

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on August 3, 2009, at 6 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members Larry Gladney (arrived at 6:08 p.m.), Elliott Sutton, George Koonce, and Gregory Rouse; Town Manager, John P. Craft; George Jenkins, Jr., Town Attorney; Town Clerk, Nelda H. Johnson, CMC.

Absent: Clifton Harrison, Council Member

Guest: 23

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 welcomed the guests.

ITEM 4: PUBLIC HEARINGS

None.

ITEM 5: BOARD OF ADJUSTMENTS

No cases to be heard.

ITEM 6: PUBLIC COMMENT PERIOD

Council Member George Koonce made a statement to his fellow Council Members and to the citizens of La Grange. Council Member Koonce offered a public comment stating that he had served this Council for three years and seven months and it had been a pleasure and he thanked the citizens of La Grange. Council Member Koonce further stated that he and his wife had purchased a home in Selma and have relocated for the kids' sake so the kids could be enrolled in school; but, he still remained a resident here in La Grange. Council Member Koonce stated that he felt the Council and citizens needed to know this information because rumors have a tendency to get around and now these rumors can cease because he intends to finish out his term with the Council and was here to serve.

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

Manager Craft recommended approval of the printed agenda with the removal of ITEM 9C: APPROVAL OF ORDINANCE AMENDING THE FY 08-09 BUDGET and the addition of two items: (1) Brief PRESENTATION OF AWARD THE TOWN RECEIVED FOR NEW LOGO and (2) ITEM 9D: STREET CLOSURE FOR BACK TO SCHOOL BLOCK PARTY REQUESTED BY CAROLYN ELLIS.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Koonce to approve the agenda with the deletion of ITEM 9C and addition of the two items (1) AWARD PRESENTATION and (2) ITEM 9D STREET CLOSURE as requested by Manager Craft. Motion carried 4-0 in favor of motion.

ITEM 8: CONSENT AGENDA

- a. Approval of Minutes
 - i. June 1, 2009 Regular Session Minutes
 - ii. June 8, 2009 Special Session Minutes
 - iii. June 9, 2009 Special Session Minutes
- b. Approval of Annual Fire Department Contract with County of Wayne
(Copy on file in Clerk's office.)

Motion was made by Council Member Sutton, seconded by Council Member Rouse to approve the Consent Agenda. Motion carried 4-0 in favor of motion.

At this time, Manager Craft informed the Council that the Town had received the Davie Award for the Town's new logo that was designed in 2008. The Town's marketing firm submitted the logo on the Town's behalf and the Davie Award is a national recognition for marketing efforts. Manager Craft presented the award to the Council on behalf of ElectriCities and suggested that the award be placed in the Town Hall lobby.

ITEM 9: NEW BUSINESS

ITEM 9A: DISCUSSION RELATED TO TENNIS COURT MAINTENANCE

Manager Craft stated that the condition of the tennis courts has been previously discussed and hoped that each Council Member had taken the opportunity to stop by and look at the court to see firsthand the condition as it is in horrible condition. The net is down and needs to be replaced, the asphalt has large cracks in numerous places, grass has grown through the cracks and the court is not playable in its current condition.

A cost estimate to have 1.5" asphalt applied and have the surface painted with green tennis court paint is approximately \$8,200. This price does not include the painting of white stripes, net repair or replacement and fence removal and reinstallation. The large oak tree to the north would also need to be taken down.

There had been a couple of complaints about the condition of the tennis court. The proposed recreation complex includes two additional courts that were supposed to replace this one. At this time, the Town is unsure of funding through the PARTF Grant for the new complex and we will not know until late August. The tennis courts are not a part of Phase I of the recreation project.

The current tennis court is not used a remarkable amount and its use is limited. A sprayground would be very favorable in that particular location if the Council chose to pursue that project.

Manager Craft stated that he was looking for direction from the Council as to whether repair or demolish the existing court.

Manager Craft and Council Members continued to discuss the tennis court repair versus a sprayground possibly located where the existing court is now.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to demolish the tennis court and proceed with a design for a sprayground. Motion carried 5-0 in favor of motion.

ITEM 9B: DISCUSSION RELATED TO SPRAYING OF MOSQUITOES

Manager Craft stated that at the last Council meeting he was asked to investigate the possibility of spraying for mosquitoes and has found that the Town can borrow a sprayer to facilitate the spraying of mosquitoes. The Town has had very few complaints about mosquitoes, but has had numerous complaints about gnats. The spraying may help with gnats as well as mosquitoes. The cost to the Town would be for chemicals, as well as the cost to hire a licensed person to spray. The estimated time to spray would be about 3 hours per day. The approximate cost would be around \$1,500 for the remainder of the year to spray 2-3 times per week.

