

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on April 6, 2009, at 7 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members 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: Council Member Larry Gladney

Guest: 10

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

Mayor Gurley called the meeting to order and asked Council Member Sutton to give the invocation. Mayor Gurley welcomed all guest.

ITEM 4: PUBLIC HEARINGS

ITEM 4A: PUBLIC HEARING TO RECEIVE PUBLIC COMMENT RELATIVE TO THE ANNEXATION PETITION FOR WILLIS PROPERTY ON ALDRIDGE STORE ROAD

Manager Craft stated that the purpose of the public hearing was to receive public comment on the voluntary annexation of the Aldo Willis & wife, Marie Willis property located on Aldridge Store Road.

01/15/2009 – Aldo Willis & wife Marie Willis petition submitted for annexation
02/02/2009 – Clerk directed to investigate sufficiency of petition
03/02/2009 – Clerk reported to Council that petition was sufficient
03/02/2009 – Council established date for hearing and directed staff to publish notice

Recommendation of staff is the approval of an Ordinance to Extend the Corporate Limits and the annexation would become effective May 1, 2009. This is a satellite annexation. Sewer service is requested for this property and would tie into the line extended for Frink Alumni.

Mayor Gurley called for public comment.

No comments from the public.

Motion was made by Council Member Wooten, seconded by Council Member Koonce to close the public hearing. Motion carried 4-0 in favor of motion.

Motion was made by Council Member Sutton, seconded by Council Member Rouse to approve AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LA GRANGE, NORTH CAROLINA; NON-CONTIGUOUS ANNEXATION OF ALDO WILLIS & WIFE, MARIE WILLIS PROPERTY. Motion carried 4-0 in favor of motion. Copy of ordinance hereto attached

Council Member Harrison arrived at 7:12 pm for the Council Meeting.

ITEM 4B: PUBLIC HEARING TO CONSIDER PROPOSED REVISED TOWN CODE OF ORDINANCES; CHAPTER 12, CEMETERIES

Prior to receiving public comment on the revised Code of Ordinances; Chapter 12, Cemeteries, Manager Craft reviewed the major changes.

Manager Craft stated that for the public's information the primary changes that result in the amended ordinance are: updating basic languages; monument and marker sizes

are limited; prohibit the installation of raised or elevated markers in the single grave section; proposed to bring responsibility to the Town for opening and closing of all graves to be done by the Town's Public Services Department; provisions for columbarium's to be located within the cemetery; mausoleums to be placed within designated area of cemetery.

Mayor Gurley called for public comment.

Mayor Pro Tem Wooten asked about the opening and closing fees.

Manager Craft stated that the fees would be discussed during the budget work session and an amount would be recommended.

Council Member Sutton stated that some of the streets/lanes at the cemetery were in poor condition for driving.

Manager Craft stated that he and Tyrone Morgan, Public Services Superintendent, would inspect the condition of the cemetery roads.

There being no further comments from the Council or public, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to close the public hearing. Motion carried 5-0 in favor of motion.

Motion was made by Council Member Koonce, seconded by Council Member Sutton to approve the Revised Town Code of Ordinances; Chapter 12, Cemeteries and to authorize Manager Craft to hire employee to open and close graves. Motion carried 5-0 in favor of motion. Copy of Cemetery Ordinance on file in Clerk's office.

ITEM 5: BOARD OF ADJUSTMENT

No cases to be heard.

ITEM 6: PUBLIC COMMENT PERIOD

None

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

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

ITEM 9D: LA GRANGE ENERGY EFFICIENCY FOUNDATION (LEEF)
ITEM 9E: APPOINTMENTS TO THE PLANNING BOARD
ITEM 9F: GUIDANCE ON COST OF LIVING ADJUSTMENT (COLA) FOR
EMPLOYEES IN BUDGET 2009-2010

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to approve and original agenda with the additions of ITEMS: 9D, 9E, and 9F. Motion carried 5-0 in favor of motion.

