

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on August 6, 2007, at 7:00 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby R. Wooten; Council Members Larry Gladney, Walter Ellis, Jr., George Koonce, Elliott Sutton and Jeff Thomas; Town Manager, John P. Craft; Town Clerk, Nelda H. Johnson, CMC; Town Attorney, George Jenkins, Jr.

Absent: None

Guest: 9

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

Mayor Gurley called the meeting to order and ask Council Member Ellis to give the invocation. Mayor Gurley welcomed all members and guest.

ITEM 4: PUBLIC HEARING

Motion was made by Council Member Ellis, seconded by Council Member Sutton to open the public hearing. Motion carried 6-0 in favor of motion.

ITEM 4A: ANNEXATION REQUEST – EAST CAROLINA FARM CREDIT PROPERTY

Manager Craft stated that East Carolina Farm Credit is nearing the completion of its La Grange Branch, which will consolidate their two Kinston and Goldsboro offices into a single central branch here in La Grange. East Carolina Farm Credit has petitioned the Town requesting satellite annexation of their property. The Town will be able to provide all Town services to the area that is proposed to be annexed. The public hearing is the final process of the annexation.

There was no opposition.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Thomas to close the public hearing. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Sutton, seconded by Council Member Thomas to approve the ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LA GRANGE, NORTH CAROLINA; NON-CONTIGUOUS ANNEXATION OF EAST CAROLINA FARM CREDIT PROPERTY. Motion carried 6-0 in favor of motion. Copy hereto attached.

ITEM 5: PUBLIC COMMENT PERIOD

None

ITEM 6: AMENDMENTS TO AND APPROVAL OF AGENDA

The following items were added to the original agenda:

ITEM 8F: RECOGNITION OF ACHIEVEMENT – INVESTIGATOR SHAWN BROCK

ITEM 8G: REQUEST BY COUNCIL MEMBER ELLIS – HUNTINGTON PARK
SUBDIVISION TRAFFIC CONTROL

ITEM 8H: REQUEST BY COUNCIL MEMBER GLADNEY – BASKETBALL GOALS IN
THE STREET

Motion was made by Council Member Thomas, seconded by Mayor Pro Tem Wooten to add the above amendments to the original agenda. Motion carried 6-0 in favor of motion.

ITEM 7: CONSENT AGENDA

7A: APPROVAL OF MINUTES

- i. June 4, 2007 Regular Session
- ii. June 11, 2007 Special Meeting
- iii. June 13, 2007 Public Hearing

7B: APPROVAL OF ANNUAL FIRE DEPARTMENT CONTACT WITH WAYNE COUNTY. Copy on file in Clerk's office.

7C: APPROVAL OF RURAL CENTER GRANT DOCUMENTS

- i. CONFLICT OF INTEREST STATEMENT. Copy hereto attached.
- ii. APPROVAL OF MINORITY BUSINESS ENTERPRISE attached and filed in Resolution Book III.
- iii. CERTIFICATION OF MINORITY BUSINESS PARTICIPATION. Copy hereto attached.
- iv. APPROVAL OF RESOLUTION AUTHORIZING THE SUBMISSION OF THE FORMAL APPLICATION FOR THE RURAL CENTER ECONOMIC INFRASTRUCTURE GRANT FOR THE WATER SYSTEM IMPROVEMENTS TO SERVE TANDS, INC. (BO JANGLES). Copy of Resolution NO. 2007-08-199 hereto attached and filed in Resolution Book III.
- v. RESOLUTION APPOINTING THE TOWN MANAGER AS THE TOWN'S AUTHORIZED AGENT IN MATTERS ASSOCIATED WITH THE RURAL CENTER ECONOMIC INFRASTRUCTURE GRANT FOR THE WATER SYSTEM IMPROVEMENTS TO SERVE TANDS, INC. (BO JANGLES). Copy of Resolution NO. 2007-08-200 hereto attached and filed in Resolution Book NO. III.

