

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on February 6, 2006 at 7:30 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 Jeff Thomas; Town Manager, John P. Craft; Town Clerk, Phyllis T. Harrison, CMC; Town Attorney, George Jenkins, Jr.

Absent: Council Member Elliott Sutton

Guest: 15

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

Mayor Gurley called the meeting to order. The invocation and welcome were previously given at the Public Hearing.

ITEM 4: PUBLIC COMMENT PERIOD

Ms. Carrie Kornegay commended the Council Members for initiating the Public Comment Period before they were forced to do so.

ITEM 5: AMENDMENTS TO AGENDA

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Ellis to add the following items, recommended by Manager Craft, to the original agenda:

- 8J. Information on upcoming area events**
- 8K. Pay practices for Council**
- 8L. Water purchase agreement with Farmville**
- 9c. Disposition of John C. Ward Clinic**

Motion carried 5-0 in favor of motion.

ITEM 6: APPROVAL OF AGENDA

ITEM 7: CONSENT AGENDA

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Ellis to approve the Consent Agenda which consisted of the following items:

A. Approval of Minutes

- 1. January 9, 2006 Regular Session**
- 2. January 13, 2006 Recessed Regular Session**
- 3. January 17, 2006 Recessed Regular Session**
- 4. January 17, 2006 Closed Session**

B. Tax Collectors Report of Unpaid 2005 taxes

C. Order Tax Collector to Advertise Tax Liens for Unpaid 2005 Taxes

D. Approval of Clean Water Management Trust Fund Grant Agreement – Monrovia Growers Re-Use Project

Motion carried 5-0 in favor of motion.

8: NEW BUSINESS

8A: REQUEST TO ADDRESS COUNCIL – MRS. CAROLYN ELLIS

Before Mrs. Ellis spoke Manager Craft commented that he thought the first Martin Luther King, Jr. Parade went very well. He said it was well organized, well attended and had no problems at all. Manager Craft said the Police Department was paid for their additional time but the Public Works Department volunteered their time and he thought they should be paid in the future.

Manager Craft recommended that we consider Mrs. Ellis request to make the parade an annual event.

Mrs. Ellis appeared before the Council to voice her appreciation on behalf of the NAACP Youth Council for allowing them to have the Martin Luther King, Jr. parade. Mrs. Ellis thanked the Town Council, Police Department and Director of Public Works, Aubrey Rouse for everything they did to help make the parade a success. She requested that this parade be an annual event.

Motion was made by Council Member Ellis and seconded by Mayor Pro Tem Wooten to approve Mrs. Ellis request to hold an annual Martin Luther King, Jr. parade. Motion carried 5-0 in favor of motion.

ITEM 8B: REQUEST TO ADDRESS TOWN COUNCIL- MRS. MELISSA MARSHALL REPRESENTING FINISTAR

Mrs. Marshall appeared before the Council representing Finistar which is the newest of the investment opportunities that has been approved by the Local Government Commission. Finistar complies with N. C. General Statue 159 which regulates municipality's investments. All deposits with Finistar are FDIC insured as they invest our money in increments of \$100,000 or less with multiple banks. Mrs. Marshall stated that The Little Bank holds some of Finistar's Investments.

Mrs. Marshall informed Council Members that generally Finistar offers a higher rate of interest than North Carolina Capital Management or local banks. The rate is stable for a 30 day period and currently Finistar is offering 4.35%.

Manager Craft said he had worked with Finistar through the Town of Farmville and had been very pleased with their services. He said if this would mean additional revenue for the Town he thought we should consider investing some of the Town's funds through Finistar.

After discussion it was decided to discuss this further at the retreat/work session on Saturday, February 25, 2006.

ITEM 8C: APPROVAL OF TRANSFER OF FRANCHISE AGREEMENT FOR COX COMMUNICATIONS

Manager Craft informed Council Members that Cox Communications is in the process of selling its cable systems in this area to Cebridge Investments. The Town of La Grange can't really stop the transfer or sale of the system unless it can be proven that the company is unable to operate the system. Manager Craft stated that in his opinion, there is no valid reason that would prevent the sale or transfer of the franchise.

Mr. Sammy Roberson, who represented Cox Communication, stated that this was a similar situation as when Cox Communication purchased the rights from Multi Media Cable Vision. He said Cox Communication was owned by Cox Enterprises and they were selling the North Carolina franchise, most of the Texas franchise and some California properties because of debt incurred when they bought up all the stock in the company.

Mr. Roberson said that it would be business as usual; the only thing would be that the name on the bill would change from Cox Communication to Cebridge Investments.

After discussion concerning this item Manager Craft commented that according to his research that Cebridge Investments was a stable company and he recommended approval of the amended Interlocal Agreement and adoption of the Resolution of the Town of La Grange Approving the Assignment of Cable Television Franchise.

Motion was made by Council Member Thomas and seconded by Council Member Ellis to approve said agreement and resolution. Motion carried 5-0 in favor of motion. Copy of Amended Interlocal Agreement on file in Clerk's office and copy of Resolution No. 2006-02-169 hereto attached and in Resolution Book III.

