

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on March 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.

Absent: Woodard H. Gurley, Mayor

Guest: 6

ITEM 1: CALL TO ORDER

Mayor Pro Tem Wooten called the meeting to order.

ITEM 2: MOMENT OF SILENCE

Mayor Pro Tem Wooten stated that due to a recent court ruling, the Council will observe a moment of silence instead of an invocation.

ITEM 3: WELCOME

Mayor Pro Tem Wooten welcomed all the citizens and the Council Members

ITEM 4: PUBLIC HEARINGS

None

ITEM 5: BOARD OF ADJUSTMENTS

None

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 following changes:

- DELETION OF ITEM 9A: RESOLUTION OF SUPPORT OF FEDERAL LEGISLATION
- ADDITION OF ITEM 9D: APPROVAL OF RESOLUTION HONORING THE 1960-1961 FRINK HIGH SCHOOL BASKETBALL TEAM

Motion was made by Council Member Holmes, seconded by Council Member Harrison to approve the printed agenda with one deletion and one addition as recommended by the Town Manager.

Council Member Harrison stated that he had read that the Federal Judge's decision concerning prayer had been appealed and he did not think it was a law until the appeal was over.

Council Member Harrison made a substitute motion to add to the agenda ITEM 9E: DISCUSSION ON FEBRUARY 20, 2010 SPECIAL MEETING RELATIVE TO THE COUNCIL'S DECISION NOT TO HAVE PRAYER AT COUNCIL MEETINGS. Council Member Holmes seconded the motion.

Motion carried 4-2 in favor of motion with Council Member Gladney and Council Member Rouse voting in opposition.

ITEM 8: CONSENT AGENDA

a) Approval of Minutes

- February 1, 2010 Regular Session
- February 20, 2010 Special Session (Retreat)

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

ITEM 9: NEW BUSINESS

ITEM 9A: RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION

This item was removed from the agenda by Council approval.

ITEM 9B: APPROVAL OF APPOINTMENTS

Manager Craft stated that Mayor Gurley has recommended the following appointments be approved:

- Larry L. Gladney
 - Recommended to be reappointed to serve as the Town's representative on the Eastern Carolina Council – 1 year term. Copy of Resolution No. 2010-03-336 hereto attached and filed in Resolution Book IV.
- Phyllis T. Harrison
 - Recommended to replace Robert (Bob) Mooring to serve as the Town's Representative on the Greene Lamp, Inc., Board of Directors – 5 year term. Copy of Resolution No. 2010-03-337 hereto attached and filed in Resolution Book IV.
- Julia Wooten
 - Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-03-338 hereto attached and filed in Resolution Book IV.
- Eugene Shaw
 - Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-03-339 hereto attached and filed in Resolution Book IV.
- Christine Wilhelm
 - Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-01-340 hereto attached and filed in Resolution Book IV.
- John P. Craft
 - Recommended to be appointed to serve as Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-341 hereto attached and filed in Resolution Book IV.
- Larry L. Gladney
 - Recommended to be appointed to serve as Alternate Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-342 hereto attached and filed in Resolution Book IV.
- Bobby R. Wooten
 - Recommended to be appointed to serve as Alternate Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-343 hereto attached and filed in Resolution Book IV.

Motion was made by Council Member Harrison, seconded by Council Member Lee to approve the resolutions appointing the above named persons. Motion carried 6-0 in favor of motion.

ITEM 9C: APPROVAL OF FUNDING AGREEMENT FOR THE SOUTHEASTERN POWER ADMINISTRATION

Manager Craft had previously provided a copy of the Funding Agreement to the Council within their agenda and stated that he would briefly review the purpose of the agreement.

The Kerr-Philpott System consists of two projects – the John H. Kerr Project located on the Roanoke River, and the Philpott Project located on the Smith River in Virginia. Power generated at these two projects is marketed to preference customers in North Carolina and Virginia. The John H. Kerr Dam was built in 1952 and has 7 generators and 440,000 mWh; the Philpott Dam was built in 1953 and has 3 generators and 25,000 mWh. The Funding Agreement would earmark a portion of the Town's revenues to cover capital improvements, including relocation of a 13.8 kV breaker, voltage regulator replacement and digital governor replacement. Approval of the Funding Agreement would not change rates paid by the Town. Also, ongoing maintenance to keep these hydroelectric generators operational is wise and environmentally friendly. These two facilities are managed by the Corps of Engineers.

Manager Craft stated that he recommended approval of the Funding Agreement.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the Funding Agreement for the Southeastern Power Administration. Motion carried 6-0 in favor of motion. Copy of agreement on file in Clerk's office.

ITEM 9D: APPROVAL OF PROCLAMATION HONORING THE FRINK HIGH SCHOOL WILDCATS

Manager Craft stated that Mayor Pro Tem Wooten brought to his attention the accomplishment of the Frink High School Basketball team of 1960-61 and deemed it in order to ask the Council to recognize that achievement.

Manager Craft recommended the approval of a proclamation honoring the 1960-61 Frink High School Wildcats Basketball Team, who with a 30-0 season won the North Carolina State 2A Basketball Championship.

Mayor Pro Tem Wooten brought to the Council's attention that the winning season was actually 30-1.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve an amended proclamation honoring the Frink High School Wildcats reflecting a 30-1 season and won the North Carolina State 2A Basketball Championship. Motion carried 6-0 in favor of motion.