7D: REQUEST TO CLOSE A PORTION OF RAILROAD STREET FOR THE GARDEN SPOT FESTIVAL

7E: APPROVAL OF MEMORANDUM OF AGREEMENT WITH THE NC DEPARTMENT OF TRANSPORTATION REGARDING DEBRIS REMOVAL. Copy hereto attached.

Motion was made by Council Member Thomas seconded by Mayor Pro Tem Wooten to approve the consent agenda. Motion carried 6-0 in favor of motion.

ITEM: 8F: RECOGNITION OF ACHIEVEMENT – INVESTIGATOR SHAWN BROCK

Manager Craft stated that the North Carolina Criminal Justice Education Training Standards has three levels of training and Investigator Brock has successfully completed level two. Manager Craft then allowed Police Chief, John L. Sullivan, Jr. to formally congratulate Investigator Brock and recognize his achievement to the Town Council.

Chief Sullivan stated that Investigator Brock had completed more than 1300 hours of specialized and service training and was awarded his Intermediate Law Enforcement Certificate by the NC Criminal Justice Education Training Standards. Chief Sullivan stated that on behalf of the La Grange Police Department and the citizens of La Grange that he congratulated Investigator Brock on this accomplishment.

ITEM 8: NEW BUSINESS

ITEM 8A: ENDORSEMENT OF JOHN CRAFT, TOWN MANGER, AS CANDIDATE FOR THE ELECTRICITIES BOARD OF DIRECTORS

Manager Craft stated that he was requesting a formal endorsement and authorization from the Town Council to pursue a position as a member of the ElectriCities Board of Directors. Manager Craft stated that the ElectriCities Board meets once a month in Raleigh and later in the month a telephone conference. Manager Craft stated that he felt the Town would benefit by having representation on the Board.

Motion was made by Council Member Gladney, seconded by Council Member Ellis to endorse and authorize Manager Craft to seek election on the ElectriCities Board of Directors. Motion carried 6-0 in favor of motion.

ITEM 8B: DISCUSSION PERTAINING TO THE TAX COLLECTION AGREEMENT WITH LENOIR COUNTY

Manager Craft reported to the Council that he, Attorney Jenkins and Darrell Parrish, Lenoir County Tax Collector, had been in discussion about concerns over the collection of public health liens and special assessments related to demolition/lot clearing as a part of property tax collections.

Attorney Jenkins reported that the NC General Statute would require the Tax Collector to collect public health liens, but the special assessments related to demolition would be collected at a lower level.

Manager Craft also reported to the Council that the Lenoir County Tax Office is requesting the Town to forgive any special assessment related to demolition/lot clearing to "get these properties back on the books" as tax paying properties. The County will not foreclose on property that is unlikely to receive a bid to cover the cost of back taxes, liens, foreclosure and legal fees.

Attorney Jenkins stated that if a piece of property is foreclosed on and sold, the first monies would pay off the back taxes, foreclosure and associated legal fees. If the buyer of that property sells the property to a third party for profit and the demolition lien has been properly filed with the Clerk of Court, then the Town could recoup a portion or the entire demolition lien costs from that profit.

Manager Craft stated that in the future he would like the Council to consider bringing the tax billing and collection back to the Town.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to accept the RESOLUTION ACCEPTING THE ANNUAL SETTLEMENT OF THE LENOIR COUNTY TAX COLLECTOR 2006-2007 FISCAL YEAR. Copy of Resolution No. 2007-08-201 hereto attached and filed in Resolution Book III.

ITEM 8C: DISCUSSION PERTAINING TO ENTERING A DEBRIS MANAGEMENT CONTRACT WITH LENOIR COUNTY

Manager Craft reported to the Council that he had attended a meeting including representatives from Lenoir County, the City of Kinston, the Town of Pink Hill and the NC Department of Transportation to discuss the possibility of entering into a Debris Management Contract. This proposed contract would make the county responsible for debris removal related to hurricanes and other significant storm events. This clean-up would be no cost to the Town.

