

## REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on November 2, 2009, at 6 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members Larry Gladney, 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: None

Guest: 12

### **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 gave a welcome to all Council Members and guest.

### **ITEM 4: PUBLIC HEARINGS**

#### **ITEM 4A: ORDINANCE AMENDMENT TO PROHIBIT PLAYING OF BASKETBALL WITHIN 15 FEET OF IMPROVED SURFACES OF STREETS AND ROADS**

Mayor Gurley opened the Public Hearing and turned the meeting over to Manager Craft.

Manager Craft stated that the first public hearing was a subject that the Council has already discussed on two different occasions. The ordinance prohibits the playing of basketball within 15' of improved surfaces of Town Streets and Roads.

Mayor Gurley called for public comments.

Council Member Gladney asked that if this ordinance was adopted, who would enforce the ordinance.

Manager Craft stated that primarily the Lenoir County Sheriff Department or the Town's Code Enforcement Officer, Heith Harrison.

Council Member Gladney asked if citizens or the owner of the basketball goals would have a warning first; and, if a warning was given, would there be a decal placed on the goal.

Manager Craft stated that at this time nothing was in place to give a warning, but the Town could certainly extend a courtesy initially and utilize the tags that are used for junk vehicles. Also, a certified letter initially could be sent informing the owner about the ordinance and for any subsequent violation, the goal would be removed.

Council Member Gladney asked how the public would be informed about the new ordinance.

Manager Craft stated that an insert could be placed in the next mailing of utility bills and utilize the Connect CTY phone system.

Mayor Pro Tem Wooten asked how prevalent was the basketball goal problem and was there a lot of complaints.

Manager Craft stated that the Town has received numerous complaints over the past year and obviously the problem was greater at certain times of the year. Without the ordinance there is no way to enforce removal of the goals.

Council Member Gladney asked that if a goal should fall on a car and the goal was on the Town's right-of-way, who would be responsible.

Attorney Jenkins answered that the homeowner would be responsible.

A citizen asked was there any alternatives for the kids, especially young children, like the Boys Club or recreation areas so they would have some place to go rather than in the streets.

Council Member Gladney stated that the Council talked about the Town's recreation plan earlier at the Special Meeting, prior to this public hearing. Also, there is a public basketball court on the Town Hall property. The Town Council is looking at these basketball goals on Town streets as a danger to the citizens and kids.

Council Member Harrison stated that we teach our kids not to play in the streets and it is a danger to the kids and teenagers, should they dart into the street, as well as vehicles passing.

There being no further comments motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to close the public hearing. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to adopt the ORDINANCE AMENDING CHAPTER 32, STREETS AND SIDEWALKS OF THE TOWN OF LA GRANGE to prohibit the installation of permanent or portable basketball goals and the playing of basketball within fifteen (15') feet from the edge of the improved surface of all streets and roads; also, to send a certified letter as a first warning to remove the basketball goal immediately. Motion carried 5-1 with Mayor Pro Tem Wooten voting against the motion. Copy of ordinance hereto attached.

**ITEM 4B: TO CONSIDER A CHANGE TO THE OFFICIAL ZONING MAP FOR THE TOWN AND ETJ AS RECOMMENDED BY THE PLANNING BOARD**

Manager Craft stated that Charles Miller, Pastor of Heart to Heart Prayer House, was requesting an ordinance amendment to amend the Official Zoning Map of the Town of La Grange to rezone the property located at 114 North Caswell Street from Downtown Commercial (DC) to R-12 to allow for the operation of a church.

Heith Harrison, Code Enforcement Officer, spoke stating the Planning Board met on October 26, 2009, and made a unanimous decision to make a recommendation to the Council to approve the rezoning request. Mr. Harrison provided a map of the property stating the original zoning was DC and in order to have a church on this property that parcel would have to be rezoned R-12. The reason for R-12 is because the adjacent property is already zoned R-12. The off-street parking is also an issue as there is virtually none. The applicant, Mr. Miller, did get permission from John H. Waters to use a vacant lot that he owns on West James Street, approximately 480 feet from the church. The parking requirements are that you have to have one parking space for every four seats and Mr. Miller has stated that he will have twelve pews that will seat twelve persons each. This vacant lot will accommodate 38 spaces and this will be ample parking.

