

## REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on January 04, 2010, at 6 p.m. with the following present:

Mayor Woodard H. Gurley; Council Members Larry Gladney, Gregory Rouse, Clifton Harrison, David Holmes and Veronica Lee (Mayor Pro Tempore Bobby Wooten arrived at 6:45); Town Manager John P. Craft; Town Attorney, George Jenkins, Jr.; Deputy Town Clerk, Wendy S. Morton, CMC.

Guest: 4

### ITEMS 1, 2, 3: CALL TO ORDER, INVOCATION, WELCOME

Mayor Gurley called the meeting to order and asked Council Member Harrison to give the invocation. Mayor Gurley gave a welcome to all Council Members and guest.

### ITEM 4: PUBLIC HEARING

- a. A Public Hearing to Receive Public Comment on the proposed Update/Revision to Chapter 38, Zoning of the Town Code of Ordinances.

Town Planner Heith Harrison stated that the Zoning of the Town Code of Ordinance was outdated and needed to be more user friendly and brought into compliance with the North Carolina General Statutes. He then stated that Charles Halsall with the Division of Community Assistance was also here tonight. Mr. Halsall has been working with the Planning Board for the last year and Council Member Holmes was Chairman of the Planning Board at the time and that one of them should be able to answer any questions.

Mr. Harrison gave an overview on the 16 Articles as they had been updated for consistency and compliance with the North Carolina General Statutes. The 16 Articles are as follows:

- Article 1 – Discusses general provisions of the ordinance, addressing specifically the authority to enact the ordinance; Purpose and Intent; Jurisdiction; Date of Adoption; Relationship to Land Use Policy and Other Ordinances
- Article 2 – The Town's administrative structure regarding the zoning ordinance and the functions, rules, power and authority of: The Town Council; The Town Board of Adjustment; The Town Planning Board; The Town's Land Use Administrator
- Article 3 – Definitions. Definitions added are Electronic Gaming Operations; Adult and Sexually Oriented Business; Body Art and Tattoo Parlors
- Article 4 – Permits and Procedures for Obtaining the following: Zoning Permits, Condition/Special Use Permits; Temporary Use Permits; Certificates of Zoning Compliance
- Article 5 – Requirements and Procedure for: Appeals; Variances; Interpretation of Official Zoning Map; Board Action on Appeals and Variances
- Article 6 – Hearing Procedures and Notice Requirements for Appeals and Applications for: Variances; Conditional/Special Use Permits
- Article 7 – Enforcement and Review for: Complaints; Violations, Liability of Violations; Penalties; Permit Revocations; Judicial Reviews
- Article 8 – Nonconforming Uses and Building for: Vacant Lots; Occupied Lots; Open Lots; Structures; Reconstruction; Mobile Homes and Mobile Home Parks
- Article 9 – Amendments to the Text and Official Zoning Map for: Initiation of Amendments; Planning Board Considerations; Town Council Actions; Protest to Amendments
- Article 10 – Zoning Districts and Official Zoning Map for General Regulations as Written in Original Ordinance; Zoning Districts Established; Requirements Regarding the Official Zoning Map; Amendments to the Official Zoning Map

- Article 11 – Uses by Zoning District for: Permissible Uses and Specific Exclusions; Accessory Uses; Permissible Uses Not Requiring Permits; Table of Permitted Uses by District
- Article 12 – Dimension Requirements for: Minimum Lot Area; Minimum Width and Dept; Minimum Setback Requirements; Maximum Height Requirements
- Article 13 – Development Standard for Specific Uses: Accessory Buildings, Bed and Breakfast Operations; Communications Towers; Daycare Facilities; Duplex Conversions; Electronic Gaming Operations; Body Art and Tattoo Parlors; Adult and Sexually Oriented Businesses
- Article 14 – Signs
- Article 15 – Parking
- Article 16 – Buffering
- Article 17 – Reserved for Future Use
- Article 18 – Reserved for Future Use
- Article 19 – Reserved for Future Use

Mr. Harrison called for questions from the Council.

Council Member Gladney asked about the buffers for dumpsters.

Mr. Harrison stated they would have to put a buffer around the dumpster and that it is stated in the ordinance that they would need to do that.

