

## **REGULAR MEETING**

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on December 7, 2009, at 6 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: 25

### **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 after a moment of silent prayer for Council Member Sutton's wife, who is in the hospital. Mayor Gurley gave a warm welcome to all guest and Council Members.

### **ITEM: 4: APPROVAL OF MINUTES**

Manager Craft recommended approval of the following minutes as submitted by the Town Clerk:

- November 2, 2009 Special Session
- November 2, 2009 Regular Session
- November 2, 2009 Closed Session

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the minutes as listed and submitted by the Town Clerk. Motion carried 6-0 in favor of motion.

### **ITEM 5: RECOGNITION OF COUNCIL MEMBERS SERVICE**

Mayor Gurley stated that the Town would like to recognize two Council Members that chose not to seek re-election.

Mayor Gurley recognized Council Member Elliott Sutton and Council Member George Koonce for their years of dedicated and faithful service to the Town of La Grange.

Elliott Sutton was elected to three (3) consecutive terms for a total of twelve (12) years of service from December 1997 – December 2009.

George Koonce was elected to one (1) term for a total of four (4) years of service from December 2005 – December 2009.

On behalf of the Town of La Grange, Mayor Gurley presented to Council Member Sutton and to Council Member Koonce each a unique desk lamp with the base being a working electric meter from circa the 1920's when the light is switched on. Each lamp displayed a name plate with their respective name and years of service with the Town.

### **ITEM 6: ADMINISTRATION OF OATHS OF OFFICE FOR RE-ELECTED AND NEWLY ELECTED COUNCIL MEMBERS**

The Honorable Paul Jones, Superior Court Judge, administered the oath of office individually to the following:

- Bobby R. Wooten – (Re-elected and will be beginning his 17<sup>th</sup> year on the Town Council)
- David S. Holmes – (Newly Elected)

- Veronica N. Lee – (Newly Elected)

Copy of each oath hereto attached.

#### **ITEM 7: RECEPTION HONORING NEWLY ELECTED COUNCIL MEMBERS AND OUTGOING COUNCIL MEMBERS**

At this time, the Council chose to take a brief recess for a reception honoring the newly elected, re-elected and outgoing Council Members.

#### **ITEM 8: SELECTION OF MAYOR PRO TEMPORE**

Mayor Gurley reconvened the meeting and welcomed the newly re-elected and elected Council Members stating that at this time the Council would elect the Mayor Pro Tempore.

Mayor Gurley opened the floor for nominations for Mayor Pro Tempore

Council Member Gladney nominated Council Member Bobby Wooten, seconded by Council Member Harrison.

There being no further nominations, Mayor Gurley declared the nominations be closed and called for a vote. The vote was 6-0 in favor of Council Member Wooten.

#### **ITEM 9: PUBLIC HEARINGS**

None

#### **ITEM 10: BOARD OF ADJUSTMENTS**

None

#### **ITEM 11: PUBLIC COMMENT PERIOD**

There were no comments from the public, but at this time Manager Craft recognized Town Clerk, Nelda H. Johnson, for her twenty-four (24) years of service to the Town of La Grange as her retirement date is December 31, 2009. Manager Craft informed the Council that Mrs. Johnson would be returning to her full position on February 1, 2010, and work until June 2010 to complete the work for the current fiscal year.

#### **ITEM 12: AMENDMENTS TO AND APPROVAL OF AGENDA**

Manager Craft recommended approval of the printed agenda as submitted.

Motion was made by Council Member Wooten, seconded by Council Member Gladney to approve the original agenda. Motion carried 6-0 in favor of motion.

#### **ITEM 13: CONSENT AGENDA**

Manager Craft stated that he had provided each Council Member with a copy of an amended meeting schedule, the change being the budget workshops in June to be scheduled for Tuesday, June 15, 2010 and Wednesday, June 16, 2010.

- a. Approval of Resolution Establishing the 2010 Regular Session Meeting Schedule. Copy of Resolution No. 2009-12-335 hereto attached and filed in Resolution Book IV.

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

## **ITEM 14: NEW BUSINESS**

### **ITEM 14A: DISCUSSION RELATED TO NEW ZONING ORDINANCE AND RECOMMENDED CHANGES TO OFFICIAL ZONING MAP**

Manager Craft stated that for several months, the Planning Board has been working, with the assistance of the NC Division of Community Assistance, to update and revise the current zoning ordinance, at the Council's direction.

The original Zoning Ordinance was adopted on May 30, 1990 to become effective July 2, 1990. There have been minor changes to the ordinance over the years, but no substantial re-write of the ordinance.

A public hearing is scheduled for next month's Council meeting, January 4, 2010, concerning the new Zoning Ordinance.

Heith Harrison, Code Enforcement Officer and Town Planner, in the absence of Christy Wilhelm, Chairman of the Planning Board, made a presentation to the Council on the recommended changes to the Official Zoning Map. Charles Halsall, Senior Planner with the NC Division of Community Assistance, who assisted in the changes, was present for the presentation and to answer questions or concerns.