ITEM 8: CONSENT AGENDA

- a. Approval of Minutes
 - i. March 14, 2009 Special Session (Retreat)
 - ii. March 18, 2009 Special Session (County Commissioners)
- b. Approval of FY 2009-2010 Fire Department Budget Request. Copy of budget hereto attached.
- c. Approval of Resolution Approving Filing of Grant Application for Headworks Improvements Project. Copy of Resolution No. 2009-04-226 hereto attached and filed in Resolution Book IV.

Motion was made by Council Member Koonce, seconded by Council Member Sutton to approve the consent agenda. Motion carried 5-0 in favor of motion.

ITEM 9: NEW BUSINESS

ITEM 9A: APPROVAL OF PROCLAMATION DECLARING APRIL 10TH AS DR. JACOB M. HADLEY & COLONEL GEORGE WHITFIELD DAY

Manager Craft stated that Chris Mc Callister of the Historical Society had asked that the Council recognize historically significant individuals from the Town's past.

Dr. Jacob M. Hadley and Colonel George Whitfield are recognized as having renamed the Town to La Grange and April 10th marked the 140th anniversary of the Town's incorporation as La Grange.

The Historical Society has requested that the Council proclaim April 10th as Dr. Jacob Hadley and Colonel George Whitfield Day in honor of their service. In the future other persons will be recognized for their contributions to La Grange.

Manager Craft recognized families that were represented at the meeting in recognition of this event, Mr. John Roy Croom of the Hadley Family and Mr. George Whitfield, Jr. and Mr. George Whitfield, III of the Whitfield Family. Manager Craft stated that these two gentlemen, Dr. Hadley and Colonel Whitfield, are well known in the Town's history for having been credited for renaming the Town to La Grange in 1869.

Manager Craft asked the families to come forward for the reading of the Proclamation for Dr. Jacob M. Hadley and the Proclamation for Colonel George Whitfield.

Motion was made by Council Member Sutton, seconded by Mayor Pro Tem Wooten to proclaim April 10th as Dr. Jacob Hadley and Colonel George Whitfield Day. Motion carried 5-0 in favor of motion. Copy of Proclamations hereto attached.

ITEM 9B: DISCUSSION ABOUT ZONING REGULATIONS

Manager Craft stated that the Town's current Zoning Regulations prohibit manufactured homes that are older than five (5) years old from being setup (brought) into La Grange. A recent Appeals Court Case ruled that the basis for allowing or prohibiting a home from being brought in could not be solely age.

Manager Craft stated that until such time that further litigation occurs that either upholds a similar provision or is overturned, in this case, by the Supreme court, our five-year stipulation cannot be enforced. Attorney Jenkins has also informed the Town that it cannot be enforced.

Manager Craft recommended that a moratorium be adopted to prohibit any manufactured housing in La Grange city limits or Extraterritorial Jurisdiction (ETJ) be adopted until a workable solution can be determined.

After discussion and review of the Town's current zoning areas where mobile homes are now located, motion was made by Council Member Harrison, seconded by Mayor Pro Tem Wooten to declare a moratorium until June 1, 2009, to prohibit any manufactured housing within the La Grange city limits or the Town's ETJ. Motion carried 5-0 in favor of motion.

ITEM 9C: DISCUSSION RELATED TO COUNCIL MEETING TIMES

Manager Craft stated that there had been discussion among the Council about changing the Council meeting time from 7:00 pm to 5:00 pm.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to hold a public hearing on May 4, 2009, to receive public comment concerning changing the Council's meeting time. Motion carried 5-0 in favor of motion.

ITEM 9D: LA GRANGE ENERGY EFFICIENCY FOUNDATION (LEEF)

Manager Craft stated that Attorney Jenkins had information that he needed to share with the Council concerning the forming of LEEF.

Attorney Jenkins stated that he had one major concern and that was the name of the Foundation. Attorney Jenkins needed to verify that the Council desired the legal name to be "La Grange Energy Efficiency Foundation, Inc.," a North Carolina non-profit corporation. This way the acronym LEEF could be used.

Council Members had no objections and Attorney Jenkins stated that he would get the proper paperwork to Manager Craft.