Manager Craft stated that he needed direction as to whether or not to acquire chemicals and hire a part-time licensed person to spray pesticides.

Motion was made by Council Member Sutton, seconded by Council Member Gladney to direct Manager Craft to proceed as necessary for a mosquito spraying program. Motion carried 5-0 in favor of motion.

ITEM 9C: APPROVAL OF ORDINANCE AMENDING THE FY 08-09 BUDGET

This item was removed with the approval of the consent agenda.

ITEM 9D: STREET CLOSURE - "BACK TO SCHOOL BLOCK PARTY"

Manager Craft stated that Ms. Carolyn Ellis was requesting closure on a part of West Railroad Street and the alley by the park to hold a "Back to School Block Party" on Saturday, August 29, 2009, from approximately 4 p.m. until 6 p.m. This event is being sponsored by the Eastern Star.

Motion was made by Council Member Gladney, seconded by Mayor Pro Tem Wooten to grant Ms. Ellis' request. Motion carried 5-0 in favor of motion.

ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS

ITEM 10A: AMI PROJECT UPDATE, ONLINE PAYMENT AND QUERY OPTIONS

Manager Craft stated that he wished to update the Council on the Town's AMI Project and demonstrate some of the capabilities the system has to offer. Manager Craft began with background information reviewing the following information.

On May 19, 2009 the substation was commissioned and by that time 18 meters were deployed to determine if the equipment worked properly. Since that time, 1,307 electric meters and 11 AMI ready water meters have been installed. The Town has deployed nearly all the electric meters that were in stock and 120 more are ordered. The AMI system was originally set up for a conventional mode, which enables the Town to obtain daily meter readings and 838 meters were initially set up in this configuration. Since then, all meters installed were put in an interval mode, which allows for hourly readings. The benefit of hourly readings include better information for the customer by enabling them to see their own usage patterns, how their usage increases or decreases as their usage is altered, and enables the Town to evaluate its customers for possible transition to "time of use" billing.

Prepaid utilities will be available to the Town's customers, possibly within 30-45 days, assuming that water meters are available and installed. Prepaid utilities would eliminate the need for deposits, enables customers to make payments as they can, eliminates late and disconnect penalties and incorporates a "Debt Recovery Option."

Debt Recovery allows for persons who owe the Town money, either from old bills, or who wish to transition to Prepaid from conventional billing, to put an "old debt" on their account and pay a portion of every payment toward the old debt, while providing all the benefits "all prepaid" without penalty. The Council would determine what percentage of all payments would go to the bad debt. Manager Craft stated that he recommended twenty-five percent (25%). The benefits of utilizing Debt Recovery would allow the Town to begin to recover a bad debt immediately, enable more customers to transition to prepaid accounts immediately and would enable existing customers to apply their deposit to their account and allow those funds to work for them. Debt Recovery would not expose the Town to more potential losses. Manager Craft gave an example and explained how Debt Recovery would work with Prepaid. Customers can check their balance at any time by computer online, or by calling an 800 number. Their account would show how much had been applied to an outstanding debt, as well as their prepaid account balance.

Manager Craft demonstrated the "Command Center" on the internet site where the Town manages the AMI system on a daily basis. An aerial photo of the Town was viewed and all the deployed meters were identified. When a meter fails or an electrical outage occurs, the Town is notified immediately and the AMI also helps troubleshoot the problem. Manager Craft showed several graphs that related to a customers usage over time.

Manager Craft stated that he would like for the Council to also consider transitioning away from billing water by the thousand gallon and begin billing on a per gallon usage. The reason being is that the water meters are capable of reading meters by the gallon. This would enable the customer to see when they use water and how much is used each day. The cost to the customer would be the same.

Manager Craft stated that he needed direction from the Council on the Debt Recovery because the business rules would need to be managed through EXCELERON on prepaid meters.

Manager Craft stated that he recommended utilizing "Debt Recovery" to enable existing customers to transition to prepaid status; also, require customers to pay unpaid bills by applying deposit toward bills and unpaid usage, and place remainder of bill plus up to \$100 to Debt Recovery and have twenty-five percent (25%) of all future payments toward debt recovery.

Motion was made by Council Member Gladney, seconded by Mayor Pro Tem Wooten to utilize the "Debt Recovery Option" and require twenty-five percent (25%) of all payments that are paid for prepaid meters to be applied to the customer's Debt Recovery. Motion carried 5-0 in favor of motion.

