

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on November 3, 2008, at 7 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: 7

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

Mayor Gurley called the meeting to order and asked Councilman Sutton to give the invocation. Mayor Gurley welcomed the guest.

ITEM 4: PUBLIC HEARINGS

None

ITEM 5: BOARD OF ADJUSTMENT HEARINGS

ITEM 5A: VARIANCE REQUEST – DEAN HORNE

The Town Clerk, Nelda H. Johnson, administered a sworn oath to Heith Harrison, Code Enforcement Officer for the Town of La Grange, and Dean Horne, applicant for the variance.

Mr. Harrison gave testimony stating that the applicant is requesting a variance from the required five (5) foot setback for an accessory building, which in this case, is an open carport in the rear of the property. The carport has been built on the right side property line and the way the property is shaped the rear property comes to a corner and the carport also encroaches on the rear setback as well as the side setback. Mr. Harrison also provided some facts about the zoning district, the property size, and what types of uses are in the surrounding area. Mr. Horne built the open carport without first seeking a building permit and that is usually when an applicant learns about the setbacks. Since Mr. Horne did not purchase a building permit, it is unlikely that he even knew about the setbacks.

STAFF RECOMMENDATION

Staff recommends that the La Grange Board of Adjustment grant the request if the applicant has a licensed surveyor combine both parcels known as 304 North Caswell Street and 306 North Caswell Street into one parcel. Mr. Horne owns both properties. Included as a Deed Restriction, the property known as 304 North Caswell Street will have to be listed as an accessory building (guest house) and the property known as 306 North Caswell Street must be listed as the primary residence. The properties cannot be re-subdivided until the provisions of the Zoning Ordinance are met, meaning the removal of the carport or moving the carport at least five (5) feet from the property lines.

Council Member Sutton asked if Mr. Horne could just “cut around” the property for the carport and let the surveyor include that portion of property into 306 North Caswell Street.

Mr. Harrison stated that since the use was already nonconforming, doing that would make a nonconforming use still nonconforming. This option had been discussed but it would not solve the nonconforming use.

Mr. Harrison stated that he had received an email from Will Hardy Britt at 309 North Caswell Street stating that he is the Power of Attorney for his sister, Elizabeth Britt Hunt at 307 North Caswell Street, and the Power of Attorney for Edna Rouse at 302 North Caswell Street. Mr. Britt stated that he, neither Mrs. Hunt, nor Miss Rouse had no problem with the carport as it was a nice addition to the area.

Mr. Harrison provided pictures for viewing as part of the evidence.

Council Member Sutton asked if the property known as the guest house could be rented.

Town Attorney, Mr. Jenkins consulted the Town of La Grange's Zoning Ordinance Book and stated that a person cannot have two residences on the same lot.

Mr. Jenkins recommended that since there was enough footage between the two houses owned by Mr. Horne that Mr. Horne have a surveyor redraw the property lines to allow for the setback on the right side and re-deed the properties based on new property lines and demolish the offending structure (old smokehouse) on 304 North Caswell Street property to allow for the rear setback.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to table the decision on the variance request by Dean Horne until the December 1, 2008, meeting as this would allow time for Mr. Horne to have the property lines redrawn, properties re-deeded and the offending structure on 304 North Caswell Street removed. Motion carried 6-0 in favor of motion.

ITEM 5B: APPEAL OF ORDER OF BUILDING INSPECTOR – GEORGE FOSS

The Town Clerk, Nelda H. Johnson, administered a sworn oath to Heith Harrison, Code Enforcement Officer for the Town of La Grange, and George Foss, applicant for the appeal.

Mr. Harrison gave testimony stating that the Town has been working with Mr. Foss for some time on the property known as 105 North Caswell Street. Mr. Foss was sent a letter on September 30, 2008, requiring him to make all the necessary repairs within sixty (60) days from an earlier inspection that he had completed of the house. Mr. Foss was asked if within those sixty days if he would paint the structure or weather proof the structure, repair any deteriorated wood, and also repair the front porch. Over a year ago Mr. Foss started on the painting of the house and he has one coat of primer paint on the front and part of the sides of the house and he has also torn down the deteriorated front porch. Since that time, no repair has been done and over a year has passed. The previous Inspector, Mr. Walters, and Manager Craft have also been trying to work with Mr. Foss on the repairs. Under North Carolina State Statute, Mr. Foss has the right to appeal the decision of the Building Inspector within ten days of receipt of the letter requiring sixty days to make all the necessary repairs. Manager Craft and Mr. Harrison met with Mr. Foss on October 23, 2007; and, a letter on August 26, 2008, requesting a hearing to find out about the status on the repairs of the property. Mr. Foss stated at that time he would get started making the repairs before the October 15, 2008, Council meeting; but, nothing has been done. Pictures of the house were also presented as evidence.

