

## TOWN OF LITTLETON

## LITTLETON, NORTH CAROLINA

Town Hall  
112 East South Main Street  
**October 22, 2019**

### **AGENDA ROUNDTABLE SESSION 6:30 p.m.**

1. Call meeting to order
2. Motion to approve the agenda
3. Approval of bills
4. NCLM Insurance Proposal
5. Special Use Permit 19-01 Order of Disapproval for sawmill
6. D. Patel - Gaming
7. Chief Trivette – vehicle maintenance
8. COP Event Permit approval – Thursday, October 31
9. HCIA 2019 Legislative Goals
10. Property Liens
11. Ordinance updates
12. Clerk Updates
13. PD Renovations – mayor appointment
14. Snowflakes
15. Post Office
16. Motion to go into Closed Session pursuant to NCGS143-318.11(a)(4) to discuss matters relating to economic development
17. Adjourn

**The Board of Commissioners of the Town of Littleton held the regular monthly Roundtable Session, Tuesday, October 22, 2019, at 6:30 p.m. at the Littleton Town Hall. Present were Commissioners Steve Barcelo, Bonita Knight, Gerleen Pitchford, Ophelia Gould-Faison, Donald Spragins and eleven members of the public. Mayor K. Owen Scott presided over the meeting. Mayor Scott called the meeting to order at 6:30 p.m.**

Commissioner Spragins made a motion; seconded by Commissioner Gould-Faison to approve the agenda. Motion voted and carried unanimously.

Commissioner Barcelo made a motion; seconded by Commissioner Pitchford to approve the bills as presented. Motion voted and carried unanimously. A copy of the bills is hereby incorporated into the minutes.

**NCLM Insurance Proposal** - The ladies from the League were not at the meeting at the time and were placed after Mr. Patel and gaming.

**Special Use Permit 19-01 Order of Disapproval for sawmill** – Commissioner Pitchford made a motion; seconded by Commissioner Barcelo to adopt Special Use Permit 19-01 Order of Disapproval for sawmill as presented. Motion voted and carried unanimously. A copy is hereby incorporated into the minutes.

**D. Patel – gaming** – Mr. Patel’s attorney, Jonathan Trapp, spoke in regard to tickets Mr. Patel was receiving from law enforcement in violation of Ordinance 111.05(a) Rules of Operation for Electronic Gaming Operations. Mr. Trapp stated the tickets did not differentiate which part of the ordinance was in violation. Mr. Trapp asked the Board to explain why there was such a high accumulation of tickets. Mr. Trapp stated prior to the Patel’s owning the business there was another individual who had owned and operated games at the property since 2014. If that was the case, the change of ownership would not change the use of the building. He said you would expect the building to maintain that use with the ownership of the building. Mr. Trapp asked to get an understanding from the Board on the expectation of the use of the building and if concessions needed to be made to meet the criteria set by the ordinance. Mr. Trapp stated the Patels are doing what they understood they had bought the building to do and could do to maintain the business.

Mr. Trapp then spoke about the legality of the businesses and software. Mr. Trapp presented a court order from Judge George C. Bell about the software, explaining a fish table does not violate NC General Statutes 306.4, 306.1, and 292. He stated he understood because the business was in operation before the ordinance was put in place, the operation or use of it would be grandfathered in.

Chief Trivette explained he had spoken to the town’s attorney. He stated there were two machines that were placed in the business in 2014 which were grandfathered in and could still be used. However, any new machine placed on the property after 2017 was not grandfathered in and was in violation of the ordinance. Chief Trivette also said if they two machines were removed and no longer in operation, they could not be returned and would at that point be in violation too. Mr. Trapp said the ordinance doesn’t speak to machines being added or subtracted. He said it was more about the use. Mr. Trapp stated when the Patel’s bought they business they got machines that operate better, and the machines did not change the use of their business. Mr. Trapp said he did not believe the Patel’s should be penalized for updating equipment. The Patel’s had not been informed that changing the machines would change the business that had been in existence. Chief Trivette said you can’t change a machine that is not legal. Chief Trivette stated he had spoken to the Patel’s and had informed them they could only use the two machines that were on the premises in 2014, no new ones could be added. Mr. Trapp asked if they had been notified after the machines had been replaced. Chief Trivette said possibly, he wasn’t certain. Mr. Trapp stated he had tried to reach out to the town’s attorney, but he wouldn’t be available until October 28<sup>th</sup>. Mr. Trapp stated there was nothing in the ordinance in regard to upgrading or changing games. He stated no definition says the games have to be in existence prior to a particular date or couldn’t be changed. He also said the written approval to operate a game room should be grandfathered in since the business entity was already in existence. Mr. Trapp hoped some type of agreement or compromise could be made so the business could keep its identity but meets the Board’s approval. Mr. Trapp