Council Member Gladney asked that if the church could not use parking on James Street and in front of the church would that also be enforced from the funeral home using the parking.

Mr. Harrison stated that the church would be able to park on North Caswell Street because that was public parking. The Church cannot use North Caswell Street as their required off street parking.

After continued discussion among the Council, Manager Craft, Mr. Harrison and Pastor Charles Miller, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to close the public hearing.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to adopt an ORDINANCE AMENDING CHAPTER 38, ZONING OF THE TOWN OF LA GRANGE which would change the zoning district classification of the property known as 114 North Caswell Street, parcel number 15997 on the Lenoir County tax maps from DC (Downtown Commercial) to R-12 (Single Family Residential). Motion carried 6-0 in favor of motion. Copy of ordinance hereto attached.

**ITEM 5: BOARD OF ADJUSTMENTS**

None

**ITEM 6: PUBLIC COMMENT PERIOD**

None

**ITEM 7: AMENDMENTS TO AND APPROVAL OF THE AGENDA**

Manager Craft recommended approval of the printed agenda with the following additions:

Move ITEM 9B from new business to Closed Session due to the fact that it involves contract negotiations.

Add agenda ITEM 9C: UPDATE ON TOWN'S COMPLIANCE WITH CENTRAL COASTAL PLAIN CAPACITY USE AREA REGULATIONS AND THE CRETACEOUS WATER BANK STATEMENT; and, add agenda ITEM 9D: REQUEST BY TOWN EMPLOYEES TO ALTER HOURS OF OPERATIONS

Motion was made by Council Member Koonce, seconded by Council Member Gladney for approval of the agenda and approval of the additions as listed. Motion carried 6-0 in favor of motion.

**ITEM 8: CONSENT AGENDA**

- a. Approval of Minutes
  - i. October 12, 2008 Regular Session Minutes
- b. Approval of Proclamation Commemorating the Centennial of True Vine #144 Order of the Eastern Star. Copy of proclamation hereto attached.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to approve the consent agenda. Motion carried 6-0 in favor of motion.

**ITEM 9: NEW BUSINESS**

**ITEM 9A: CONSIDER ELIMINATION OF DEVELOPMENT FEES**

Manager Craft stated that this past week at the North Carolina League of Municipalities (NCLM) annual conference in Greenville he attended a session on how a Town recruits businesses and maintains businesses in the community. The speaker for the session gave a very enlightening discussion stating that there are 14,000 entities seeking development opportunities.

Manager Craft stated that after considering the state of the economy over the past several months, he recommended that the Council consider the elimination of certain fees that will help reduce or remove as many of the obstacles that exist relative to the development in our Town, and help reduce construction, development, and start up costs for persons or companies that wish to live or do business in La Grange. If we want to grow and improve customer relations, we need to reach out to prospective residents and businesses, and there are several fees that I would recommend that the Council eliminate. They are as follows:

