

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on December 6, 2010, at 6 p.m. with the following present:

Mayor Woodard H. Gurley; Mayor Pro Tem Bobby Wooten; Council Members Larry Gladney, Clifton Harrison, David S. Holmes, Veronica Lee and Gregory Rouse; Town Manager, John P. Craft; Town Attorney, George Jenkins, Jr.; Town Clerk, Kyle J. DeHaven.

Absent: 0

Guest: 30

ITEMS 1, 2, 3: CALL TO ORDER, MOMENT OF SILENCE, WELCOME

Mayor Gurley called the meeting to order and asked for the moment of silence. Mayor Gurley gave a warm welcome to the visitors and citizens in attendance.

ITEM 4: PUBLIC HEARINGS

A.) Consider Extension of Extraterritorial Jurisdiction to one (1) full mile. Zoning of properties brought into the ETJ as AR (Agricultural-Residential).

Manager Craft explained that the reason for extending the ETJ is to allow the enforcement of Stream Buffers and Impervious Surface Limits in the area of the new interchange for Phase 2 of the Goldsboro Bypass. This extension will allow the new highway to pass required environmental reviews so the Bypass can begin preliminary construction in 2011, with a projected completion date of 2015.

Manager Craft explained to the council that this public hearing was advertised in the Weekly Gazette and notices were mailed to the affected property owners a second time. He also mentioned that the planning board received public comment and unanimously recommended the Town Council to extend the ETJ as proposed.

Manager Craft added that this is not an annexation, Property owners will not pay taxes to the Town of La Grange, nor will they have to change utility providers as a result of the extension of the ETJ. He then stressed that this is not a precursor to annexation.

The town staff recommends the extension of the ETJ with all properties that would be included in the extended ETJ to be zoned as AR (Agricultural Residential) effective January 1, 2011.

Mayor Woodard Gurley opened the public hearing.

Matt Tribula of 4720 Shelley Drive, La Grange stated that he was against the extension of the ETJ in areas unaffected by the Goldsboro Bypass. He pointed out that he was against the idea of extending the jurisdiction to govern him where he has no vote or say. He then revealed a petition with signatures opposing this extension of the ETJ that he left for council review.

Brian Laney, of 4296 Five Points Rd. stated that he was for extending the ETJ for those affected by the new bypass, but didn't understand why extending the full ETJ was necessary. He asked that the council only extend the ETJ where necessary.

Thomas Perry of 3852 Waters Mill Rd. stated that the town was losing its character and that he was totally against extending the ETJ to the east because it affected his property.

Carl Hinson of 209 W. Washington St. stated he owned a farm affected by the ETJ. He stated he didn't understand what business the Town had outside of the corporate limits when there were more important things to take care of inside the city limits.

Motion to close the public hearing was made by Council Member Holmes, Seconded by Council Member Gladney. Motion carried unanimously.

Motion to extend the ETJ to one full mile around the Town of La Grange was made by Council Member Harrison, Seconded by Council Member Wooten. The Motion Carried 4-2 with Council Members Gladney and Holmes voting in opposition.

ITEM 5: BOARD OF ADJUSTMENTS

None

ITEM 6: PUBLIC COMMENT PERIOD

Fred Burger spoke about the regulations at Fairfield Cemetery. Mr. Burger stated he felt a better solution to resolve the cemetery issue was possible. He mentioned creating an ad hoc committee to create ideas that could better satisfy both the Town of La Grange and the citizens with loved ones in the cemetery.

Marie Smith spoke about the regulations at Fairfield Cemetery. Mrs. Smith stated she has kept her plots looking as nice as the day she purchased the property, 65 years ago, and would continue to maintain it in that same fashion.

Pam Rose of 6113 Little Wiggins road, spoke about the regulations at Fairfield Cemetery. Mrs. Rose stated that she, too, maintained her own plot and wished to continue to put items around her husbands plot and maintain it herself.

Lisa Alphin spoke about the regulations at Fairfield Cemetery. Mrs. Alphin requested that the Town leave the cemetery as it is, if possible. She then mentioned a possible window during the non-mowing season where items of remembrance and affection could be placed at the respective grave sites. She also suggested that a 6-8 inch buffer from the grave stone remain as a place where remembrance pieces and such can be placed.

With no further comment, Mayor Gurley closed the Public Hearing

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

Manager Craft recommended the approval of the printed agenda with the addition of item;

-10H: Progress Energy scheduled power outage.

-10I: Reminder of regional meeting

Motion to approve the agenda as printed with the addition of agenda items 10H and 10I made by Council Member Wooten, Seconded by Council Member Harrison. The motion carried unanimously.

