

## REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on May 4, 2009, at 7 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members Larry Gladney, Elliott Sutton, George Koonce, Gregory Rouse and Clifton Harrison; Town Manager, John P. Craft; Town Attorney, George Jenkins, Jr.; Town Clerk, Nelda H. Johnson, CMC.

Absent: None

Guest: 12

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

Mayor Gurley called the meeting to order and asked Mayor Pro Tem Wooten to give the invocation. Mayor Gurley gave a welcome to all Council Members and guest.

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

#### **ITEM 4A: CONSIDER PROPOSED REVISED TOWN CODE OF ORDINANCE; CHAPTER 2, ADMINISTRATION TO CONSIDER A CHANGE MEETING TIME FOR TOWN COUNCIL**

Manager Craft spoke stating that the Council had previous discussions related to a proposed change to the Town Council Meeting time from 7 pm to 5 pm.

Mayor Gurley called for public comment.

Carolyn Ellis, 102 Taylor Street, spoke stating that in her opinion 5 pm was definitely too early because a lot of people were busy and on jobs and 5 pm was not going to allow citizens to get off their jobs and be in place by the time the meeting starts. Ms. Ellis also stated that having the meeting at that time was shunning persons out of what was going on, not intentionally, but if the meeting starts at 5 pm a lot of citizens cannot attend because of other obligations.

Council Member Gladney spoke stating that he agreed that 5 pm was too early and 6 pm was more favorable.

There being no further comments, motion was made by Council Member Gladney, seconded by Council Member Harrison to close the public hearing. Motion carried 6-0 in favor motion.

Motion was made by Council Member Gladney, seconded by Mayor Pro Tem Wooten to amend the Town's Code of Ordinance, Chapter 2, Administration of the Town of La Grange, to change the time of the regular meetings of the Council to 6 pm. Motion carried 6-0 in favor of motion. Copy of Ordinance hereto attached.

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

#### **ITEM 5A: APPEAL OF BUILDING INSPECTOR'S ORDER OF DEMOLITION; GEORGE FOSS; 105 NORTH CASWELL STREET**

Heith Harrison, Code Enforcement Officer for the Town of La Grange, spoke stating that he did an inspection today at 105 North Caswell Street. Six months ago Mr. Foss had appealed an order of demolition and the Council had given Mr. Foss a period of six months to repair any deteriorated wood, paint the exterior of the structure, and replace deteriorated or broken windows. From the inspection today, Mr. Foss has repaired what he was asked to do and has also begun work on the front porch. Mr. Foss has poured the foundation for the columns and he plans to start with the main color of paint of the

exterior and the front porch very soon. Mr. Harrison stated that as far as what the Council has asked of Mr. Foss, he did everything he was supposed to do.

Council Member Gladney asked Mr. Harrison what he expected of Mr. Foss next.

Mr. Harrison stated that he expected Mr. Foss to complete the entire job, but did not have a time period. There has been no set time restriction for the completion of the work.

After discussion between Mr. Harrison and the Council, motion was made by Council Member Gladney, seconded by Council Member Harrison to give Mr. Foss a period of sixty (60) days to complete the front porch, upper and lower. Motion carried 6-0 in favor of motion.

**ITEM 5B: APPEAL OF BUILDING INSPECTOR'S ORDER OF DEMOLITION;  
403 WEST JAMES STREET; BLAKE GLOVER, APPLICANT**

Nelda H. Johnson, Town Clerk, administered a sworn oath to Blake Glover, the applicant; Douglas Williams, associate of Mr. Glover's; and Heith Harrison, Code Enforcement Officer for the Town of La Grange.

Heith Harrison gave testimony stating that the applicant was Blake Glover and Staff was recommending an order of demolition on the building at 403 West James Street. In August of 2006, Mr. Harrison stated that he and Manager Craft met with Mr. Glover at the property because there was a report of vandalism. The building was condemned and padlocks placed on the doors. Since that time three of the five back doors of the building were knocked in and there was evidence that vagrants were living in the building.

Mr. Harrison reported that when the inspection was done in August 2006 damaged cabinetry in all units of the apartment building were found, exposed electrical wires in the walls throughout the interior of the apartments, deteriorated flooring and walls throughout the interior of the apartments, damaged or missing windows, the doors and windows are not secure which creates unsafe and hazardous conditions, deteriorated wood boxing around the structure, unattached wires violating the NC electrical code, deteriorated roof covering, absence of smoke detectors in the units, deteriorated sheathing on exterior of building, inundation of water to the interior features of the home, and lack of proper exterior wall covering protection, such as vinyl or paint.

