

## REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on February 1, 2010, at 6 p.m. with the following present:

Mayor Pro Tem Bobby Wooten; Council Members Larry Gladney, Clifton Harrison, David S. Holmes, Veronica Lee and Gregory Rouse; Town Manager, John P. Craft; Town Attorney, George Jenkins, Jr.; Town Clerk, Nelda H. Johnson, CMC. (Note: Attorney Jenkins arrived at 6:05 p.m.)

Absent: Woodard H. Gurley, Mayor

Guest: 24

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

Mayor Pro Tem Wooten called the meeting to order and asked Council Member Lee to give the invocation. Mayor Pro Tem Wooten welcomed all guest.

### **ITEM 4: PUBLIC HEARINGS**

None

### **ITEM 5: BOARD OF ADJUSTMENT**

#### **ITEM 5A: CONDITIONAL USE PERMIT; BILLY THOMPSON, BLUE RIBBON**

Manager Craft stated that Billy Britt Thompson has made application to the Town to operate a bar/night club off of George Abbott Road on parcel #30403. The property is currently zoned HC (Highway Commercial) and was rezoned January 1971 which allows for such uses as conditional uses. Manager Craft further stated that the Council, as the Board of Adjustment, will be asked to consider the issuance of a Conditional Use Permit.

Heith Harrison, Code Enforcement Officer for the Town of La Grange, spoke stating that the applicant, Billy Britt Thompson, is the owner of the property. Mr. Harrison provided a map showing the location of the property and to the west Dirt's Cycle Shack is located and to the east of the property is Quality Machine and Welding. Mr. Thompson's property is approximately one acre in size, approximately 315 feet deep and 115 feet wide. In surrounding zoning districts, to the north of the property is a Commercial District and to the east and west is zoned HC and to the south is AR (Agricultural Residential). The property is currently a vacant lot and if approved Mr. Thompson proposes to construct a 50' x 100' metal building in which to house his business, which is known as "Blue Ribbon." Currently, Mr. Thompson owns the "Blue Ribbon Bar" which is in operation at 7799 Highway 70 East and is just outside the Town's Zoning Jurisdiction. The business provides on-premises alcohol sales, which he would have at the proposed location.

Mr. Harrison stated there was one negative aspect about the proposed location and that was George Abbott Road dead ends, one way in and one way out and that could be a safety issue. This is a private road which is part asphalt and part gravel.

Mr. Harrison stated that he recommends that the Board of Adjustment approve this request with the following conditions.

- Buffering to be required along the sides and rear property lines. Buffers are considered to be solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public.
- The parking lot shall have one parking space per every four (4) occupants. Each parking space shall be not less than 8½' x 18', exclusive of adequate egress and ingress drives, landscaping and maneuvering space. Specific requirement for

handicap parking would need to be addressed per Volume 11-C of the North Carolina Building Code.

- No external speakers for live entertainment or outdoor entertainment would be allowed.
- All external doors shall be closed, but not locked from the inside during business hours.
- All patron entrances will be well lit and clearly visible to patrons from the parking lot or the street.

Mr. Harrison stated that he had received a call from Sidney Wade, property owner in the area, and he expressed concern about the access to the property with one way in and one way out. Also the Pastor of the La Grange Church of God, Arnold Ball, expressed concern for the type of use that Mr. Thompson was requesting.

Manager Craft stated that if the Conditional Use Permit was to be approved he would certainly agree with Mr. Harrison on placing certain conditions on the permit. Manager Craft further stated that he and Mr. Harrison had different views on the recommendation and he would not recommend that the Conditional Use Permit be issued. The primary reason is because Mr. Thompson's operation would be detrimental to the values of surrounding properties; also, concerns of safety and the capacity of the road.

Manager Craft reminded everyone present that the Board of Adjustment is a quasi judicial proceeding and all testimony that is given is sworn under oath.

Mayor Pro Tem Wooten declared the Public Hearing open and asked all guest to stand that desired to give testimony.

Nelda H. Johnson, CMC, Town Clerk administered a sworn oath in unison to all persons desiring to speak.