Manager Craft stated that this provision would only pertain to future installations as well as any others that would be considered as nonconforming after such time that the business closed for six (6) months. This would not affect any existing businesses as currently written.

Mr. Harrison stated that those affected would have to use brick walls, wood fences, berms, light evergreen hedges, or any of the combination of them.

Mayor Gurley asked for any Public Comment from the audience. Being none, a motion was made by Council Member Gladney, seconded by Council Member Harrison to close Public Hearing. Motion carried 5-0.

**ITEM 5: BOARD OF ADJUSTMENTS**

None

**ITEM 6: PUBLIC COMMENT PERIOD**

No Public Comments were received.

**ITEM 7: AMENDMENT(S) TO AND APPROVAL OF THE AGENDA**

Manager Craft recommended the approval of the agenda as submitted. Motion was made by Council Member Gladney, seconded by Council Member Harrison to approval the agenda. Motion carried 5-0.

**ITEM 8: CONSENT AGENDA**

- a. Approval of Minutes
  - i. December 7, 2009 Regular Session Minutes
  - ii. Certification of the 2010 Fire Department Roster
  - iii. Approval of Slate of Officers for Fire Department

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the consent agenda. Motion carried 5-0 in favor of motion.

**ITEM 9A: APPROVAL OF ORDINANCE AMENDMENT REPLACING CHAPTER 38,  
ZONING OF THE TOWN CODE OF ORDINANCES**

Manager Craft stated that this is the time for any questions pertaining to the Zoning of the Town Code of Ordinances.

Council Member Harrison had a concern with shingles being put on single wide manufactured homes as well as the eave projection of 6”.

Manager Craft stated that in section 13 it states that roof material should be finished with a type of shingle that is commonly used in standard residential construction. The requirement for Class B Manufactured home could be amended but it would be correct terminology for Class A homes. After further discussion, Manager Craft suggested that the ordinance be amended to say that the roof is finished with a type of shingle or other roof covering that is commonly used in standard residential construction which would cover tin and other type coverings as well for Class B Manufactured homes.

Manager Craft stated that the eaves on the front and back would not have the projection but, that it probably does on the ends, which could also be amended.

Council Member Harrison stated if he were reading Article 9 correctly, the Town Board has the authority to change the Zoning Ordinance.

Manager Craft stated that Town Board does have the authority to change the Zoning Ordinance, or approve variances.

Council Member Harrison asked if the Town Board was in 100 percent agreement with granting a variance what would keep them from doing it.

Manager Craft stated that the General Statutes that enabled this board to grant variances has certain conditions in which need to be met before it can be granted. The Finding of Facts must be met in order to grant a variance. The enabling legislation by the State of North Carolina General Assembly that gives the Town Council the right to grant variances; and if they are not met, the Council would have acted inappropriately, which could be illegal, and overturned. Craft further stated that he would recommend that you don't do something illegal as long as he was aware of it and he trusted that our attorney would do the same thing. After further discussion, it was stated that a Zoning Ordinance could be amended by the majority of the Council.

Council Member Harrison stated section 13-17 Plan Unit Development this will only be in zoning areas R5 and R10. What would the purpose of this be to help bring in more low cost housing? Charles Halsall explained Planned Unit Developments citing examples of how they could be designed

Council Member Harrison asked what that would be in the development plan. Charles Halsall stated that the conditional use permit requires a site development plan. Manager Craft stated that is not something that could not be done without the town's approval. Manager Craft stated that it could be better to have several small houses on small lots you might have a smaller lot but you would have an area with some dedicated recreational space. But, again that would be something that would be brought to the Council for approval.

Manager Craft stated that Council Member Harrison had mentioned the roofing for Class B homes, and he thought that amendment would be in order and other than that, asked if there would there be any further recommended amendments to the ordinance and if the Council would like to consider adoption tonight or at a future meeting.

Council Member Holmes made a motion to accept the Planning Boards recommendation as amended to the roofing for Class B Manufactured homes, seconded by Council Member Rouse. Motion carried 5-0.

**ITEM 9B: APPROVAL OF ORDINANCE AMENDMENT THAT REPLACES THE EXISTING "OFFICIAL ZONING MAP" WITH THE UPDATED/REVISED**

Manager Craft stated that this is basically the same discussion except that this involved the zoning map. The only difference in the zoning map that we are recommending for approval tonight is that it is an electronic copy as opposed to a copy that we had prepared by a surveyor/draftsman. This would become more of a living document that would be amended and placed on our website as opposed to the one we currently have that is costly and difficult to amend. There are no changes to the Zoning of any parcels on the map at this time.

