

## REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on November 5, 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, and Elliott Sutton; Town Manager, John P. Craft; Town Clerk, Nelda H. Johnson, CMC; Town Attorney, George Jenkins, Jr.

Absent: Jeff Thomas, Council Member

Guest: 10

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

Mayor Gurley called to meeting to order and asked Mayor Pro Tem Wooten to give the invocation. Mayor Gurley welcomed everyone to the council meeting.

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

#### **ITEM 4A: CONSIDER THE ADOPTION OF A PROPOSED SUBDIVISION ORDINANCE**

Manager Craft stated that the Planning and Zoning Board had been working with staff over the past several months for development of a subdivision ordinance for the Town. This ordinance will provide a baseline for new construction as well as any future subdivision that may come to our area. If the ordinance is adopted it would apply within the corporate limits as well as our Extraterritorial Jurisdiction (ETJ). It is the Planning and Zoning Board's recommendation to adopt this ordinance.

The following is an overview of benefits the Town of La Grange would gain from the adoption of the proposed ordinance as reviewed at the October 2007, Town Council Meeting:

1. The Ordinance would establish standards of construction.
  - a. Reduces future maintenance costs on streets, which will be installed in accordance with DOT standards
  - b. Requires the installation of curb and gutter in new subdivisions that have small lots (larger lots can typically handle some of the storm water that is produced on site by absorbing some of the water into the ground.)
  - c. Establishes street and right-of-way widths that are based on the street classification.
2. Requires performance bonds on other financial assurances to ensure that Infrastructure will be completed and installed.
3. Makes provisions to distinguish between major and minor subdivisions (which is determined mainly by the number of lots to be created and the need for, or lack thereof, to install new infrastructure).
4. Provides guidance to property owners and/or developers who are seeking to subdivide property for sale).
5. Plans for the future of the Town, within the corporate limits and Extraterritorial Jurisdiction which prepares within the ETJ for annexation at some future time.

Mayor Gurley called for comments from the Council and from the public.

There were no comments or opposition concerning the proposed subdivision ordinance.

Motion was made by Council Member Sutton, seconded by Council Member Ellis to close the public hearing. Motion carried 5-0 in favor of motion.

Motion was made by Council Member Gladney, seconded by Council Member Ellis to adopt the proposed Subdivision Ordinance. Motion carried 5-0 in favor of motion. Copy of Subdivision Ordinance on file in Clerk's office.

#### **ITEM 5: PUBLIC COMMENT PERIOD**

A former resident on East James Street, Jimmy Sutton, spoke concerning the arson burning of his mobile home. He expressed his concern over the Police Department's handling of the case.

#### **ITEM 6: AMENDMENTS TO AND APPROVAL OF THE AGENDA**

Manager Craft requested that one item be added to the agenda:

#### **ITEM 9E: UPDATE ON RESURFACING OF WASHINGTON AND CASWELL STREETS**

Motion was made by Council Member Sutton, seconded by Council Member Ellis to approve the original agenda with the addition of ITEM 9:E. Motion carried 5-0 in favor of motion.

#### **ITEM 7: CONSENT AGENDA**

- a. APPROVAL OF MINUTES
  - i. October 1, 2007, Regular Session
  - ii. October 29, 2007, Special Meeting
- b. APPROVAL OF WATER PURCHASE AGREEMENT WITH NORTH LENOIR WATER CORPORATION. Copy of agreement on file in Clerk's office.

Motion was made by Council Member Ellis, seconded by Mayor Pro Tem Wooten to approve the consent agenda. Motion carried 5-0 in favor of motion.

#### **ITEM 8: NEW BUSINESS**

#### **ITEM 8A: DISCUSSION RELATED TO THE LAND USE PLAN; APPROVAL OF RESOLUTION REQUESTING ASSISTANCE FROM THE DEPARTMENT OF COMMERCE**

Manager Craft stated that he had asked Lee Padrick, with the NC Department of Commerce, Division of Community Assistance to make a presentation to the Council on the benefits of having a Land Use Plan, and the assistance offered by the Division of Community Assistance in completing the document.

A Land Use Plan is an invaluable tool in planning for orderly and positive growth for a community. A comprehensive Land Use Plan evaluates the property in, and around, a municipality to determine the property's highest and best use, and makes recommendations as to the future zoning of properties. The creation of the plan would involve the citizens of La Grange through participation in meetings related to the subject, and Public Hearings held during the creation and adoption of the Plan itself.