Billy Britt Thompson, the applicant, was given the opportunity to speak first concerning his request.

Mr. Thompson stated that he wanted to move his bar to land that he owned so he would not have to pay rent on somebody else's building anymore. The land is currently vacant and is about one acre in size.

Donald Thompson, owner of Dirt's Cycle Shack, located west of Billy Thompson's property spoke in favor of the bar relocating close to his business. Mr. Thompson stated that a new business would be beneficial because people would be riding by on their bikes visiting the bar and increasing his business. Mr. Thompson further stated that it would definitely help his business and everyone else by bringing more sales tax.

Jay Alphin, owner of Quality Machine and Welding spoke against the applicant's request. Mr. Alphin stated that there would be no positive impact as far as his business is concerned. Mr. Alphin's main concern was the potential crime that could come from an increase in car and foot traffic placed on the 12 foot wide, two-lane road that had no outlet.

Rev. Arnold Ball, pastor of the Church of God, stated that the church is located near the proposed bar location, spoke against the applicant's request sighting safety concerns, and increase in traffic which could cause accidents on the small road. Rev. Ball stated that in addition to Sunday, the church has activities through the week and there are elderly men and women who come out nightly to participate in these activities. Rev. Ball further stated concerns about the overflow of traffic and the negative impact because of the size of the road.

Albert Lee Gray, a citizen at 108 East Boundary Street, spoke against the request stating that if this request was approved it would be opening the door for this type of business to come into the heart of La Grange and be around our churches and children.

Gladys Moye, 210 South Charles Street, a member of the Church of God, spoke against the request stating that she was against the sale of alcohol because of the problems it can cause.

There being no further testimony, motion was made by Council Member Harrison, seconded by Council Member Holmes to close the Public Hearing. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Holmes, seconded by Council Member Lee to deny the Conditional Use Permit request by Billy Britt Thompson.

Mayor Pro Tem Wooten called for discussion.

Council Member Holmes questioned about the Town receiving any type of revenue from the proposed business.

Manager Craft stated that the proposed location was located outside of the Town limits and the only potential source of revenue would be from future water services. No other services would be available from the Town.

After no further discussion, Mayor Pro Tem Wooten called for a vote. Motion to deny the Conditional Use Permit by Billy Britt Thompson carried 5-1 in favor of motion. Council Member Rouse voted against the motion.

#### **ITEM 6: PUBLIC COMMENT PERIOD**

None

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

Manager Craft recommended approval of the printed agenda with the addition of two items:

- ITEM 9D: A DISCUSSION RELATIVE TO UTILITY BILLS, AND CONSIDER RELIEF OF LATE PENALTIES AND RECONNECT PENALTIES
- ITEM 10E: PRESENTATION BY BEVERLY BROWN REGARDING CLIENT FIRST AND THEIR SERVICES OFFERED

Motion was made by Council Member Gladney, seconded by Council Member Holmes to approve the printed agenda and the two additions as listed. Motion carried 6-0 in favor of motion.

#### **ITEM 8: CONSENT AGENDA**

- a. Approval of Minutes
  - i. Regular Session Minutes, January 4, 2010

Motion was made by Council Member Harrison, seconded by Council Member Lee to approve the Consent Agenda. Motion carried 6-0 in favor of motion.

#### **ITEM 9: NEW BUSINESS**

##### **ITEM 9A: PRESENTATION OF FY 2008-2009 AUDIT BY PITTARD PERRY & CRONE**

Dean Horne, CPA, CVA, and President of the auditing firm Pittard Perry & Crone was present to formally present the FY 2008-2009 audit for the Town of La Grange.

Mr. Horne stated that the State of North Carolina is a party to the audit contract. A copy of the audit is presented to the Local Government Commission and the State Treasurer's office for their review before it can be presented to the public. The audit was accepted by the Commission and the Treasurer's office. The highest level of

opinion that an auditor can give is an unqualified opinion. There are two separate reports (1) The auditor's report on the basic financial information and (2) A report on adherence to government auditing standards and compliance with government accounting and reporting standards. Mr. Horne further stated that both of those reports are unqualified opinions.

