 30, 2017 by Governor Cooper.

Under the General Statutes, no voter referendum or public hearing is required, the only thing that is required is that the Council pass the attached resolution. Many of these establishments began selling alcohol when Lenoir County passed its ordinance, but in order to continue the practice, the Town must pass it. Once we became aware that they were selling before noon, we informed each that it was not legal to do so; and as far as we are aware, it no longer occurs.

Almost all of the businesses that sale alcohol have asked that the Council support the request and approve the ordinance to level the playing field with other establishments across the county.

<u>RECOMMENDATION:</u> Consider approval of Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises.
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TOWN OF LA GRANGE

203 South Center Street
La Grange, NC 28551
Office (252) 566-3186 • Fax (252) 566-2201

ORDINANCE NO. 2017- ____

An Ordinance To Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled “An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws”; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of La Grange, North Carolina that:

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the jurisdiction of La Grange and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

Section 2. All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

Section 3. This ordinance is effective on the 7th day of May, 2018.

Adopted by the La Grange Town Council this 7th day of May 2018 on the motion of Council Member _____ and second of Council Member _____.

Woodard H. Gurley, Mayor

Attest:

Wendy S. Morton, Town Clerk



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 9B

APPROVAL OF USE OF COMMUNITY PARK BY THE MISSIONARY BAPTIST CHURCH

Pastor John Wiggins of the Community Baptist Church has requested that the Town Council approve the use of Community Park on July 9th, 10th, and 11th. He has indicated that the event involves a group of churches that plan to perform some community services during that time frame. Part of what he indicated that they would be doing would consist of a community Bible School in the park, as well as holding a service in the park during the evenings of the 10th and 11th.

Mr. Wiggins is aware of the Town's requirement that they provide their own insurance (\$1,000,000 liability), with the Town being named as additionally insured. His insurance agent has made contact with the Town and will be providing proof of insurance.

RECOMMENDATION: Consider the Community Baptist Church's request to use Community Park on July 9th, 10th, and 11th.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 10A

UPDATE ON WELL & ABOVEGROUND STORAGE TANK PROJECT

The Town Manager will update the Town Council on the progress on the new well and aboveground storage tank project approved by the Town Council.

RECOMMENDATION: No Action Required – Informational Item only.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 10B

UPDATE ON WASTEWATER COLLECTIONS SYSTEM PROJECT

The Town Manager will update the Town Council on the progress on the Wastewater Collections System project approved by the Town Council.

RECOMMENDATION: No Action Required – Informational Item only.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 10C

DISCUSSION REGARDING THE LENOIR COUNTY 800 MHZ RADIO SYSTEM

The Town Manager will update the Town Council on the County's future plans to alter the 800 Mhz Radio System and to install repeater equipment in Jones County originally promised to La Grange.

RECOMMENDATION: No recommended action at this time.



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 12

FINANCIAL REPORT – YEAR TO DATE

As a matter of information, Town Staff is including a monthly financial report for the Town providing year to date information for the budget in an effort to keep the Council informed of the Budget on an ongoing basis. No formal report is planned, but staff will answer the Council's questions, should there be any.

RECOMMENDATION: No Action is Required - Informational Item Only.

Period Start Date
Period End Date

7/1/2017
4/30/2018

EXPENDITURES

Fund 10	Appropriated Amount	Exp. YTD	% Expended
General Government	\$ 74,302.00	\$ 44,611.72	60.04%
Administration	\$ 92,506.00	\$ 57,005.13	61.62%
Building Inspection	\$ 49,861.00	\$ 34,157.98	68.51%
Police	\$ 572,766.00	\$ 558,368.65	97.49%
Fire	\$ 40,650.00	\$ 33,875.00	83.33%
Street	\$ 294,728.00	\$ 219,758.56	74.56%
Powell Bill	\$ 91,525.00	\$ 41,474.55	45.31%
Sanitation	\$ 229,927.00	\$ 207,465.70	90.23%
Recreation	\$ 156,982.00	\$ 108,336.20	69.01%
Cemetery	\$ 64,603.00	\$ 51,122.10	79.13%
Library	\$ 17,300.00	\$ 11,375.98	65.76%
Council on Aging	\$ 2,850.00	\$ 2,622.62	92.02%
Scout Facility	\$ 2,650.00	\$ 1,174.07	44.30%

Fund 30	Appropriated Amount	Exp. YTD	% Expended
Water Department	\$ 245,749.00	\$ 166,769.31	67.86%
Water Supply	\$ 599,010.00	\$ 489,002.59	81.64%
Sewer Department	\$ 330,142.00	\$ 325,738.77	98.67%
Waste Water Collection	\$ 273,500.00	\$ 184,238.10	67.36%

Fund 40	Appropriated Amount	Exp. YTD	% Expended
Electric Department	\$ 3,565,915.00	\$ 2,971,857.57	83.34%

REVENUES

Fund 10	Appropriated Amount	YTD Rev.'s	% Collected
General Fund	\$ 1,691,050.00	\$ 1,461,938.86	86.45%

Fund 30	Appropriated Amount	YTD Rev.'s	% Collected
Water & Sewer Fund	\$ 1,448,401.00	\$ 1,227,091.33	84.72%

Fund 40	Appropriated Amount	YTD Rev.'s	% Collected
Electric Fund	\$ 3,565,915.00	\$ 3,323,699.54	93.21%



LA GRANGE TOWN COUNCIL AGENDA

ITEM # 13

CLOSED SESSION

I am requesting a closed session pursuant to N.C.G.S. § 143-318.11 (a) (3) (4) (6) for discussions related to expansion of an existing Business, personnel related matter, and other matters to preserve Attorney-Client Privilege.