1. **Minimum Housing Inspection Fees.** Recommending that the Council eliminate the fee for the initial minimum housing inspection. This fee is currently at \$10. The minimum housing inspection program certainly needs to continue, but recommend that the initial \$10 inspection fee be waived. Recommend that the Town charge the landlords \$10 for each re-inspection if the house does not pass the initial inspection. Recommend that this become effective immediately.
2. **Water and Sewer Taps.** Recommending that the tap fees for businesses and homes that would be built in the town limits be waived. Recommend that the fees still be charged for both water and sewer taps at current levels outside of Town. Tap fees for irrigation taps are recommended to remain at current levels. Recommend that this become effective immediately.
3. **Building Permit Fees.** Recommend that the building permit fees be waived. As construction in the region has slowed; recommend that the Town eliminate fees associated with construction as well as reduce constructions costs within the Town as opposed to other surrounding areas. Recommend that this become effective immediately.
4. **Privilege Licenses Fees.** To entice businesses to locate in our Town, and to show the businesses that the Town wants to keep them, recommend that fees associated with privilege licenses be eliminated. Privilege licenses need to be obtained, but we should not charge businesses to do business in our Town as we strive to recruit and retain businesses downtown. Recommending that privilege licenses fees be waived effective with the FY 2010-2011 (Fiscal Year beginning July 1, 2010), as the privilege licenses fees have been paid by businesses and contractors and covers them through June 30, 2010.

Manager Craft stated that, if approved, these changes would save developers, homeowners, and business owners approximated \$1,500-\$2,000 in tap and permitting costs if building in La Grange as opposed to other surrounding areas. This should help the Town recruit new businesses and residents in the future. This would reduce the Town's revenues slightly, but the reduced fees would be recovered through increased revenues in subsequent years that result from future development and new customers.

After discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to approve Manager Craft's recommendation to eliminate certain fees as outlined above in No. 1 – 4. Motion carried 6-0 in favor of motion.

**ITEM 9B: CONSIDER INSTALLATION OF SURVEILLANCE SYSTEM FOR PARK FACILITY AND INTERCONNECTION OF TOWN HALL AND PUBLIC WORKS COMPLEX**

Moved to Closed Session.

**ITEM 9C: UPDATE ON TOWN'S COMPLIANCE WITH CENTRAL COASTAL PLAIN CAPACITY USE AREA REGULATIONS AND THE CRETACEOUS WATER BANK STATEMENT**

Manager Craft gave the Council an update on the Town's compliance with the Central Coastal Plain Capacity Use Area regulations as he had received the Town's annual bank statement today from the State informing the Town of our status. The Town sends in monthly reports to the State showing the Town's water withdrawals from the two active wells. The CCPCUA required that the Town reduce our water withdrawals from the aquifer beginning August 2008. The Town's original base rate was 141,355,000 gallons per year that can be pumped from the aquifer. The Town entered into a Water Right Withdrawal Purchase Agreement with the Town of Farmville; and, this was the first year of that project and due to the construction of the water lines that fed Farmville from Greenville a reduced amount of water was transferred during the previous year to meet our need. The Town was allowed to transfer 30,000,000 gallons of water and that volume was determined by the actual reduction.

In his presentation, Manager Craft provided the Council with further information on the Cretaceous Water Bank Statement.

## **ITEM 9D: REQUEST BY TOWN EMPLOYEES TO ALTER HOURS OF OPERATION**

Manager Craft stated that he had requests from the Finance, Public Works, Inspections and Electric Departments to consider flex time which is a growing trend.

Currently the Finance Department works four 9 hour days, and one 4 hour day each week. Employees rotate days off each week. The present hours are Monday through Thursday 8 am to 5:30 pm and on Friday 8 am to 5 pm,

The Public Services Department does not work a flex schedule and their hours are Monday through Friday 7 am – 4 p.m.

The Electric Department does not work a flex schedule and their hours are Monday through Friday 8 am – 5 p.m.

The request by all departments (other than Waste Water Treatment Plant) is to alter schedule to:

- Monday thru Thursday – 9 hour days
  - Finance, Electric and Inspections Department will work 8 am – 5:30 pm
    - Would retain longer work day to enable the public to access Town Hall after they get off work without taking off early
  - Public Services will work from 7 am – 5:00 pm Monday thru Thursday
- Friday, 4 hour day from 8 am – 12 pm for all departments (other than WWTP)

Manager Craft stated that if the 15<sup>th</sup> of the month was on Friday or if the cut-off date was on Friday, customers would be allowed to make payments on the following Monday without any penalties added to their account. The half day schedule on Friday would not adversely affect Public Services or the garbage services as they would plan their work schedule in advance.