Land Use Plans are also helpful in obtaining grants as they often enable municipalities to obtain extra points to help obtain grant funding.

The Town would need to adopt a resolution requesting the services of the NC Division of Community Assistance. The tentative budget for their services would be approximately \$730.00. The budget would only include mileage for seven meetings, a land use survey and data collection, meals, supplies and map preparation.

Lee Padrick spoke stating that his professional job was a planner with the NC Division of Community Assistance which is a division of the NC Department of Commerce. Their

focus is small towns and rural counties. Mr. Padrick stated that a Land Use Plan is a goal setting guide that helps a town vision their future in 10 to 20 years and what steps it takes to get there. The subdivision ordinance is a great tool to help La Grange implement its vision. Other tools are Minimum Housing Codes, Flood Plain Ordinances and Zoning Regulations. It is not mandated that a town have a Land Use Plan.

Charles Halsall, with the NC Division of Community Assistance, was introduced by Mr. Padrick as being the planner in charge for the Town of La Grange.

Mr. Halsall spoke stating that in the agenda packets was a plan schedule and this was an approximation to begin sometime in January 2008. The planning will take around six or seven meetings scheduled between January 2008 and July 2008. The first meeting would be an introduction to the community to find out the strengths and weaknesses, things that are happening in La Grange and things the community wants to see happen. Second, data would be collected concerning the current land uses, types of employment and other demographic information. Third, there would be a public input meeting and presentation of the data collected. Fourth, a meeting to review citizens input. Fifth, a meeting to develop goals and objectives for the plan. Sixth, a Land Use Plan would be drafted and the seventh meeting would be for the purpose of a public hearing and the possible adoption of a Land Use Plan for the Town of La Grange.

Manager Craft stated that a Land Use Plan would help the Town plan for annexations, Capital Improvements needs for continued growth.

After additional discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to adopt the Resolution Requesting the Services of the NC Division of Community Assistance for the Town of La Grange. Motion carried 5-0 in favor of motion. Copy of Resolution NO. 2007-11-202 hereto attached and filed in Resolution Book III.

**ITEM 8B: DISCUSSION RELATED TO THE INSTALLATION OF REGULATORS TO FACILITATE VOLTAGE REGULATION DURING LOAD MANAGEMENT PERIODS ON THE ENTIRE ELECTRIC SYSTEM**

Manager Craft stated that the Town's participation in the System Betterment Program, sponsored and funded entirely by Electricities to determine potential cost saving ideas for our system had been discussed at a previous meetings. Manager Craft stated that three items were identified as a significant impact on the Town's system.

(1) A review of the commercial accounts has been done to verify the demand and multiplier were all accurate. One substational error was found that will save the Town about \$18,000 per year.

(2) Reconfiguration of our Load Management Program, which the Council has already approved the additional purchase of new load management switches, so this program can be offered to our current customers.

(3) The use of Voltage Regulation during load management periods. Voltage reduction would benefit the Town by reducing overall system voltage by anywhere from 2-4%, which will reduce our demand during load management by that amount; thereby saving the town 2-5% during load management periods on demand chargers for the month. The cost to implement voltage reduction is based on our approach to install it. If we were to purchase new regulators (which we would need three) at a cost of \$10,500 each, with switches and controls, engineering poles, the cost to implement this program would be approximately \$47,000. With new equipment, the estimated payback of the installation of new equipment would be approximately 1.7 years.

Manager Craft stated that he had been able to located three used regulators (13 years old) that are being removed in January 2008 from a substation due to the fact that a new substation is being built. A typical regulator would last approximately 30 years.

The cost to purchase the used regulators would be \$5,500 each thereby reducing the cost to implement the project using used regulators would be approximately \$35,000 representing slightly over a one year payback.

Manager Craft stated that he felt that this project was worth pursuing whether the Council opts to utilize new regulators or used ones and recommended the installation of the regulators. An added benefit would be that the Town's citizens would have a "backup" to ensure that the Town is always able to provide regulated power.

After continued discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Sutton to authorize Manager Craft to proceed with the voltage regulation project by the purchasing of three used regulators. Motion carried 5-0 in favor of motion.