Manager Craft stated that he would also like to discuss again with the Council online payment options and make a final determination on whether or not to accept online payments. The major advantages to online payment abilities are that customers have the ability to look at their account history and see previous usage and payment histories, customers can make payments anytime, from any where, prepaid customers can make after hours payments and have their services restored automatically, within about 1 hour and 15 minutes, if the system has cut their account off.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to accept Online Payments for utilities. Motion carried 5-0 in favor of motion.

ITEM 10B: PARTF GRANT APPLICATION

Manager Craft stated that it would be around the end of September before the Town would be notified if a PARTF Grant would be awarded to the Town.

ITEM 10C: RAILROAD CORRIDOR PROJECT

Manager Craft gave the Council an update on the Railroad Corridor Project. This Project includes resurfacing Railroad Street, installation of curb and gutter on West Railroad Street north of the railroad tracks in front of La Grange Elementary School and a portion of the block east of Hadden Street, relocation of the electric line on West James Street and widening West James Street, closure of Forbes Street crossing and signalization of Charles Street and Wooten Street crossings.

Manager Craft recommended to the Council to authorize and instruct the Mayor to execute the formal agreement with the NC Department of Transportation, Norfolk Southern Railway Company and North Carolina Railroad Company.

After discussion, motion was made by Council Member Gladney, seconded by Council Member Koonce to authorize and instruct the Mayor to execute agreement with the NC Department of Transportation, Norfolk Southern Railway and North Carolina Railroad Company contingent upon the fact that if the traffic pattern changes to a point that it met State criteria and a traffic light is needed at the intersection of West Railroad Street and Charles Street that the NC Department of Transportation would bear the cost. Motion carried 5-0 in favor of motion. Copy on file in Clerk's office.

ITEM 10D: ORDINANCE OF DEMOLITION; 108 WEST RAILROAD STREET

Heith Harrison, Code Enforcement Officer, updated the Council on the Nicholas and Leisa Picciotti property at 108 West Railroad Street stating that the Town had been

working with the property owners for over two years to repair their property. In January 2009 this same case came before the Council and Mr. Picciotti requested to appeal Staff's decision of Demolition of Building and Removal of Debris. The Council at that time granted Mr. Picciotti an additional six months which the owner committed to the completion of the required repairs and that extension expired on July 6, 2009. Mr. Harrison stated that no substantial progress has been made on the repairs. Pictures were made available to the Council.

Mr. Picciotti spoke on his behalf giving the Council information on the repairs that he had completed and what his intentions are for future repair goals. Mr. Picciotti stated that he did plan to move into the house when the repairs were completed and at this time he had over \$50,000 invested in the house.

After continued discussion, motion was made by Council Member Gladney, seconded by Council Member Koonce to grant Leisa and Nicholas Picciotti an additional six month extension on their property at 108 West Railroad Street to comply with required repairs as ordered by the Building Inspector. Motion carried 5-0 in favor of motion.

ITEM 10E: AMENDMENT TO ZONING ORDINANCE REGARDING THE INSTALLATION OF MANUFACTURED HOMES WITHIN THE R-5, R-10, AND AR ZONING DISTRICTS

Manager Craft stated that this item had been previously discussed because of the recent legal action taken by the Appeals Court which rendered a requirement in that the Town can no longer refuse a mobile home installation based solely on the age of the mobile home.

Manager Craft stated that the Planning Board will be meeting later this month and the information on an AMENDMENT TO ZONING ORDINANCE REGARDING THE INSTALLATION OF MANUFACTURED HOMES WITHIN THE R-5, R- 10, AND AR ZONING DISTRICTS will be presented.

The recommended changes are as follows:

1. Require brick/masonry underpinning on all manufactured homes installed within the Planning Jurisdiction not located within an existing Manufactured Home Park.
2. Allow for the installation of Class A (double wide manufactured homes that were constructed/built after July 1, 1976) Manufactured homes within the R-5, R-10, and AR Zoning Districts.
3. Allow for the installation of Class B (single wide manufactured homes that were constructed/built after July 1, 1976) Manufactured homes only within the R-5 Zoning District.

Manager Craft recommended that the Town Council establish a Public Hearing date for September 14, 2009, which is the regular scheduled Council Meeting, to receive public comment on the proposed amendment to the Zoning Ordinance.

There was no opposition.