ITEM 8: CONSENT AGENDA

Manager Craft recommended the approval of the November 1, 2010 Regular session minutes as well as a Resolution to adopt the 2011 Regular Meeting Schedule of the Town Council of the Town of La Grange.

Motion to approve the consent agenda which included the November 1, 2010 Regular Session Minutes and a Resolution to adopt the 2011 regular meeting schedule of the Town Council of the Town of La Grange was made by Council Member Gladney, seconded by Council Member Rouse. The motion carried unanimously.

ITEM 9A: OFFER TO DONATE REAL PROPERTY

Motion to excuse Mayor Gurley from this agenda item was made by Council Member Wooten, Seconded by Council Member Lee. Motion Carried Unanimously.

Manager Craft explained that Woodard H. and Ruby Gurley were interested in donating Lenoir County Parcel Number 15060 to the Town of La Grange as a Nature Trail & Recreational Area for the town. He then explained that the aforementioned parcel of land contained approximately 56.05 acres.

Manager Craft went on to explain that this plot of land had several trails in it that had been used for hunting that could easily be used for nature trails. He went on to explain that additional trails could be added to interconnect the existing trails at little expense to the town. He also mentioned that access to Bear Creek could be provided with limited bush axe work.

Manager Craft further explained that with the minimal addition of picnic tables, trash bins, and a few benches, an excellent recreational resource could be realized for the town. The necessary upkeep of this area would be occasional bush hogging of the trails as well as trash collection. Other initial expenses the town may incur are property/liability insurance for the property, and some leveling of the main walking areas.

Manager Craft then explained the only real issue the town faced in this issue was that of access to the area after hours which could be controlled by a gate. He mentioned parking could be the area originally cleared for a home at the access point of the area.

Previously, Council members discussed the donation of this property and directed the Town Manager and Attorney to take the necessary steps to accept this donation. The Council Specifically directed the Town Manager to have the property appraised, which was completed, and valued at \$103,000, and the Town Attorney to complete a title search and prepare a deed that would formalize the donation.

Manager Craft recommended the accepting of this property to be used as nature center with conditions established by the deed, immediate posting of the property to prohibit hunting and fishing, and beginning the annexation of the property and the 62 acres of park property to be used for the Multi-Purpose Recreation Facility. He further recommended the council determine options to control access to the property, and have the Public Works department clear an area to create a parking area and connect existing paths, and to bid a contract to cut additional paths to make a "loop" in the property by early summer in the 09-10 budget, if sufficient, or in the 10-11 budget, if needed.

Motion to receive the property as a donation and to begin work to the desired area for paths and parking was made by Council Member Gladney, Seconded by Council Member Rouse. Motion carried unanimously, 6-0

Motion to name property after Mayor Gurley and his wife made by Council Member Gladney, Seconded by Council Member Holmes. Motion carried unanimously.

ITEM 10A: UPDATE ON PARTF

Manager Craft refreshed the council, explaining that the grant had not been funded in the previous funding cycle, and he had been re-directed to complete the current application and apply again in the next cycle. He then stated the town should know if we have received the funding in July 2011, and construction would begin in the spring of 2012.

ITEM 10B: UPDATE ON WWTP IMPROVEMENTS

Manager Craft explained that that the pump station has been completely built and we are waiting on the pumps to be delivered, tentatively, December 15th with hopes we can spray our park and associated farm lands between those areas in January. The force main is completed and has been for some time.

Manager Craft further explained that our clarifier headwork's and control system is completely built, the piping to connect clarifier four with the distribution box and running back along to the filter building have been completed. We are still waiting on materials from Lakeland Co. which will finish our project. Expected arrival time is the third week in January. Control system improvements are to begin very soon. Project completion is expected to be in early February.

ITEM 10C: UPDATE ON TAIL CROSSING SIGNALIZATION AND CLOSING

Manager Craft explained that the pavement was complete down North and South Railroad Street. Curb and guttering has begun and should be complete in a couple weeks. The signals will be installed on Charles St. shortly.

Manager Craft also mentioned that a traffic count was requested for Railroad St, but no information has been received.

ITEM 10D: REZONING OF 108 W. WASHINGTON ST.

Manager Craft explained the planning board unanimously recommended the rezoning of 108 W. Washington to R -10(Residential). This rezoning was prompted because of the inverse effects the property had on the surrounding properties and the environment. He further explained that Mr. Lang requested more time to see how the property could be used to benefit all parties.

Manger Craft then explained that the Langs have done substantial amounts of work in the presentation and cleanup of the property since the topic surfaced. The Langs do however oppose rezoning.