Manager Craft learned there are new State guidelines that must be followed for clean-up following such an event. One being, a certified monitor must be hired to be on site at all times to record tickets for each load and; second, the debris must be hauled to a designated permitted area. Third, there are more permitting requirements for white goods which are considered hazardous waste.

After continued discussion, motion was made by Council Member Sutton, seconded by Mayor Pro Tem Wooten to allow Manager Craft to continue negotiations with Lenoir

County with defined stipulations for the Town of La Grange. A part of those stipulations would be to guarantee two crews on the first day of clean-up dedicated to the Town of La Grange and these crews not leave until clean-up is satisfied and they are released. Two full crews would include chain saw crews, backhoes, and trucks necessary to keep the debris moving. Motion carried 6-0 in favor of motion.

ITEM 8D: DISCUSSION RELATED TO LOAD MANAGEMENT CREDITS

Manager Craft stated that he had already mentioned that the City of Kinston has had some problems with their equipment that transmits radio signals to the switches that control our load management switches and load control switches. According to their Electric System Engineer, Jason Thigpen, they do not anticipate having the equipment working until late this year. The load management program is a good program in that it helps us “beat the peak” which saves the Town money in demand charges. There are three options that the Town can consider:

- a. Wait until the City of Kinston repairs their equipment. The benefit to this option is that there are no equipment purchases required. On the negative side, we would be giving our customers credits on their utility bill and we will not see a reduction in our load from these switches.
- b. The second option is to purchase a new type of switches that works off of pager signals. These switches cost approximately \$120 each and will control up to three devices and would have to be installed at each of the homes that wish to continue to receive load management credits. The installation of each switch would cost about \$50.
- c. The third option is to eliminate the load management program all together, which is not a good option, as there is a cost savings that results from the load management program. The termination of the load management program would actually cost the Town money in the long run. The Town should recognized a savings of approximated \$23,000 in a year’s time with the load management program.

After discussion between Manager Craft and the Council, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Thomas to proceed with Option B, an upgrade to the Load Management Program to include air condition switches. Motion carried 6-0 in favor of motion.

ITEM 8E: APPROVAL OF WATER SHORTAGE RESPONSE ORDINANCE

Manager Craft stated that the State has mandated that the Town have an adopted Water Shortage Ordinance that details the actions that the Town would take in the event that we experience a water shortage to ensure that the Town can provide essential water service to meet basic needs, which include a daily allocation to households, medical centers, businesses, and fire protection while curtailing use for nonessential services such as irrigation, car washes, swimming pools, etc.

Manager Craft stated that he had prepared an ordinance that meets the State’s minimum requirements.

Motion was made by Council Member Koonce, seconded by Council Member Ellis to adopt the Water Shortage Ordinance. Motion carried 6-0 in favor of motion. Copy of Water Shortage Ordinance on file in Clerk’s office.

ITEM 8G: REQUEST BY COUNCIL MEMBER ELLIS – HUNTINGTON PARK TRAFFIC CONTROL

Manager Craft stated that Council Member Ellis had expressed to him the concerns of the citizens living in Huntington Park Subdivision and the safety of their children playing along Huntington Park Drive.

Council Member Ellis spoke stating that he had spoken with Chief Sullivan and discussed the best location to install "Children at Play" signs or speed limit signs.

Discussion followed and motion was made by Council Member Ellis, seconded by Council Member Thomas to post a sign "SPEED LIMIT 25" at the entrance of Huntington Park and at the corner of the Gregory Rouse residence place a sign "CHILDREN AT PLAY." Motion carried 6-0 in favor of motion.

ITEM 8F: REQUEST BY COUNCIL MEMBER GLADNEY – BASKETBALL GOALS IN THE STREET

Council Member Gladney expressed his concerns over portable basketball goals being put in the street on East James Street stating that chairs are being placed in the street as well as trash and this is a nuisance and very dangerous. Also, there is the same problem on Joyner Street.