thanked Chief Trivette for explaining the violations the Patel's business were receiving. Chief Trivette stated the town attorney had advised him to write a citation each day they are open. Chief Trivette brought up the new ruling from the State in regard to gaming. Mr. Trapp explained what had occurred at the appellate court level. He assured the Board the Patel's gaming was not the same type of game and the court's ruling did not address the type of gaming the Patel's currently have. Mayor Scott asked that once the attorneys talk could Chief Trivette come back to the Board so a plan could be put in place going forward.

**NCLM Insurance Proposal** - Brittany Hunter and Lisa from the League of Municipalities came and presented information in regard to the town's insurance policies. They had met with the clerk and assistant clerk and received the town's current information in regard to what the premiums and coverage were. Ms. Hunter then gave the information to their underwriting department who created a proposal from the League. The proposal they presented would save the town \$13,122 per year which actually broadened the town's coverage. They also mentioned there is free training available for law enforcement. They said it was probably in the town's best interest to pay a fee to cancel existing policies and start the new policy with the League. The policy would then renew each year on July 1. It was decided to table a decision until the town's present insurance agent was able to give a quote at the November 12<sup>th</sup> meeting.

**Chief Trivette – vehicle maintenance** - Chief Trivette informed the Board the town did receive the grant/loan to get a truck and Explorer. However, the Explorer will not be available for at least 12 weeks and the town cannot get either vehicle until the USDA loan/grant is closed. He presently has issues with three vehicles. The following repairs need to be made: Dodge charger needs new radiator/water pump - \$670; Crown Vic needs shocks - \$518.86; and Explorer needs brakes and rotors - \$634.06. The total amount of the estimates is \$1823.76. He would be repairing each vehicle one at a time. After some discussion on ways to save money, Commissioner Pitchford stated vehicle maintenance doesn't need Board approval. The clerk mentioned the funds would be decreased in another police department line item to cover any amount over budget in vehicle maintenance.

**COP Event Permit approval** – The clerk presented the COP event permit for Main Street Trick or Treat for approval. Commissioner Barcelo made a motion; seconded by Commissioner Gould-Faison to approve the COP Main Street Trick or Treat on October 31<sup>st</sup>. Motion voted and carried unanimously.

**HCIA 2019 Legislative Goals** – Commissioner Pitchford asked everyone to look over the goals and see if there was anything they would like to add or delete for the town of Littleton. Mayor Scott suggested adding wastewater to our goals. Commissioner Barcelo also mentioned Highway 158 going around Littleton. Discussion was held about 158 and the commissioners want to make sure Littleton was on record for not being in favor of rerouting it around the town.

**Property Liens** – Commissioner Pitchford informed the Board the properties taken down on Ferguson Street have liens against them. She had received a call from someone who wanted to pay their lien off in payments. Commissioner Pitchford told her she did not have the authority

to make that decision. She informed the Board the liens have already been turned over to the county. After some discussion there was a board consensus to not finance liens. Commissioner Gould-Faison asked when other dilapidated properties in the town would be demolished. Chief Trivette explained there isn't funding available right now, but the legal side had been done. Discussion was held about the money the town would receive from the liens and where the money would go. Commissioner Pitchford stated Mr. Fitts wanted the money to be returned to the police department. Commissioner Gould-Faison said the money received could help to pay for the police vehicles. Commissioner Pitchford stated yes, but not all of the money would be received.