Mr. Horne continued to review the FY 2008-2009 audit stating that the State of North Carolina requires a benchmark of 8% of the budget be in Fund Balance and the Town had 35% at the end of the fiscal year.

After Mr. Horne's review, motion was made by Council Member Gladney, seconded by Council Member Harrison to formally accept the FY 2008-2009 Town of La Grange audit as presented. Motion carried 6-0 in favor of motion. Copy on file in Clerk's office.

#### **ITEM 9B: DETERMINE AGENDA FOR ANNUAL RETREAT**

Manager Craft discussed with the Council the agenda for the Annual Retreat scheduled for Saturday, February 20, 2010 beginning at 9 a.m. Manager Craft recommended that the following items be included on the agenda:

- ✓ New Programs (if any) that the Council wants included in the FY 2010-2011 Budget
- ✓ Future Equipment Needs
- ✓ Christmas Decorations
- ✓ Staff Needs and Succession Planning
- ✓ Upcoming Contract Renewal Options
- ✓ Drainage Issues – Particularly West Boundary Street & Simmons Street
- ✓ La Grange Energy Efficiency Foundation (LEEF) Bylaws

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the recommendation by Manager Craft to discuss the above listed items at the Council Retreat. Motion carried 6-0 in favor of motion.

#### **ITEM 9C: DIRECTION RELATED TO MAIN STREET SOLUTIONS GRANT SUBMISSION**

Manager Craft stated that he was seeking direction from the Council on a potential additional grant application. This is a NC Department of Commerce Pilot Program and part of the Main Street Solution Grant. The grant is intended to stimulate economic development in NC Main Street communities and municipalities in Tier 1 counties, which Lenoir County is a part. There is a \$2,000,000 pool with 91 potential recipients and the grants will range between \$20,000 and \$300,000. The funds must spur private investment and no match is required for private investments. A 50% match is required for public investments. Grant funds can be use in the following ways:

- Acquisition and Rehabilitation of Structures
- To create a revolving loan pool
- Create façade grant program
- Streetscaping & infrastructure improvement

Manager Craft continued stating that there is a short window of opportunity as the grant and application will not formally be available until mid February. Completed applications are due by March 31, 2010. Award notification is proposed for mid May and projects must be completed within one (1) year of the award.

Manager Craft asked for direction from the Council as to pursue the grant and if so, what areas would they desire to concentrate. Manager Craft also stated that the Council would have to approve the final submission of the grant.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to allow Manager Craft to pursue with the submission of the Main Street Solution Grant Application which will include: Loan Pool, Streetscaping and Rehabilitation.

Mayor Pro Tem Wooten called for discussion concerning the application of the grant.

Council Member Harrison asked if the Town would be required a 50% match if awarded.

Manager Craft stated that only portions of the grant that included Streetscaping and Infrastructure required the 50% match. On acquisition and Rehab, if the Town did the work a 50% match would be required; but, not if done by a private individual.

Manager Craft stated that tonight would not be the final decision, but he did need direction on the Council's wishes to proceed because of a time factor.

Mayor Pro Tem called for a vote on the motion. Motion carried 6-0 in favor of motion.

#### **ITEM 9D: UTILITY BILL PAYMENT OPTIONS**

Manager Craft stated that the utility bills were mailed out early as possible to give as much time as possible for customers to prepare for payment. The bills were significantly higher than normal due to the extreme temperatures during the billing cycle December 16, 2009 – January 15, 2010. Town staff has already received numerous bill complaints due to the significant increase in kwh usage.

Manager Craft reviewed previous utility billings and provided data on the average high and low temperatures for the billing period; also, the historical January usage for the past 10 years. There was an increase in more than 53% in kwh sales in the current billing period.

Manager Craft stated that no rate increase has occurred, no additional day's usage included on bills and Staff understands there may be a hardship on customers. Due to higher utility bills and the hardship to make payment may cause customers, Manager Craft recommended the following for the Council to consider:

- Relieve customers of late penalties and disconnect penalties for this month only.
- Extend payment deadline for all customers until February 28, 2010 to enable customers additional time to pay bills for this month only.
- Revenue impact of approximately \$3,500 if recommendation is approved.