Mr. Harrison stated that at that time, Mr. Glover was informed that if repairs were to be made, the total cost of repairs could not exceed 50% of the structure's tax value. If the cost totaled more than 50%, Mr. Glover was also informed that he would be required to bring the structure up to current building and electrical codes. The tax value on the structure is \$75,581.00; and, in order to be able to make repairs to the structure without bringing everything up to current codes, the costs could not exceed \$37,790.00.

Since that time, Mr. Harrison stated, that on July 15, 2008, a letter was mailed to Mr. Glover requesting a hearing to discuss the findings regarding the property. During that hearing Mr. Glover stated that he would get a Licensed General Contractor to give him a quote on making the repairs. Mr. Glover is a licensed contractor himself, and he has an estimate that he figured himself, but it was low at \$18,000.00 to repair the structure.

Mr. Harrison stated that Mr. Glover also owns the single story apartments on 707 – 715 West King Street. Mr. Glover has made improvements to those apartments and has two tenants in them at present. Mr. Glover is trying to bring the other apartments up to the Minimum Housing Code. Mr. Glover also owns property on Jones Street that he gave the Town permission to burn because it was in bad disrepair. Mr. Glover has been working with the Town; but, there are a lot of problems with the two-story apartment building.

Mr. Harrison stated that a letter was sent to Mr. Glover on March 16, 2009, requiring demolition of the structure within thirty (30) days. On March 20, 2009, a letter was received from Mr. Glover requesting to appeal the decision.

Mr. Harrison stated that he did not think the repairs could be done for half of the tax value. Mr. Glover does have a quote that he plans to present to the Council that is from a General Contractor that is just under \$37,000, which would mean he could make the repairs without having to bring the building up to the current code.

Blake Glover gave testimony stating that his quote from the General Contractor, Kornegay Contracting, was basically as Mr. Harrison had stated. Mr. Glover stated that he felt like he could do the repairs for the estimate as he has access to materials and supplies. Mr. Glover further stated that he was trying to provide low income housing and he was working on his one-story apartment as well. Mr. Glover stated that he knew the two-story apartments were in dire need of repair and was willing to make the commitment.

Manager Craft stated that he reviewed the quote and saw no mention of any improvements to make a firewall between the two structures and asked what his plans would be on how provide a firewall.

Mr. Glover stated that the repairs were under 50% of the value of the building and would not be required.

Manager Craft asked Mr. Glover about the electrical upgrade and would he be able to repair all five units for the electrical repair quote of \$3,600.00.

Mr. Glover answered yes.

Mr. Glover stated that there would be very little painting on the exterior because he would be using vinyl on the upper level.

After continued discussion, motion was made by Council Member Gladney, seconded by Council Member Koonce to grant Blake Glover's appeal and not proceed with the demolition of the apartment building located on 403 West James Street based on the finding of facts that the repairs would not exceed 50% of the appraised tax value of the building. Motion carried 4-2 in favor of motion with Mayor Pro Tem Wooten and Council Member Harrison voting against the motion. Copy of Cost Estimate from Kornegay Contracting hereto attached.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to allow Blake Glover a period of six (6) months to make the repairs to his apartment building located of 403 West James Street. Motion carried 6-0 in favor of motion.

#### **ITEM 5C: INTERPRETATION OF ZONING ORDINANCE PERMITTED USE LIST**

Manager Craft stated that interpretation of the Zoning Ordinance to clarify intent of the ordinance was needed from the Town Council. The current ordinance reads that eating establishments in the Downtown Commercial (DC) District are permitted without a "drive in." Manager Craft stated that he has always interpreted that to mean that you cannot have drive-thru or drive-in restaurants downtown.

Nelda H. Johnson, Town Clerk, administered a sworn oath to Rick Sumner, the applicant, and Heith Harrison, Code Enforcement Officer for the Town of La Grange.

Heith Harrison, spoke stating that the Zoning Ordinance stated that "eating or drinking establishments, drive-thru excluded." Mr. Harrison stated that Rick Sumner was present, representing Wooten Development Company and Big Man's Grill. Wooten Development Company is the owner of the property where the Christian Book Store and Big Man's Grill are located.