STAFF RECOMMENDATION

Staff recommends that the La Grange Board of Adjustment affirm the order of the Code Enforcement Officer to require Mr. Foss to make all necessary repairs within the sixty (60) day period. On October 23, 2007, at 9 am, John Craft, Town Manager and Heith Harrison, Code Enforcement Officer met with George Foss to discuss the structure at 105 North Caswell Street. Mr. Foss was told that the Town has given him over two years to make the necessary repairs. The only progress then was one coat of primer to the exterior front and sides of the house. Mr. Foss stated that he would have the

deteriorated front porch removed that week. The front porch was removed, but since then, there has been no attempt to make any repairs in over a year.

George Foss gave testimony stating that Mr. Harrison and Mr. Craft have stated the facts about the house. Plans for remodeling the house at 105 North Caswell are going to have to be put on hold for about five months or until the economy turns around. The reason for that is because we are in a recession; and, the flooring for the porch, just the flooring, it would cost over \$2500 just to replace the boards on the porch and if another kind board is used it could cost over \$6,000. The exorbitant cost of labor and materials has created an unforeseen burden on everyone. Over \$5,000 has already been spent on the columns because this house is on the National Historical Registry and you cannot buy anything standard for this house. Everything has to be sawed or cut to specifications. Mr. Foss further stated that he did not think it was in his best interest to spend \$25,000 to \$30,000 at this time on the house. He does plan to get this house in rentable condition as soon as possible. He stated that he would go ahead and finish painting or priming the house, repair the windows and the boards on the sides; but, he has kept the grass mowed and kept the yard in pretty good shape. Mr. Foss stated that it was not feasible to spend that kind of money on that house when everyone was trying to save. He further stated that his plans for next year is to replace the lower front porch on the bottom, replace the cover over the porch, replace the cover on the top part of the house, replace the columns and then insulate the house, paint and refinish the entire exterior of the house. Right now it is not fair, and the Council should put a moratorium on some of these repairs that the Town is requesting. Mr. Foss further stated that he had been given time, two or three years; but, the house sat there seven years before he bought the house and nothing was done and the columns rotted and fell on the ground. Mr. Foss stated that he knew that everyone wants to clean up the Town; but, exceptions need to be made and not put a burden on someone just to satisfy a few people that walks by and wants everything looking nice and clean. Mr. Foss asked if there were any questions.

Council Member Gladney asked what happened to the repairs before the recession.

Mr. Foss stated that laborers and carpenters and the cost of gas were very costly and he wanted to hire people that he did not have to pay a high labor cost. The cost of labor and materials has not come down.

Manager Craft asked Mr. Foss when he actually purchased the property and Mr. Foss stated that he could not remember, possibly five years ago.

Council Member Gladney stated that Mr. Harrison and others had contacted Mr. Foss in the past and he failed to do what was required and the question to Mr. Foss was, how much more time do you need and Mr. Foss stated, "one year or until this economy turns around."

After continued discussion among the Council, Manager Craft, and Mr. Foss, motion was made by Council Member Harrison, seconded by Council Member Gladney to give Mr. Foss six months (until May 3, 2009) to complete major renovations, except the front porch, to the outside of the house at 105 North Caswell Street. Motion carried 5-1 in favor of motion. Mayor Pro Tem Wooten opposed the motion.

ITEM 6: PUBLIC COMMENT PERIOD

Thurston Letchworth, 208 School Street, spoke stating that his neighborhood had a major problem with cats. Currently only 4 of these cats have an owner and there are about 16-18 stray cats. These cats are messing up the driveways, front and back entrances of homes, anywhere they can find sand. Mr. Letchworth wanted to know if there was any animal control law to control these cats as he was not the only one that was complaining about the problem.

Mayor Gurley stated that the Town does not have an animal control law. Lenoir County Animal Control will pick these animals up if they are notified as they can set traps to catch animals.