Manager Craft went on to give the option to the Council that if the property was rezoned, 108 W. Washington St. would be residentially zones, the property owner would be allowed to continue use of the property at its current use at time of rezoning, until such time that the building is destroyed or repair cost to maintain the structure exceeds 50% of the value of the structure. If the property is not rezoned, 108 W. Washington St. would continue to be Downtown District (DD), and the property owner would be allowed to continue to use the property for commercial operations allowed in the permitted use list for the DD.

Manager Craft then allowed Ms. Laura Tribula, Mr. Lang's daughter to speak on his behalf.

Laura Tribula stated that she agreed that the highest and best use for this property is to remain a commercial property. She stated that her father's health has deteriorated since this issue began. She then stated that she was in an interesting predicament where people did not want to rent it not knowing how it will be zoned, and she did not know how to proceed not knowing the same information.

Manager Craft then stated that after the work that went in to the beautification of that property, and the drastic cleanup that had occurred, He recommended that 108 W. Washington St. remain DD because its highest and best use could be realized zoned that way. He then asked that the council make its motion on how they wish this property be zoned.

Motion to maintain the DD zoning for that structure was made by Council Member Harrison, seconded by Council Member Wooten. Motion carried unanimously

ITEM 10E: UPDATE PERTAINING TO CHARLES ST. & RAILROAD ST. TRAFFIC PATTERN

Manager Craft explained that the Town Council had discussed a potential change to the traffic flow at the intersection of Charles and Railroad St. as requested by the NC Railroad. The Town Council had then directed the Town Manager to determine NCDOT's position and request a traffic count for the area to assess the need for this change. He then explained that no new information is available at this time because we are still awaiting determination by NCDOT and results of the traffic count.

ITEM 10F: MAIN STREET SOLUTIONS FUND GRANT & HARVEY BUILDING IMPROVEMENTS

Manager Craft explained that the Town has received funding from the state historic preservation and passed the state environmental protection review. We are awaiting permission from the

Department of Commerce to proceed with the project. The contractor is ready to begin work as soon as the appropriate approvals arrive.

Manager Craft went on to discuss the Streetscaping Improvements grant that funded planters and benches that was a \$25,000 matching grant. The 09-10 budget included the town match, but the MSSF grant funds were not allocated for the streetscaping portion of that project.

Motion to install two planters made by Council Member Gladney, Seconded by Council Member Rouse. Motion carried 5-1 with Council Member Harrison in opposition.

Manager Craft then explained that with this grant, the council had discussed borrowing the funds from Southern Bank, but with the recent economic downturn, we could finance the project in house. An average investment rate for public funds is .042%, currently. We could still charge 5% interest on the building over ten years and yield 4.5% return on investment if financed in house.

Motion to finance the Harvey building grant project in house was made by Council Member Gladney, Seconded by Council Member Wooten. Motion carried unanimously.

ITEM 10G: CHRISTMAS & NEW YEARS HOLIDAY WORK SCHEDULE

Manager Craft explained that in accordance with the town's personnel policy, the Town of La Grange would be closed December 24, 27, & 28 in recognition of the Christmas Holiday, as well as January 3rd for the New Year's Holiday. Garbage collection during the Christmas holiday will be amended to

- Recyclables and Yard Waste will both run on Tuesday, December 21st
- Household Route for Southside will be collected on Wednesday December 22nd and the Northside route will be collected on Friday as normally scheduled.

Garbage collection for the New Year's holiday will run on normal schedule with the exception of Special Pick Ups, which will run on Tuesday the 4th, rather than Monday the 3rd.

ITEM 10H: PROGRESS ENERGY PLANNED ELECTRICAL OUTAGE

Manager Craft explained that he had been notified that Progress Energy has scheduled an electrical outage Tuesday, December 7th, 2010 at 9:30pm. This outage is anticipated to last only 5 minutes. The outage is to restore their system to its normal operations following the outage caused by one of the transmission lines falling down November 28, 2010. Work to replace the line was scheduled to take place today, December 6th, with the outage scheduled for Tuesday evening.

ITEM 10I: REMINDER OF REGIONAL MEETING

Manager Craft reminded the Council that the Town of Pikeville, Fremont, and Hookerton are meeting in the Town Council chambers tomorrow nights, December 7th, 2010 for an Electricities conference for like sized towns.

Manager Craft then recommended the close of the Regular meeting to be followed by a Closed Session meeting authorized by General Statute 143-318.11 (a) (6) (7) (8) to approve a previous closed sessions minutes.

Motion to adjourn Regular Session at 7:34pm was made by Council Member Holmes, seconded by Council Member Lee. Motion carried unanimously.

ITEM 11A: CLOSED SESSION

ITEM 12: ADJOURNMENT

Motion to adjourn the December 6, 2010 meeting at 7:43pm was made by Council Member Gladney, Seconded by Council Member Harrison. Motion carried unanimously.