Mr. Sumner stated that the main issue is that the Town's ordinance reads "drive-in and not "drive-thru". Big Man's Grill would like to have a drive-thru and Mr. Sumner showed pictures that would allow seven (7) cars in the queue that would wrap around the drive-thru. Cars would turn off Wooten Street onto Peachtree Alley and start the queue on the property. Additional parking would be available at the Bible and Book Store. Signs would be posted for "Enter" and "Exit" and a shelter (overhang) would be built for

protection of customers when picking up orders. At present the projected area for the drive-thru is gravel.

Manager Craft stated that the primary reason the first request by Mr. Sumner was turned down was because of the off-street parking requirements could not be met and with the additional property of the bookstore the ability of parking can be met. Manager Craft stated that he wanted to caution the Council as they proceeded in the discussion and that that the Downtown Commercial District is far larger than the property in question. If the Town Council decides tonight that a drive-thru is acceptable in the Downtown Commercial District that would make it permissible for those establishments Sutton's Grill and the pizza place to put in a drive-thru as well. The decision needs to be specific enough to specify that all such traffic should be confined to the property owner's property, not to include alleys, public right-of-ways, and streets and should be able to queue the vehicles on their property.

After continued discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to approve the request by Wooten Development Company, LLC and Big Man's Grill and allow a drive-thru with the following conditions: all drive-thru restaurants/grills in the Commercial Downtown District be limited to property owned by Wooten Development Company, LLC, do not encroach on adjoining property owners or public right-of-ways, the drive-thru be paved and proper signage displayed. Motion carried 6-0 in favor of motion.

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

None

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

Manager Craft requested the addition of ITEM 9E: JUSTICE ASSISTANCE GRANT (JAG).

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to approve the printed agenda with the addition of ITEM 9E as requested by Manager Craft. Motion carried 6-0 in favor of motion.

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

- i. April 6, 2009 Regular Session Minutes

Motion was made by Council Member Koonce, seconded by Council Member Harrison to approve the consent agenda. Motion carried 6-0 in favor of motion.

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

#### **ITEM 9A: ESTABLISH DATES FOR SPECIAL COUNCIL MEETINGS FOR BUDGET WORKSHOPS**

Manager Craft stated that as our new fiscal year approaches that it is necessary to establish dates for Special Council Meetings to review the proposed budget and have a public Hearing to receive public comment related to the proposed budget. Manager Craft recommended that the Council establish Monday, June 8 and Tuesday, June 9, 2009, as Special Meetings to consider the proposed budget. Manager Craft also recommended that the Council advertise June 9, 2009, as the Public Hearing which would enable the Council to approve the FY 2009-2010 budget.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to approve June 8 and June 9, 2009, as Special Meetings for the purpose of Budget Workshops and the adoption of the FY 2009-2010 budget. Motion carried 6-0 in favor of motion.

#### **ITEM 9B: APPROVAL OF DEMOLITION ORDER FOR SCOTT WILLIAMS PROPERTY**

Manager Craft requested that this item be removed for consideration.

**ITEM 9C: CONSIDERATION OF FUNDING PHASE II OF SUTTON ACRES INFRASTRUCTURE**

Manager Craft stated that several years ago the Council approved Phase I of Sutton Acres which has been built and has been very successful for the Town. Thereafter, Phase II, which is Section III, of the subdivision was approved under the Town's Subdivision Participation Policy. Under that policy the Town pays for 50% of the infrastructure and engineering costs. Bids were opened recently from ten companies and Barnhill Contracting was the lowest bid for the infrastructure at \$649,363, less an alternate bid for additional paving of all streets in Phase I of \$96,677, would be \$552,686. Manager Craft reviewed all bids in detail. Subdivision owner, Billy Sutton, has agreed to also pay 50% of the alternate bid for the resurfacing of the streets in Phase I.

Manager Craft stated that the 50% funding from the Town for this project would be split among the expenditure funds as follows:

General Fund	\$113,722.74
Water Fund	\$ 41,745.46
Sewer Fund	\$120,874.63
Street Resurfacing	\$ 48,338.30
Total with Resurfacing	\$324,681.13
Total without Resurfacing	\$276,342.83

Manager Craft reviewed the estimated revenues that Phase I had brought to the Town in annual tax revenues and annual utility revenues.