Manager Craft stated that he would call Officer Bigler with Lenoir County Animal Control and talk with him about the cat problem.

Mr. Letchworth requested that the Council consider an Animal Control Ordinance for the Town in the future.

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

Manager Craft recommended approval of the original agenda as printed with the following addition:

ITEM 9D: CONSIDER EQUIPMENT PURCHASE – STREET DEPARTMENT

Motion was made by Council Member Koonce, seconded by Council Member Gladney to approve the original agenda with one addition. Motion carried 6-0 in favor of motion.

ITEM 8: CONSENT AGENDA

- a. Approval of Minutes
 - i. October 15, 2008 Regular Session Minutes
- b. Approval of Resolution Requesting Assistance from the NC Division of Community Assistance. Copy of Resolution No. 2008-11-216 hereto attached and filed in Resolution Book III.

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

ITEM 9: NEW BUSINESS

ITEM 9A: PRESENTATION OF EXCELERON PREPAID UTILITIES SYSTEM

Manager Craft stated that he had asked Angela Hare, Director of Information Systems for the Central EMC in Sanford, to come and discuss her experiences utilizing EXCELERON and prepaid meters. Mrs. Hare called today stating that she could not come due to illness in her family. Due to Mrs. Hare being absent, Manager Craft requested that this item be tabled until Ms. Hare could be present to make the presentation.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to table ITEM 9A: PRESENTATION OF EXCELERON PREPAID UTILITIES SYSTEM until the December 2008 meeting. Motion carried 6-0 in favor of motion.

ITEM 9B: REVIEW OF CRETACEOUS WATER BANK STATUS

Manager Craft stated that the Town receives a statement each year from the NC Division of Water Resources that details the status of the Town's Cretaceous Water Bank and wished to update the Council on the Town's balance, and anticipated changes over the next couple of years.

The Central Coastal Plain Capacity Use Area (CCPCUA) regulations created the Cretaceous Water Bank. The Bank tracks the amount of water that the Town has "stored" for future uses. Bank water withdrawal rights began accumulating August 1, 2005. The Town's Base Rate is 141,355,000 gallons each year and as of August 1, 2008 the Town's Water Bank Status was 75,187,000 gallons. Manager Craft reviewed a chart showing the water use each year, credits and the balance beginning on August 1, 2004 – August 1, 2007. Manager Craft noted that the Town's water use declined each year.

ITEM 9C: CONSIDER PURCHASE OF POLICE EQUIPMENT

Manager Craft stated that Interim Chief of Police Jerry Davis was present at the meeting and he and Interim Chief Davis was bringing to the Council a request to consider the purchase of equipment to install in the police cars. The Town has made significant strides in providing our Police Department transportation; but, the Town does not have in-car cameras which are very invaluable in the event an officer needs documentation of incidents that did or did not happen on any calls. The Police Department does have two units and both are VHS and one is inoperable and the other is operable but the Department does not have a microphone for it and both are aged.

This is a significant request because the Town would need to identify the funds to pay for this equipment. In times past, former Police Chief, John L. Sullivan, has had conversations with me requesting that the cameras be purchased. Manager Craft stated that since Chief's Sullivan's retirement, Interim Chief Davis and he had numerous conversations about the need for this type of equipment. As the Council looks at what this equipment can do for the Town and the Department, it is very important to consider acquiring this equipment. Car camera equipment documents reasons for the stop, proves what happens and what is said during stops, evidentiary value, protects the Town, officers and the public as well as protects the Town on liability issues.

Manager Craft stated that each unit cost \$4,600 and the Department would need 8 units to cover 8 full-time officers. The total cost to install the cameras in eight vehicles would be \$36,800. This does not include two spare police cars that the department utilizes for part-time officers and for full time-officers if their assigned vehicle happened to be in for repair. Manager Craft requested that the cameras be purchased to cover the full-time vehicles and the devices that he is recommending is not the top-of-the line, but a mid-grade unit.

Interim Chief Davis spoke stating that these units will allow our citizens to receive the type of police protection that they are paying for and it would also allow for the Department to use the tapes for training programs. Also, the Town would save money if it prevents one law suit.

Manager Craft stated that the Police Department is supported from five different types of funds. The largest part is tax revenue; also, drug seizure money from the Federal Government, Equipment Fund which comes from public donations, State Drug Fund, and a K-9 Fund which began several years ago.