**ITEM 8C: DISCUSSION RELATED TO SUBMITTAL OF GRANT APPLICATION; NC RURAL CENTER; CLEAN WATER PARTNER'S INFRASTRUCTURE PROGRAM**

Manager Craft stated that he wanted to discuss with the Council funding sources opportunities that exist with the NC Rural Center's Clean Water Partners Infrastructure Program. This program was funded by the State Legislature last year, providing \$100 million dollars for water and sewer system improvements.

Also, the Town would be eligible to apply for at least \$500,000 on a dollar for dollar match basis, with the USDA Rural Development agreeing to match the \$500,000 in grant loan form. The Town could qualify for more than \$500,000 through the Rural Center dependent on grant guidelines and could fund the balance through USDA Rural Development if our demographics meet certain guidelines. .

With our needs for additional capacity at our Wastewater Treatment plant, Manager Craft stated that he recommended that the Town pursue funding through the Clean Water Partners Infrastructure Program in the amount of \$500,000 (or its maximum based on our demographic limitations), the Clean Water Management Trust (\$550,000) and the balance from USDA Rural Development (estimated \$500,000 grant loan combination) to enlarge our plant to meet our current needs during peak periods of inflow and infiltration as well as to accommodate future growth of the Town.

In order to submit the grant application, which we will need to compete and submit by December 17, 2007, we have to provide notice of intent to file a grant application before November 12, 2007. Manager Craft stated that he had already attended additional classes or workshops that add "bonus" points to our application in the event that the Council agrees to apply for the grant.

Manager Craft recommended that the project the Town should pursue would involve the following additions, changes or improvements to the Wastewater Treatment Plant:

1. Head works improvements (including the installation of a micro screen to reduce the amount of solids that enter the Wastewater Treatment Plant).
2. Installation of a new control system (to prevent problems and failures of the control system which is 36 years old).
3. Installation of additional raw sewage pumps.
4. Diversion of wastewater that leaves to oxidation ditch that is returned to the raw sewage pumps only to be returned back into the oxidation ditch (this return process removes approximately 1/3 of the raw sewage pumps capacity).
5. Installation of at least one additional clarifier to reduce the amounts of suspended solids and improve water quality and increase plant capacity.
6. Increase our sludge storage capacity to accommodate additional flow.
7. Increase the plant's capacity (with a goal of 1.25 million gallons per day).

8. Building drying bed to receive waste from our vacuum trailer and other septic tank companies.
9. Addition of one mixer(s) to the oxidation ditch to accommodate added flow/increased capacity.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to authorize Manager Craft to pursue the following:

- i. Take the necessary steps to apply for Clean Water Partners Infrastructure Grant.
- ii. Resubmit the project submitted last funding cycle with the Clean Water Management Trust Fund in February 2008 cycle.
- iii. Request direct appropriation from the NC State Legislature.
- iv. Request direct appropriation from the US Congress to meet these Critical needs.
- v. Pursue grant loan funding through the USDA Rural Development for additional funding to fund the balance of the project after having exhausted all previously mentioned funding sources.

Motion carried 5-0 in favor of motion.

**ITEM 8D: PRESENTATION OF NC RURAL CENTER WORKSHOP INFORMATION RELATED TO THE CLEAN WATER PARTNER'S INFRASTRUCTURE PROGRAM**

Manager Craft provided in the agenda for review by the Council a copy of the materials provided to him at the NC Rural Center workshop mentioned in ITEM 8:C. In order to obtain the bonus points for the grant that was also mentioned, Manager Craft stated that he is required to provide this information to the Council and discuss this topic during the meeting.

Manager Craft discussed highlights of the article, TALKING POINTS FOR PARTICIPANTS "GETTING TO SUCCESS WITH YOUR CONSULTING ENGINEER." Manager Craft pointed out that maintaining a good working relationship with the engineer is very important and always request proposals from the engineer on different projects and to make sure the Town owns the end product. Also, make sure that the Town has knowledge of the detailed project and what the Town expects of engineers; what will be done in certain phases; progress based guidelines for the payment process; acknowledge that there is a potential for unknowns and include in the contract how the Town plans to handle the unknowns and what cost will be assumed by which entity. The Town needs to understand what pricing methods are. There are resources that the Town can contact to seek help with contract negotiations, School of Government, Society of Professional Engineers, American Public Works Association (APWA) and Rural Assistance Community Project. Tools that the Town can implement, many of which the Town already has, are Capital Improvement Plans, Capital Investment Program; Capital Investment Budget, and an Annual Capital Budget.