If approved, Manager Craft stated that he recommended the amended hours of operation to be effective January 1, 2010.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to accept the employees' request and Manager Craft's recommendation and amend the hours of operation of the Finance, Public Works, Inspections and Electric Departments as stated above. Motion carried 6-0 in favor of motion.

## **ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS**

### **ITEM 10A: UPDATE ON PROGRESS OF AMI PROJECT AND PAYMENT OPTIONS**

Manager Craft updated the Council on the progress of the Town's AMI project and payment options with the following information:

- Electric – Residential Installation – 100%
- Electric – Small Commercial (small loads, not 3-phase, nor CT meters) – 100%
- Electric – Large Commercial – 0% (awaiting pricing and availability of meters)
- Water – 552 meters have been installed.
  - Waiting on delivery of remaining 1,000 water meters
  - Plans to complete before Christmas
- Working to integrate with Money Gram to be able to accept payments made at CVS Pharmacy or Wal-Mart
- Online payment capability is available and working well
- Prepaid – Water readings is currently the issue and continuing to work with Excelleron to resolve

### **ITEM 10B: PARTF GRANT APPLICATION & SPRAY GROUND**

Manager Craft stated that the PARTF Grant was discussed during the Special Meeting held earlier.

Manager Craft provided the Council with a simulated picture of the projected spray ground and updated the Council with the following information.

- Equipment is ordered
- Tennis courts to be dismantled soon
- Tree to be taken down although several complaints have been received about the removal of the tree; leaves would become a problem with the water system
- Construction of spray ground itself to begin by early December. Completion by end of January 2010
- Landscaping, etc. to begin in March 2010
- Proposed completion by May 1, 2010

#### **ITEM 10C: UPDATE REGARDING SUTTON ACRES PHASE II**

Manager Craft provided an update on the Sutton Acres Phase II project with the following:

- Sewer Lines – 100%
- Sewer Taps – 100%
- Lift Station – 50+%
- Water Lines – 100%
- Water Taps – 100%
- Electric Primary & Secondary – 95%
- Street Lighting – 0%
- Streets – 50%
- Drainage – 70%

Project is on schedule and should be 100% completed by the end of November.

#### **ITEM 10D: CONSIDER FUNDING TO PROVIDE CITIZENS WITH AN OPPORTUNITY FOR EARLY VOTING FOR MUNICIPAL ELECTIONS IN FUTURE YEARS**

Manager Craft reviewed the information concerning early voting stating that Dana King, Director of Elections, called the Town to inquire as to our wishes relative to providing early voting for our citizens during local elections. Normally there is a 12 day early voting period with a cost of about \$3,200; but, the Town can shorten the period to whatever period the Council wishes.

Citizens can vote early in Kinston at the Board of Election office this year as the County will still have 12 days of early voting for County-wide elections.

The Town can choose specific days, but must get approval from the Lenoir County Board of Elections; the Town may have to amend the Charter to enable early and absentee voting if not done under the County. Attorney Jenkins will review this issue.

Manager Craft recommended have two (2) days of early voting for future local elections at an approximate cost of \$550.00.

After discussion among the Council and Manager Craft, motion was made by Council Member Gladney, seconded by Council Member Harrison to allow early voting in La Grange one and one half days being defined as one full day which would be two Saturdays before the election and one partial day which would be on Saturday before the election. Motion carried 5-1 in favor of motion with Council Member Sutton voting against the motion.

#### **OTHER INFORMATION**

Manager Craft stated that the Town had been presented a second award from ElectriCities concerning the Town's new logo and slogan from the Southeastern Economic Development Council. This award will be placed in the Town Hall lobby along with the first award.

**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 6-0 in favor of motion.

**ITEM 12: ADJOURNMENT**

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

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Nelda H. Johnson, CMC, Town Clerk

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Woodard H. Gurley, Mayor