ITEM 10F: UPDATE REGARDING SUTTON ACRES PHASE II; PRESENTATION OF CITIZEN PETITION

Manager Craft gave an update on the progress of Sutton Acres Phase II construction stating that the Town did bid the project for Phase II and the work begun earlier this week. Erosion control permits were received. The plan was approved by the Planning Board with Subdivision Regulations which allowed provisions for an additional ingress and egress. Mr. Billy Sutton, Developer of the subdivision, had previously purchased a right-of way that joined Firetower Road Phase II, Section III of Sutton Acres. The Town's water and sewer is transported through that right-of-way. It is Town Staff's belief that the right-of-way on Firetower Road that connects Madison Ann Drive does provide an additional means to enter and leave the subdivision, not only for the residents that live there, but for emergency vehicles in the event that the entrance off of South Caswell

Street was blocked. It would reduce traffic utilizing the front entrance and would provide an entrance for additional traffic for the new construction to have an alternate means. Town Staff does recommend that the street be installed for public safety reasons and to ensure an ingress and egress.

A citizen petition was presented to the Council requesting that the project be stopped immediately. The petitioners oppose the construction of the new road, threatening civil action against the Town, which would connect the subdivision to Firetower Road.

Manager Craft stated that he had invited the Fire Chief to make a statement concerning the second entrance.

Fire Chief David Holmes spoke stating that he had reviewed the petition and it appeared to have good support from the residents. Chief Holmes referred to the explosion at the substation near Sutton Acres recently and that incident could have caused part of South Caswell Street to be blocked off which would have encompassed the only entrance into Sutton Acres. The Philyaws live on the left and Mrs. Sutton lives on the right at the entrance and should a fire tragedy happen at either residence or near the entrance, once a fire line was established, no one could enter or leave the subdivision. Should this happen and a resident living in the rear of the subdivision needed fire services or emergency medical services, it would be an injustice to that taxpayer. Chief Holmes stated that he honestly felt that two ways into Sutton Acres Subdivision would be beneficial given the size of the houses. Limiting the subdivision to just one access would make it extremely hard to serve all the homes. Chief Holmes stated that as Fire Chief, and also a member of the Planning Board, he supported two entrances into the subdivision and it was in the best interest of the Town and the citizens.

Manager Craft stated that the Town was not opposed to the installation of speed bumps into the subdivision to help control speed should be residents desire.

Council Member Gladney stated that he went and looked at the subdivision and considered the situation and his biggest concern was the traffic going through the subdivision and what would concerns it would create with the traffic coming off the street. Also, if the entrance was blocked off due to a fire in the first part, and a person in the back needed the EMS how would this be handled. Council Member Gladney stated that he wanted to see the people who had purchased homes in the subdivision and invested in them have what they wanted. The Planning Board regulations state that subdivisions are required to have these particular entrances in a subdivision.

Mayor Pro Tem Wooten stated he was also concerned about public safety as this was everyone's biggest concern. The developer, Mr. Billy Sutton, is in agreement that he wants a second entrance and possibly the residents disagreement was with Mr. Sutton.

(Note: No public speakers in the audience introduced themselves, gave their address or spoke from the podium.) In summary, there were several Sutton Acres Subdivision residents in the audience that spoke stating that when they purchased their property it was with the understanding that the subdivision was a closed community. Other reasons for opposing a second entrance were increased exposure to traffic, public safety, children are allowed to play in the street, residents were not properly informed about the possibility of a second entrance and the Council not furnishing information to the citizens, increased theft and crime, property rights and safety, residents not included in the process, and 90% of the residents are opposed and they do not want the entrance and feel it is not necessary.

A resident in the audience spoke stating the possibility of dividing the subdivision into two parts with one entrance to each.

Council Member Gladney also spoke concerning the same possibility of dividing the subdivision. If the Phase II had a break between the two phases and not continue the main road all the way through, was it feasible, what could the Developer do and could this item be tabled. This could create two single-entrance subdivisions.

Manager Craft stated that the contractor had already begun work and the project was under way and he felt that the Council needed to make the decision tonight to determine if they desired the road for a second entrance. Should the decision be tabled for thirty days, the Town could have liquidated damages if the construction crew has to stop work.

After a very lengthy discussion among the residents of Sutton Acres, Town Council and Manager Craft, motion was made by Council Member Gladney, seconded by Council Member Koonce to stop the construction on the road, off of Firetower Road, that would allow a second entrance into Sutton Acres Subdivision. Motion carried 3-2 with Council Members Gladney, Koonce and Sutton voting in favor of the motion; and Mayor Pro Tem Wooten and Council Member Rouse voted against the motion.

ITEM 11: CLOSED SESSION

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney 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.

OTHER INFORMATION

Manager Craft informed the Council that he had received a formal notice from Nelda H. Johnson, Town Clerk/Finance Officer of her intent to retire December 31, 2009.

ITEM 12: ADJOURNMENT

There being no further business, Mayor Gurley declared the Regular Session adjourned.

Nelda H. Johnson, CMC Town Clerk

Woodard H. Gurley, Mayor