Mr. Harrison presented copies of the Official Zoning Map to each of the Council Members. As part of the original agenda, each Council Member had received a copy of the proposed ordinance.

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

Mr. Harrison called for questions from the Council.

Council Member Gladney asked about the buffers for a junk yard.

Mr. Harrison stated that the ordinance would require a six (6) foot fence that you could not see through and any other kind of buffer that the Board of Adjustment would require. Non conforming junk yards would not be required to have a buffer as they would be allowed to continue their use unless they went out of business for six (6) months and then re-established their business.

Council Member Gladney asked if the setbacks varied.

Mr. Harrison answered that the setbacks were different in each zoning district. An accessory structure would be five (5) feet from the property line and ten (10) feet from any other building. A home being built would have to follow the setback requirements for that particular zoning district.

After continued discussion concerning the proposed new Zoning Ordinance, Mayor Pro Tem Wooten thanked Mr. Harrison, Mr. Halsall and the Planning Board for their work in re-writing a new zoning ordinance.

#### **ITEM 14B: INFORMATIONAL ITEM – CHANGES IN TELEPHONE SYSTEM**

Manager Craft stated that the Town Council had approved the interconnection of Town Hall and Public Services during the November 2, 2009, Council Meeting and the original plans included \$7,000 for copper lines to facilitate the interconnection of the telephone system. Manager Craft stated that the cost to replace the telephone system and unify all Town telephone systems onto a single system was approximately \$4,200. The new system has many features which include voice mail for all employees, IVR System to handle overflow of calls and a more advanced system to handle after hours calls for service.

#### **ITEM 14C: INFORMATIONAL ITEM – CHRISTMAS HOLIDAY SCHEDULE**

As per the Town's Personnel Policy, the Town Offices will be closed for three days in observance of the Christmas Holidays, and one day for New Year's Day as follows:

- Thursday, December 24, 2009
- Friday, December 25, 2009
- Monday, December 28, 2009
- Friday, January 1, 2010

The garbage collection schedule has been amended to allow for these holidays.

#### **ITEM 14D: APPOINTMENTS TO COMMITTEE TO PREPARE ORGANIZATIONAL STRUCTURE FOR RECREATION ADVISORY BOARD**

Manager Craft stated that Mayor Gurley has recommended the following Council Members be appointed to a temporary committee to develop the guidelines and recommend the makeup of the Recreation Commission:

- Council Member Gladney
- Council Member Holmes
- Mayor Pro Tem Wooten

The purpose of the temporary committee is to review ordinances from other municipalities and development and recommend an ordinance that would create a Recreation Commission. This would include guidelines that the Recreation Commission would work under and determine the make up of the Recreation Commission that would represent a cross section of the Town.

Motion was made by Council Member Harrison, seconded by Mayor Pro Tem Wooten to accept Mayor Gurley's recommendation and appoint the three listed Council Members to the Temporary Committee for the purpose of developing a Recreation Commission. Motion carried 6-0 in favor of motion.

## **ITEM 15: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS**

### **ITEM 15A: PARTF GRANT APPLICATION AND SPRAY GROUND**

Manager Craft gave an update on the spray ground stating that the equipment has been ordered, tennis courts have been demolished, tree removed, construction of spray ground to begin in late December or early January with completion by the end of January 2010, landscaping, etc. to begin in March 2010, and proposed completion by May 1, 2010.

Manager Craft reported that the PARTF grant is in the early stages of the application, conducted Public Hearing on November 2, 2009, made presentation to Rotary Club on December 1, 2009, and plans are being made to make a presentation to the Woodmen of the World Organization, Garden Club, and Masons prior to the grant application deadline.

### **ITEM 15B: UPDATE REGARDING SUTTON ACRES PHASE II**

Manager Craft gave an update on Sutton Acres Phase II on the following:

- Sewer Lines – 100%
- Sewer Taps – 100%
- Lift Station – 100%
- Water Lines – 100%
- Water Taps – 100%
- Electric Primary and Secondary – 100%
- Street Lighting – 0%
- Streets – 50%
- Drainage – 70%

### **ITEM 16: CLOSED SESSION**

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

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

### **OTHER MATTERS**

Council Member Harrison spoke stating that he had read in the Southern City Magazine that there would likely be an increase in the State Retirement System's contribution rate and what input could the Town have on this increase.

Manager Craft stated that the rate would be increasing in July 2010 and Town has absolutely no input in the decision as it is a mandatory contribution if you are a participating member. North Carolina has the second largest retirement system in the Country and manages its own system. The increase in rates is based on the financial market as a whole. The Retirement System did not make enough money to sustain the amount of withdrawals and this decision was made by their Financial Board.

**ITEM 17: ADJOURNMENT**

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

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Nelda H. Johnson, CMC, Town Clerk

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Woodard H. Gurley, Mayor