After continued discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to award the infrastructure construction of Phase II, Section III, including the alternate bid for resurfacing, to Barnhill Construction in the amount of \$649,363. Motion carried 6-0 in favor of motion.

**ITEM 9D: CONSIDER REQUEST TO REMOVE PUBLIC TRASH RECEPTACLES FROM THE SIDEWALK DOWNTOWN**

Manager Craft stated that a citizen and three downtown business operators have requested that the trash receptacles downtown be removed due to the fact that they are possibly being abused by businesses and out-of-town persons.

After discussion, the Council determined that these receptacles are for public use and no action was taken except for recommending that the Town place signs in the downtown area concerning unauthorized use of the public receptacles.

**ITEM 9E: JUSTICE ASSISTANCE GRANT**

Manager Craft mentioned that he had been working on a JAG for the Town to receive approximately \$17,000 in stimulus funding to purchase cameras for the Police Department. There would be no match funding requirement by the Town.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to authorize Manager Craft to proceed with the JAG. Motion carried 6-0 in favor of motion.

**ITEM 10: UNFINISHED BUSINESS**

**ITEM 10A: UPDATE RELATED TO HUNTING REGULATIONS WITHIN ETJ**

Manager Craft stated that several citizens and residents of Huntington Park spoke to the Council recently and asked for help in regulating hunting within the Extraterritorial

Jurisdiction (ETJ) and was directed at that time to further investigate the situation to determine the Town's options.

Several residents within Huntington Park discussed the situation with the County Commissioners and the Chairman of the County Commissioners basically gave them no hope that the County would restrict hunting outside the city limits.

Manager Craft stated that the only way that the Town could enforce any hunting regulations outside the city limits would be through special legislation by the NC General Assembly. The General Assembly would have to enact a bill that would allow La Grange to regulate hunting. The first thing that would have to be done is to contact a representative to submit a bill on behalf of the Town. Manager Craft further stated that he had met today in his office with Representative Van Braxton for discussion of several items. At this time Manager Craft stated that he also spoke with him about the hunting issue at Huntington Park Subdivision and would he consider introducing a bill if it was the Town Council's wishes and Representative Braxton indicated his willingness to submit such a bill because of the concern for safety of the citizens in the area although there would be strong opposition from hunting groups and perhaps the County. Representative Braxton stated to Manager Craft that the Town Council would have to ask for the special legislation and support from the Lenoir County Board of Commissioners was needed.

After continued discussion, motion was made by Council Member Rouse, seconded by Council Member Gladney to proceed to seek special legislation from the NC General Assembly to regulate hunting: Cannot discharge a high powered rifle within 1500' of any occupied dwelling, church or commercial building within the ETJ of the Town of La Grange. Motion carried 6-0 in favor of motion.

#### **ITEM 10B: AMI PROJECT UPDATE**

Manager Craft updated the Council on the Town's AMI Project stating that the Substation Processing Unit (SPU) had been received and had been installed with the communications being tested between the system and the host network. The Town's part of the Transformer Coupler Unit (TCU) has also been installed along with the Town's transformer and disconnect. The Station will be commissioned on May 19, 2009, and meter deployment will probably begin the first of next week. July 15, 2009, is the target date to put system completely into service and begin meter reading.

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

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to go into Closed Session as authorized the North Carolina General Statute 143-318.11 (a) (ii) and 143-318.11 (a) (6). Motion carried 6-0 in favor of motion.

Motion was made by Council Member Harrison, seconded by Mayor Pro Tem Wooten to go back into Regular Session. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Harrison, seconded by Council Member Sutton to enter into a new employment contract with Town Manager, John P. Craft. The term of the contract to be six (6) years (May 4, 2009 – May 4, 2015) with the following approved requests by Manager Craft: (1) Four (4) weeks vacation (up from 2 weeks); (2) Commitment to bring compensation to average of comparable towns over the last four years of the contract, no increase other than cost of living during year one of new contract; (3) Fifty Dollars (\$50) per month increase in travel allowance. Motion carried 6-0 in favor of motion.

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

Motion was made by Council Member Gladney, seconded by Council Member Harrison to adjourn. Motion carried 6-0 in favor of motion.