Manager Craft stated that for the benefit of the public attending, LEEF is an effort by the Town to establish a Foundation to assist the Town's elderly and fixed income in making energy efficiency improvements to their homes in the form of insulation through grants.

ITEM 9E: APPOINTMENTS TO THE PLANNING BOARD

Since there is an attendance requirement to continue serving on the Planning Board, each member that meets this requirement is asked if they desire reappointment.

Manager Craft presented to the Council a RESOLUTION APPOINTING ADVISORY BOARD MEMBERS and recommended the re-appointments of John T. Miller and Henry Abbott, Jr. whose terms would expire April 1, 2012.

Motion was made by Council Member Harrison, seconded by Council Member Sutton to accept Manager Craft's recommendation and reappoint John T. Miller and Henry Abbott, Jr. for a three-year term to the Planning Board. Motion carried 5-0 in favor of motion. Copy of Resolution No. 2009-04-227 hereto attached and filed in Resolution Book IV.

ITEM: 9F: GUIDANCE ON COST OF LIVING ADJUSTMENT (COLA) FOR EMPLOYEES IN BUDGET FY 2009-2010

Manager Craft brought to the Council's attention that for the next budget year that Powell Bill Fund and sales tax revenues are projected to be down and a scheduled water rate increase would be in effect. Manager Craft stated that for these reasons he desired guidance from the Council on their support for a cost of living adjustment for employees.

During discussion on the COLA, Mayor Pro Tem Wooten stated that he felt that the Town had some very good employees and that he would want to give the employees something.

Mayor Gurley concurred with Mayor Tem Wooten stating it is hard to replace experienced employees.

The Council asked Manager Craft for his recommendation and Manager Craft recommended 2.5% COLA for Town employees.

There were no objections from the Council on Manager Craft's recommendation.

ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS

ITEM 10A: DISCUSSION RELATED TO UTILITY PAYMENT AND INQUIRY OPTIONS

Manager Craft stated that ITEM 10A was an update on the discussion during the Annual Retreat concerning online bill payments and inquiry ability and Kiosk payment options.

Manager Craft investigated actual cost for Online Services and Kiosk Payments and reported the following information:

- Online Services - \$9,500 initially (\$8,000 programming and \$1,500 hosting); \$3,180 (\$1,680 support and \$1,500 hosting fee) for each subsequent year; plus standard credit card fees through Town's vendor. This service would allow the Town's customers to go online and view their entire history of their utility account, usage over time, view payments and make payments.
- Kiosk - \$4,200 annually plus \$0.60 for each transaction. The Kiosk could be placed at an approved site by the Council. At this time it was not known if the Town could locate another vendor to share in the cost.

After discussion between the Council and Manager Craft it was unanimous that no action be taken at this time concerning Online Payments and Kiosk Payments.

ITEM 11: CLOSED SESSION

Motion was made by Council Member Koonce, seconded by Mayor Pro Tem Wooten to go into Closed Session as authorized by North Carolina General Statute 143-318.11 (a) (4) (5) (6). Motion carried 5-0 in favor of motion.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to return to Regular Session. Motion carried 5-0 in favor of motion.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton, to give a severance package to Daryl Cato in a one-time lump sum amount of Three Thousand Dollars (\$3,000); Jerry M. Davis a severance contract for Council meeting police protection in the amount of Five Hundred Ninety-four Dollars (\$594) per month for a period of two years, as long as he is employed with the LCSD and was in direct service to the Town of La Grange as a part of the La Grange Squad and did not receive a promotion. Motion carried 4-1 in favor of motion with Council Member Rouse voting in opposition.

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

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to return to Regular Session. Motion carried 5-0 in favor of motion.

ITEM 12: ADJOURNMENT

The Clerk read two thank-you notes, one from Jonathan Perry's family on the loss of his sister and one from C. J. Foster's family on the loss of his Grandmother.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Koonce to adjourn. Motion carried 5-0 in favor of motion.

Nelda H. Johnson, CMC, Town Clerk

Woodard H. Gurley, Mayor