**Ordinance Updates** – Commissioner Pitchford mentioned she would like to update or clarify some of the town ordinances. Some of the issues mentioned were tethering of dogs, overgrown yards, grass clippings in the road, and appliances and furniture on porches. She stated the town needed to be more definitive on these issues and others. She would like to get the ordinances in effect by January 1 but felt that might not be possible.

**Clerk Updates** – The clerk informed the board she was taking a Debt Set off class October 29<sup>th</sup> and Commissioner Pitchford would be in the office that day in her and Holly's absence. She also stated she had enrolled in a one-day new clerk school November 13<sup>th</sup> in Durham. Holly would be in the office that day. The clerk also asked permission to be off November 26<sup>th</sup> and 27<sup>th</sup> to travel out of state for Thanksgiving. She would not be attending the Roundtable on November 26<sup>th</sup>.

The clerk informed the board she had spoken to Larry Carpenter in regard to the audit. She said the audit has been completed and will be submitted to the LGC. Mr. Carpenter will be available the first couple weeks of November to come present the audit to the board. He just needs to know some dates the board would be available. After some discussion it was decided to ask Mr. Carpenter to come November 12<sup>th</sup> at 4 p.m. or any other time that day or November 14<sup>th</sup> at 10 a.m. The clerk will contact Mr. Carpenter and get back with a date. The clerk also gave some information in regard to the Cemetery Account being a reserved fund. She explained she could find no documentation in regard to the funds be reserved. Mr. Carpenter said the LGC had said if the town wants to memorialize the cemetery they should contact the town attorney to draw up documents. Mr. Carpenter can give the board more information in regard to the cemetery funds when he comes to present the audit.

The clerk also mentioned she has had several phone calls from people wanting to be a vendor at the Christmas parade. She was unsure who would give permission, whether it would be Moria Underwood or the town. After some discussion it was decided to contact Ms. Underwood and see if she was planning on using the stage. If she was, she would be the one to contact vendors.

**PD Renovations – mayor appointment** - Mayor Scott informed the board there was some paperwork that needed to be signed and he was unavailable. He had authorized Commissioner Pitchford to sign the paperwork. Commissioner Pitchford said the contracts had been signed for the PD Renovations earlier today.

**Snowflakes** - Commissioner Pitchford said Buddy Isles has been given several more snowflakes. She said if they were to be put up power had to be put on poles. She did not know how much that would cost. Mayor Scott thought it would be \$50 a pole. A ballpark figure for the snowflakes would be \$5000. Commissioner Barcelo the poles would also need brackets and sensors. He wanted to know if this was something to be done this year. Mayor Scott said yes. He said the GLDP had asked if the town could help with some money toward the project. The snowflakes would be put up from the New Dixie Mart to Shawn Lea Funeral Home. No decision was made. Mention was also made that the crepe myrtles need to be trimmed. Trimming should be done in February or March.

**Post Office** - Commissioner Gould-Faison spoke about water/sewer bills being returned. She asked Mayor Scott to reread Dorothy Smith's letter. Commissioner Gould-Faison was concerned and asked Ms. Sylvia Alston to come to the meeting to explain her issues. Ms. Alston explained what had happened to her. After some discussion Commissioner Barcelo made a motion; seconded by Commissioner Gould-Faison to write a Congressional complaint to Congressman Butterfield. Motion voted and carried unanimously. Ms. Alston said she would leave a list of congressmen and who to contact when the town has complaints about the post office with the clerk.

Commissioner Pitchford made a motion; seconded by Commissioner Barcelo to go into Closed Session pursuant to NCGS143-318.11(a)(4) to discuss matters relating to economic development. Motion voted and carried unanimously.

Commissioner Gould-Faison made a motion; seconded by Commissioner Barcelo to come out of closed session. Motion voted and carried unanimously.

Commissioner Spragins made a motion; seconded by Commissioner Gould-Faison to adjourn. Motion voted and carried unanimously.

---

Ellen M. Eller, Town Clerk