Manager Craft informed the Council that when the Town did the Lease-Purchase Contract for our garbage trucks and carts the Town was able to come in under budget by \$20,000 for the purchases and the Town is committed for those funds. Manager Craft requested that the Council allow him to make a change in the Lease-Purchase Contract with Southern Bank and use those funds for the purchase of the cameras if they deemed it appropriate.

After continued discussion concerning the purchase and funding of in-car cameras, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to direct Manager Craft to purchase ten (10) cameras for the Town's police vehicles; funding to come from the Police Department K-9 Fund, Lease-Purchase Contract funds not utilized on the purchase of the garbage trucks and carts, and any other funds that he deems appropriate. Motion carried 6-0 in favor of motion.

ITEM 9D: CONSIDER EQUIPMENT PURCHASE – STREET DEPARTMENT

Manager Craft stated that he had wanted the State to come in and begin sweeping their streets located here in Town. Manager Craft stated he called the Department of Transportation and spoke with Mr. John Wells who administers the contracts for the sweeping of State owned streets. The contract price is \$116.00 per shoulder mile that has curb and gutter and is swept three times a year.

Manager Craft contacted Horne Striping and Asphalt who does street contract sweeping for the DOT in Onslow County and previously in Farmville to get information on what his business would charge the Town for the sweeping of our streets. Mr. Horne stated that

he did not wish to continue sweeping streets and offered to sell the Town his sweeper. Mr. Horne has a 1989 Tymco and is asking \$6,000 for the sweeper and it is in working condition.

Manager Craft stated that he has spoken with Tyrone Morgan, Superintendent of Public Works, and he is supportive of the Town purchasing a street sweeper as it would keep the curb and catch basins clean and make our Town cleaner. Also, Manager Craft stated that the Town could get a contract with the State and the Town would have to sweep State streets located in the city limits three times per year. The State would pay \$116 per shoulder mile.

Motion was made by Council Member Gladney, seconded by Mayor Pro Tem Wooten to direct Manager Craft to investigate and purchase, if he deems appropriate, the street sweeper from Horne Striping and Asphalt. Motion carried 6-0 in favor of motion.

ITEM 10: UNFINISHED BUSINESS

ITEM 10A: DISCUSSION RELATED TO RECREATIONAL FACILITIES

Manager Craft reminded the Council that this item was tabled from last month. He stated that last year the Council began the application process for the PARTF Grant submission by holding a public hearing, citizen survey, and contracted with Rivers and Associates to give the Town a cost as to the infrastructure and design of a recreational facility. The Town learned from the process that the estimate to build a park was significantly higher than what in reality it would cost to construct the facility. At this time the Council decided to wait a year to apply for the PARTF grant.

If the Town desires to participate in the PARTF grant this year, the deadline for submission is February 1, 2009. Manager Craft stated to the Council that a decision needed to be made if the Town moves forward. The Town does not have all the funds needed to match a \$500,000 grant; but, interest rates are significantly down with USDA.

Manager Craft stated that he needed direction from the Council to proceed with the PARTF grant submission and reminded the Council that if the Town applies for the grant and receives it, that the Town should not turn it down. If the Town were to turn the grant down, it is very, very doubtful that the Town would ever be considered again. The Town has turned down a smaller grant in the past.

After discussion, and positive comments from the Mayor and Council, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to direct Manager Craft to proceed with the submission of the PARTF Grant. Motion carried 6-0 in favor of motion.

ITEM 10B: UPDATE ON DOWNTOWN BUILDING DEMOLITION PROJECT

Manager Craft gave the Council an update on the downtown demolition project. The demolition of the three structures is complete and at the present time the project has slowed down. Manager Craft provided the Council with a sketch of the proposed parking area with planters as the final design needed to be determine before paving. Twenty-two parking spaces are designed along with two planters.

It was the consensus of the Council to accept Manager Craft's conceptual design for the parking area and to cover the entire exposed side of the building with metal that houses Ideal Barber Shop.

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 N.C.G.S 143-318.11 (a) (4) (5) (6). Motion carried 6-0 in favor of motion.

ITEM 12: ADJOURNMENT

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to recess the meeting until November 12, 2008 at 6 p.m. Motion carried 6-0 in favor of motion.

Nelda H. Johnson, CMC, Town Clerk

Woodard H. Gurley, Mayor