Council Member Gladney stated that he would like to go a step further in helping customers on a fixed income, especially senior citizens. Council Member Gladney recommended that the Town allow customers to pay one-half of their bill by the due date and defer the other half until April 15, 2010. This would allow customers with a hardship enough time because the weather would be getting warmer.

Manager Craft stated that he certainly concurred in helping the customer in any way the Town could, but he was concerned about the Town's utility bill payment as it was due on the 20<sup>th</sup> of the month and the payment was automatically drafted from the Town's checking account.

Council Member Harrison stated that he did have compassion, but the State and Federal Government has Social Service Agencies set up to assist with utility bills. The Town of La Grange cannot enter into Social Services nor does the Town has citizen approval to take on this type of program and the Town does not have the revenue to support a program. Also, if payment is delayed the Town may not receive the revenue.

After continued discussion among the Council Members , motion was made by Council Member Gladney, seconded by Council Member Rouse to allow utility customers with a financial hardship to pay one-half of their bill and allow an extension on the other one-half of the amount due for their utility payment and the payment be deferred until April 15, 2010. This extension will apply to the utility bill for services dated from December 15, 2009 thru January 15, 2010 and due on February 15, 2010. If the customer makes an arrangement with Town staff for an extension on or before February 15, 2010, by close of the business day, the late penalty and disconnect fees will be waived.

Customers will be granted this “special extension” until close of the business day on the day before prior to cut-off for the month February 2010 only. Motion carried 5-1 in favor of motion. Council Member Harrison voted against the motion.

**ITEM 9E: PRESENTATION BY BEVERLY BROWN WITH CLIENTFIRST OF NC, LLC**

Beverly Brown, Program Director, with Client First of NC, LLC located at 129 South Caswell Street, made a presentation on the services the business provides. Mrs. Brown stated that she and her husband owned Client First of La Grange. She provided a handout and a Stakeholder Survey. Mrs. Brown stated that Client First is a mental health and substance abuse services clinic that currently provides services to Medicaid recipients ages 18 and over. Client First is endorsed by Eastpointe Local Management Entity and the Division of Medical Assistance. Client First is scheduled for a national accreditation audit on February 17-19, 2010, through the Commission on Accreditation of Rehabilitation Facilities (CARF). Ms. Brown added that on their staff are two psychiatrists, two case managers, one Certified Substance Abuse Counselor, 1 Peer Support Specialist, one Vocational Specialist and one Psychiatric Nurse.

After Ms. Brown finished with her presentation she requested that Council Members complete their Stakeholder Survey and return them to Client First.

**ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS**

**ITEM 10A: PARTF GRANT APPLICATION & SPRAY GROUND**

Manager Craft stated that the Town is still working on the setup of the spray ground. At present the Town is waiting on additional documents from the Health Department. There should not be any problem in reaching the proposed completion date of May 1, 2010.

The PARTF grant was completed this past week and the grant was hand delivered to NC Department of Natural Resources in Washington, NC and the Town should be notified in May relative to a potential award.

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

The street lighting has been 100% completed and the only remaining piece of the project is the paving of the streets. Rainy and cold weather has been a factor in the completion of the work.

**ITEM 10C: UPDATE ON AMI PROJECT & PREPAID UTILITIES**

Manager Craft stated that the Town is 100% complete on the installation of the electric residential meters and all but a few water meters. The sixty- seven (67) large commercial electric meters will not be installed at this time due to the cost to replace the meters is in excess of \$28,000.

The Town is 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 the prepaid pilot program is in the testing phase.

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

Manager Craft stated that the new web site was complete and Town Council minutes from previous years are being uploaded as time permits.

**ITEM 11: CLOSED SESSION**

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

Motion was made by Council Member Gladney, seconded by Council Member Rouse to return to Regular Session. Motion carried 6-0 in favor of motion.

**ITEM 12: ADJOURNMENT**

Mayor Pro Tem Wooten declared the meeting adjourned.

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Nelda H. Johnson, CMC, Town Clerk

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Woodard H. Gurley, Mayor