Motion was made by Council Member Harrison, seconded by Council Member Lee to approve the digital zoning map. Motion carried 5-0.

**ITEM 9C: INFORMATIONAL ITEM**

Manager Craft stated that Town offices will be closed on Monday, January 18, 2010 in observance of the Dr. Martin Luther King, Jr. Holiday and that the parade will be held at 2:00pm that day.

**ITEM 9D: ESTABLISH DATE FOR ANNUAL RETREAT**

Manager Craft stated that he would recommend Saturday, February 20, 2010 be established as the date for the annual retreat to be conducted at Town Hall in the Town Council Chambers to begin at 9:00 am.

Motion was made by Council Member Gladney, seconded by Council Member Holmes to have the annual retreat Saturday, February 20, 2010 at Town Hall in the Council Chambers at 9:00 am.

**ITEM 10A: UPDATE ON SPRAYGROUND & PARTF**

Manager Craft stated that we have a couple of updates. The equipment has been ordered and we expect delivery of equipment inside the next 7-10 days. The Tennis Courts have already been demolished, the tree is down and anticipate construction to begin in early February and completion to open to our public by May 01, 2010.

Manager Craft stated that he has started the PARTF application and anticipated completion of Grant application by January 25, 2010. Applications are due by February 28, 2010. My intent is to submit it prior to January 31 which will enable us to have a review prior to the formal submission and if there are any discrepancies on our behalf they are suppose to notify us of those so that we can make amendments to the submission.

**ITEM 10B: UPDATE REGARDING SUTTON ACRES PHASE II**

Manager Craft stated that not a lot has changed since the last update. It was necessary to undercut and have additional stone installed in the roadways in order to have an acceptable base. The rainy and cold weather has prevented paving and we will need warmer weather to be able to pave to ensure that we have a quality job. The Town has completed all of the improvements that it was responsible for except for the lighting and all of the lights and poles are in and have been assembled.

Mayor Pro-Tem Wooten arrived at 6:45 p.m.

**ITEM 10C: AMR PROJECT UPDATE**

Manager Craft stated that residential and small commercial electric meters have been installed. Electric meters for Large Commercial will not be completed at this time due to cost of the 67 remaining was in excess of \$28,000. The 67 meters are on hold until we can get the cost back to reality.

Manager Craft stated that he had talked with Tyrone Morgan (Public Works Superintendent) and 1,450 meters have been installed and hope to complete the project before January 15<sup>th</sup>. The meter installations will be completed except for the 67 electric meters and the 2" water meters will not be changed.

Manager Craft stated that we were still working to integrate with Money Gram to be able to accept payments made at CVS Pharmacy or Wal-Mart. Online payment capability is up and running and probably the most important piece that I would like to talk with you tonight is finally I am able to tell you that we are ready to begin our pilot phase with the prepaid for all services, just for 5 customers to begin this week.

#### **ITEM 10D: UPDATE ON TOWN WEB SITE IMPROVEMENTS**

Manager Craft stated that we now have the website completed. There will be a 48 hour transition period before our website will appear. We will be able to keep our agenda, minutes, meeting notices, and any schedules that Tyrone may need to post.

#### **OTHER DISCUSSION:**

Council Member Gladney asked what the status was on the closing of the railroad crossings and paving of Railroad Streets. Manager Craft stated that we had received an executed contract about 45 days ago between Norfolk Southern Railroad, North Carolina Railroad, NCDOT and Town of La Grange which has finally all happened. Paving would not take place until the weather warmed up, probably in the spring or early summer.

#### **ITEM 11: CLOSED SESSION**

Motion was made by Council Member Gladney, seconded by Council Member Harrison to go into Closed Session as authorized by North Carolina General Statutes 143-318.11 (a) (4) (5). Motion carried 6-0 favor of motion.

#### **ITEM 12: ADJOURNMENT**

There being no further business, Mayor Gurley declared the meeting adjourned.

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Wendy S. Morton, CMC, Deputy Town Clerk

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Woodard H. Gurley, Mayor