Manager Craft urged each Council Member to review the information in greater detail.

**ITEM 9: OLD BUSINESS**

**ITEM 9A: DISCUSSION RELATED TO THE PICK UP AND DISPOSAL OF TIRES FROM AREA BUSINESSES**

Manager Craft stated that this item was discussed at the Regular Meeting last month, no action was taken and the item was tabled until this month. Manager Craft stated that he had completed some additional research and provided new information to the Council as well as reviewed information discussed last month.

1. Lenoir County has a contract with Carolina Tire to dispose of the tires collected at the landfill.
2. Lenoir County pays Carolina Tire \$82.47 per ton to accept the old tires, plus a \$35.00 per load fuel surcharge that is hauled to Carolina Tire.
3. Lenoir County has four tractor trailers that are used for the collection of tires. Three of these trailers are dedicated for use at the landfill, and a fourth that "floats" between businesses that produce large quantities of tires. Once the "floating trailer" is delivered, the business has three days to load the trailer. Lenoir County pays the \$35.00 fee for the entity that utilizes that trailer.
4. The Town could choose to wait its turn to get the "floating" trailer but would violate the state regulations in doing so because of the requirement that we have a full load of tires (1,500) before requesting the trailer. State regulations prohibit the storage of more than 500 tires on site. The Town would have to certify the origin of the tires.
5. Lenoir County receives \$60,000 annually from fees generated from the 2% fee that is charged on all new tire purchases to cover a portion of the cost for disposal of these tires.
6. Lenoir County also gets additional grant money to cover the actual cost of tire disposal. Approximately \$50,000 in additional grant monies is expected to pay the balance of the cost for the disposal of the tires.
7. The estimated cost to Lenoir County to dispose of tires is \$110,000, with the fees from the State totaling \$60,000, plus the anticipated grant funding of \$50,000 the County expects to break even. The County has, in some instances, actually lost money disposing of tires.
8. The City of Kinston does not pick up tires from businesses.
9. Requested feedback from colleagues across the State in other municipalities to determine how they handle the collection of tires. The municipalities of Albemarle, Goldsboro, Marion and Matthews do not collect tires. The Town of Farmville collects tires and Kinston and Smithfield collects residential only.
10. Contacted the NC Division of Waste Management to learn more about how the funds obtained from the 2% fee charged on new tire purchase are expended.
11. Manager Craft stated that he still considers these tires a special waste, the disposal of which should be borne by the taxpayer, not the tax payer.
12. The collection of tires from businesses affords additional services to this type of business that the Town does not offer to others.
13. Manager Craft provided the Council with pictures of a local residence here in Town that put out 70 tires on the curb for collection. This is more than usual, but it is not unusual to have a dozen or more tires in front of residences in different parts of Town.
14. The tires that are picked up from these businesses are not generated solely by the citizens of La Grange, but those outside of Town as well, which means that Town residents are paying for the pick up of tires from people outside of Town.
15. Not only do our citizens pay for truck rental, but they also pay the salaries of the employees who picked up the tires, paid for the equipment use.

Manager Craft concluded by stating that the Town can continue its current course of action or the Town staff will resume collection of tires in whatever manner the Council deems appropriate and directs staff to do.

After much discussion, motion was made by Council Member Gladney, seconded by Mayor Pro Tem Wooten to continue to pick up tires, but on a set scheduled to be worked out among staff and tires at residences must be placed in the edge of the yard and not in travel portion of the street. Motion carried 5-0 in favor of motion.

#### **ITEM 9B: DISCUSSION RELATED TO THE PROPOSED RECREATION COMPLEX**

Manager Craft stated that request for qualifications have been sent out to firms that specialize in the development of recreational facilities plans and also Master Plans for recreation. In talking with representatives with RRS (Recreation Resources Services) which is a division of NC State University and is charged by the General Assembly to

administer the Parks and Recreation Fund Grants, the submission criteria is pretty much the same. The grant is looked at on previous grant applications and how much grant funding the Town has received and also how much funding the County has received. Steve Molar with RRS feels that a Master Plan for recreation does not need to be in place to be eligible for funding. Manager Craft stated that he had additional conversation with Mr. Molar and with the firms that are preparing letters of qualifications to submit to the Town and the time line to submit an application is due January 31, 2008. If the Town does submit an application by the January 31, 2008, dead line, notification of funding would be in May or June of 2008.