ITEM 9E: SPECIAL MEETING FEBRUARY 20, 2010 RELATIVE TO THE COUNCIL'S DECISION NOT TO HAVE PRAYER AT COUNCIL MEETINGS

Manager Craft stated that this item was discussed at the February 20, 2010 meeting which was the Council's annual work retreat. After a law suit brought by the American Civil Liberties Union (ACLU) there was a North Carolina Court decision in Forsyth County that it was a violation of a citizen's civil rights to have a prayer offered that was not in their religion. Based on that decision it was determined not to have a prayer in the beginning of meetings. A moment of silence allows everyone the opportunity to pray in each one's own way. Manager Craft called on Attorney Jenkins for his opinion.

In summary, Attorney Jenkins stated that not having read the North Carolina Supreme Court case he could not respond appropriately. The appeal that is in process does not mean it is not still a law and that law will not be changed until a higher court over rules

or confirms. The United States Supreme Court, for many, many years, has said that it is beyond dispute that the Constitution guarantees that the government may not co-hearse anyone to support or participate in a religion for its exercise or otherwise act in any way which may establish or state religion or religious faith or tends to do so.

Attorney Jenkins concurred with Manager Craft that a "moment of silence" would be appropriate.

ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS

ITEM 10A: APPROVAL OF RESOLUTION ORDERING DEMOLITION OF 108 WEST RAILROAD STREET

Manager Craft stated that Heith Harrison, Code Enforcement Officer for the Town, was present to discuss the time line and his current findings on 108 West Railroad Street.

Code Enforcement Officer Harrison stated that the property owner of 108 West Railroad Street, Nicholas Picciotti, was not present at the meeting. A certified letter was sent to Mr. Picciotti notifying him of this meeting and his wife signed for the letter; but, Mr. Picciotti did not inform the office that he would not be at this meeting. A public notice was also published in the local newspaper.

Code Enforcement Officer Harrison reviewed with the Council the time line over the past 3½ years stating that Mr. Picciotti has made very little effort to remedy the hazards. It is obvious that more extensions will only result in prolonging the risk of hazards associated with the structure. The Town has given Mr. Picciotti many opportunities to save the structure and no substantial progress has been made. Pictures of the structure were also provided for the Council's review.

Council Member Gladney asked what would happen if the property owner sold the property before the demolition.

Code Enforcement Officer Harrison stated that if that were to happen the Town would have to start the process over again with the new owner, giving that person a certain amount of days to make the same repairs.

Manager Craft explained to the Council that the demolition process would take about 30 days due to the asbestos inspection and other permits required.

After a lengthy discussion among the Council, Manager Craft and Code Enforcement Officer Harrison, motion was made by Council Member Gladney, seconded by Council Member Rouse, due to the finding of facts, to approve RESOLUTION ORDERING DEMOLITION OF 108 WEST RAILROAD STREET. Motion carried 6-0 in favor of motion. Resolution No. 2010-03-344 hereto attached and filed in Resolution Book IV.

ITEM 10B: UPDATE ON SPRAYGROUND AND PARTF

Manager Craft stated that he was anticipating notification as to whether or not the Town would receive a grant award that had been applied for through PARTF.

Manager Craft reviewed with the Council the status on the sprayground stating that the demolition of the tennis courts was complete, trees cut down and removed, surveillance system installed and the equipment had been delivered and was at the Public Services Complex. The engineer drawing is pending and when received it will be delivered to the Lenoir County Health Department. As soon as the plans are approved by the Health Department, the Town should be able to begin construction. May 1st is the target date anticipated for opening to the public.

ITEM 10C: UPDATE ON SUTTON ACRES PHASE II

Manager Craft stated that this will probably his last update relative to Sutton Acres. The work is now 100% complete on the sewer lines, sewer taps, lift station, water lines,

water taps, electrical, street lighting, streets and drainage. The only item left is the grading and seeding along the road bed.

ITEM 10D: AMR PROJECT UPDATE AND PAYMENT OPTIONS

Manager Craft stated that this will be the final update on the residential electric meters as the installation is 100% complete.

The Town has opted not to pursue installation of electric meters for the large commercial customers due to the cost being in excess of \$28,000 for 67 meters. A renegotiation of 6% off the price was given; but, Manager Craft stated that he did not recommend replacement of these meters at this time.

Manager Craft further reported that Tyrone Morgan has now installed more than 1500 water meters. About 10 additional residential meters $\frac{5}{8}$ " to $\frac{3}{4}$ " to be installed and about 6 1" meters to be installed. There are no plans to address the 2' water meters at this time because of the cost.

The Town is still working with Money Gram to be able to accept payment made at CVS Pharmacy or Wal-Mart. Online payment capability is going well and the Town is still in the prepaid pilot program and very close to being completed.

OTHER BUSINESS

Manager Craft stated that a Closed Session has not been scheduled because the only item was to approve the minutes of the February 1, 2010 Closed Session. Manager Craft requested that these minutes be approved in open session.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the February 1, 2010, Closed Session minutes. Motion carried 6-0 in favor of motion.

ITEM 12: ADJOURNMENT

Mayor Pro Tem Wooten declared the meeting adjourned.

Nelda H. Johnson, CMC, Town Clerk

Woodard H. Gurley, Mayor