Manager Craft stated that a citizen had been in the office a few days ago and complained about the one on East James Street and Police Chief Sullivan was notified concerning the complaint. Manager Craft stated that if a basketball goal is seen, the owner or players are given opportunity to remove it and if they do not the goal is seized.

Mayor Gurley expressed concern over the bicycles, skateboards and four-wheelers on the walking trail.

Manager Craft stated that he would have an ordinance prepared by next month for the prohibition of these items.

At this time, Mayor Gurley stated that the Council has a guest at the meeting tonight with the Scouts.

Gabriel Rawlinson, 5549 Heritage Woods Lane, La Grange, introduced himself stating that he was working on his Citizenship and Community Merit Badge

ITEM 9: OLD BUSINESS

ITEM 9A: UPDATE ON COUNCIL CHAMBERS ADDITION & ESTABLISHMENT OF DATE FOR RIBBON CUTTING

Manager Craft stated that the construction of the Town Hall Council Chambers addition was moving along nicely. Monrovia Growers has donated approximately 54 plants and the Town will purchase additional plants at a reduced price. Southern Bank and Trust Company has donated \$9,000 toward the sound and audio visual system.

Manager Craft proposed the date for the ribbon cutting and open house for Sunday, September 9 from 4pm to 6pm. There was no opposition.

Manager Craft stated that he plans to send out invitations to Congressman Butterfield, Senator John Kerr, Senator Charlie Albertson and Representative Van Braxton. A public invitation will be announced in the newspaper and Manager Craft requested that if any of the Council wished a special invitation sent to anyone to please let him know.

ITEM 9B: DISPOSITION OF 103 FLORIDA AVENUE

Manager Craft reported to the Council that Samuel Batts and Michael Hines have paid \$4,000 for 103 Florida Avenue property. The Town has not closed on the property as we are waiting for their attorney to prepare the closing documents.

ITEM 9C: UPDATE ON RESURFACING PROJECT - PORTIONS OF CASWELL AND WASHINGTON STREETS

Manager Craft stated that the funding is in place for the resurfacing project and the time line to finish the project would be 90 to 120 days; and, he would continue to give monthly updates on the progress.

ITEM 9D: UPDATE ON THE RAILROAD CROSSING CLOSURES AND UPGRADES

This project includes the resurfacing of both North and South Railroad Streets and the widening (to three lanes) and resurfacing of a portion of West James Street. The project is now in the funding and design cycle.

ITEM 9E: WASTEWATER TREATMENT PLANT & WATER SUPPLY SYSTEM IMPROVEMENTS

Manager Craft reminded the Council that he had submitted a grant application in the approximate amount of \$580,000 to the Clean Water Management Trust Fund requesting grant funding to make improvements to the Wastewater Treatment Plant. The proposed improvements include the replacement of the control systems at the Wastewater Treatment Plant, an upgrade to the grit chamber, and the addition of additional raw sewage pumps. The Town has met all the deadlines for the grant submission and it would be about 45 days before the Town would know the status of the application.

ITEM 9F: RECREATION INFRASTRUCTURE IMPROVEMENTS – WALKING TRAIL

Manager Craft stated that he was very pleased with the citizen response and use of the walking trail. Pedestal type lighting is planned; the addition of some trees, and rails along for the ditch crossing.

ITEM 9G: CWMTF RE-USE GRANT

Manager Craft request that this item be discussed in Closed Session.

ITEM 9H: GROUND LEASE WITH UNITED STATES CELLULAR

Manager Craft stated that the ground lease (on the Wastewater Treatment Plant Property) with US Cellular was still on target. The Town will begin to receive \$900 per month for this lease in the next couple of months. This lease is for 20 years and every five years a payment adjustment according to the price index.

ITEM 10: CLOSED SESSION

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Ellis go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4)(5)(6) for discussions related to Economic Development. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Gladney, seconded by Council Member Sutton to return to the Regular Meeting. Motion carried 6-0 in favor of motion.

ITEM 11: ADJOURNMENT

Motion was made by Council Member Thomas to adjourn