Manager Craft stated that he recommended that the Council set a Special Meeting to consider several recreational issues including facilities, staffing, volunteers, and the adoption of a "Naming Policy" for the purpose of funding; also, how much funds the Town can and is willing to invest in a recreation program and have the firms that are interested in submitting their letters of qualifications to make a presentation to the Council.

Manager Craft stated that the Council needed to decide if the Town wanted to pursue a grant application from the Parks and Recreation Trust Fund (PARTF) that would be due January 31, 2008, or wait another year until January 2009.

After discussion, a Special Meeting was set for Tuesday, November 13, 2007, at 7 p.m. for the consideration of the Town's recreational program.

#### **ITEM 9C: UPDATE ON THE REUSE PROJECT**

Manager Craft updated the Council on the fact that the Town had acquired the property for the Re-Use project to be completed and the engineer is The Wooten Company and they are in the design phase. The Town is now waiting for reimbursement from the Clean Water Management Trust Fund for purchase of the land. The Department of Transportation has agreed to relocate North Charles Street to the southern side of the property. The plans for this relocation have been drawn and the DOT will probably be laying off the right-of-way this week. The annexation process of the property will probably take around five months.

#### **ITEM 9D: UPDATE ON THE RAIL CROSSING CLOSURE PROJECT**

Manager Craft reported that a new project engineer, Nancy Horne, is now involved in the project. The original cost estimate for this project was over \$800,000 and should take about eighteen months to complete and now about twelve months has passed, but the possibility of the project is going to move forward. Additional curb and gutter on a portion of West Railroad Street (north side) in front of the school to prevent parking may raise the cost estimate to \$900,000. No Town money is involved in this project.

#### **ITEM 9E: UPDATE ON RESURFACING PROJECT ON WASHINGTON AND CASWELL STREETS**

Manager Craft stated that he needed direction from the Council on a concern from DOT that he was contacted about today.

- Milling of Washington Street is now completed. (Caswell Street will not be milled)
- Repaving of Caswell Street to be on Monday and Tuesday, November 5<sup>th</sup> and 6<sup>th</sup>.
- Repaving of Washington Street to be on Wednesday and Thursday, November 7<sup>th</sup> and 8<sup>th</sup>.
- Pavement marking to follow completion of paving by NCDOT
- Handicap Ramps to be added to sidewalks along the areas that have been resurfaced.

The DOT pavement marking on Washington Street and Caswell Street is the concern that needs to be addressed. Preston Hunter, with the DOT, would like for the Council to consider adding a third lane.

- Consider marking/delineation of three lane roads:
  - From city limits to city limits on Washington Street
  - Already three lanes from Beverly Road to Cary Street
  - From northern city limits to railroad tracks and from stop light to south to overpass on Caswell Street

Manager Craft stated that this would be a great benefit to have three lanes on Washington Street to help ensure a free traffic flow. With a third lane, there would be no “on street” or curb parking. Smith’s Clothing would likely lose a couple of parking spaces on the East Washington Street Side.

On Caswell Street the DOT is proposing to begin at Brothers Road and have three lanes to the railroad track, skip the 100 block of South Caswell and then take back over at the traffic light by the Trademart and go all the way down to where the three lanes take over. The problem is that the block that Rouse Funeral Home is located, curb parking is used during funerals.

Manager Craft recommended not making three lanes on the 100 block of North Caswell Street.

After discussion, motion was made by Council Member Gladney, seconded by Council Member Sutton to have three traffic lanes from city limits to city limits on Washington Street; Caswell Street to have three lanes from the northern city limits through the 200 block of North Caswell Street. Skip the 100 block of North Caswell Street and the 100 block of South Caswell Street. Begin at the traffic light on the Trademart side and continue on South Caswell with three lanes until the present three lanes take over. Motion carried 5-0 in favor of motion.

#### **ITEM 10: CLOSED SESSION**

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to go into Closed Session pursuant to N.C.G.S. 143-318.11 (a) (4) (5) (6) (7). Motion carried 5-0 in favor of motion.

#### **ITEM 11: ADJOURNMENT**

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

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Nelda H. Johnson, CMC, Town Clerk

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Woodard H. Gurley, Mayor