ITEM 8D: DISCUSSION PERTAINING TO PARKING ON SOUTH CASWELL STREET

Manager Craft stated that some Council Members and citizens had some concerns pertaining to the parking of large vehicles on South Caswell Street especially down below The Little Bank. These vehicles pose a safety issue as it is very difficult to see down the street. He said that the North Carolina Department of Transportation would not install a traffic light at the corner of Caswell and Railroad because the traffic count does not justify one.

Manager Craft said according to what he had been told that trucks have the same right to park on the street as cars do and there is really nothing we can do about it unless we were to designate a no parking zone or reprogram the stop light at Washington and Caswell Street.

Lengthy discussion was held among Council Members. No decisions were made concerning this problem.

8E: AMENDMENT TO UTILITY POLICIES AND FEE SCHEDULE

Manager Craft reported to Council Members that we have had several instances of meter tampering in the past and his position relating to meter tampering is simple. If you steal from the Town, regardless of whom you are or what you have stolen, you will be prosecuted. Theft of electricity and water results in higher cost to the honest, bill paying customers because someone has to pay for those resources.

Manager Craft stated that meter tampering will become more and more prevalent as the cost associated with these services increases. We currently have no additional charges that are applied to a customer's account if they tamper with the meter.

Manager Craft said he had looked into the policies that other utility providers have in relation to meter tampering and theft. Many are charging a "Meter Tampering Investigation Fee" which adds an additional charge to customers that benefited from the theft of utilities. The most common fee is \$250 although General Statue allows up to \$500.

After discussion Manager Craft suggested that the Town Council amend the Town Code of Ordinances and Fee Schedule to include meter tampering fees. The fees recommended include a \$250. fee for the first offense and \$500. for subsequent offenses.

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Thomas to adopt an ordinance amending chapter 36, utilities of the Town of La Grange. Motion carried 5-0 in favor of motion. Copy of ordinance hereto attached.

8F: UPDATE OF THE STATUS OF THE CONDEMNATION PROCESSES – GEORGE JENKINS, JR., TOWN ATTORNEY

Manager Craft reminded Council Members that in June, 2005 the Council prioritized the list of dilapidated structures to complete the condemnation process on. At that time 103

Florida Avenue was placed at the top of the list, followed by 217 East Washington Street and 316 South Caswell Street. He reported that at 217 East Washington Street the house has been demolished but the debris has not been removed. The property owner now has until the 7th day of March to clean up this debris or the Town will clean it up and assess her property for the clean up fee.

Manager Craft reported that the property owner at 316 South Caswell Street has put new replacement windows in this dwelling and has begun repairs.

Attorney Jenkins then told Council Members that concerning 103 Florida Avenue, that a law suit has been filed against Mr. Frank Dawson. Mr. Jenkins said we had been told that BB&T owned this property but they do not, it is still owned by Mr. Dawson who is currently in a rest home. There are already two liens on the property but Mr. Jenkins said he had found out that one of them had been satisfied. He said that hopefully within 30 days this property could be sold on the steps to the courthouse to the highest bidder.

8G: DISCUSSION PERTAINING TO DISPOSAL OF SURPLUS MUNICIPAL PROPERTY – GOV DEALS

Manager Craft said that we had been planning for some time to have an auction sale to dispose of the Town's surplus property. He said at the League Conference he had spoken with representatives from Gov Deals which is basically EBay for Municipalities. Gov Deals is a web based auction that would expose the Town's property to more buyers than we could attract in La Grange. Gov Deals charges 7.5% commission on each sale. The advantage of the Gov Deals concept is that we can surplus property at our leisure.

Manager Craft provided Council Members with a listing of agencies that currently utilize the service. He stated that if we should choose to use this service that a seller's agreement would have to be approved.

No decisions were made.

ITEM 8H: ESTABLISHMENT OF A LIST OF TOPICS FOR DISCUSSION AT THE FEBRUARY 25, 2006 PLANNING SESSION/RETREAT

Manager Craft suggested that we discuss the following items at the Planning Session/Retreat that will be held on Saturday, February 25, 2006:

- A. Town Hall Renovation**
- B. Planning Board & Board of Adjustment Membership**
- C. Water Purchase Agreement with Farmville**
- D. Water Rate Schedule**
- E. Yard Waste Burning Issue**
- F. Special Projects Requiring Budgetary Expenditures in the Upcoming Fiscal Year**
- G. Additional Revenue Sources**
- H. Marketing Campaign – Through Electricities**

Manager Craft requested that Council Members develop an additional list of topics if there are other items that they wish to discuss.

Lengthy discussion was held among Council Members concerning different items that may come up for discussion at the Planning Session/Retreat.

ITEM 8I: AUTHORIZE TOWN MANAGER TO NEGOTIATE CONTRACT TO REPLACE THE ROOF ON THE EXISTING TOWN HALL

Manager Craft stated that due to deteriorated or rotten wood on the existing Town Hall roof he didn't think we had any choice except to replace the roof. He said he had only

received one quote back which is from Hancock Roofing. He quote is for \$7,877 which includes \$1,250 to replace rotten wood. This price is for a tin roof rater than a replacement 20 year shingle roof. A shingle roof would be \$700 less, but will certainly not last as long.

After discussion motion was made by Council Member Thomas and seconded by Council Member Ellis to authorize Manager Craft to negotiate a contract with Hancock Roofing for repair/replacement of the roof on the current Town Hall. Motion carried 5-0 in favor of motion.

ADD ON AGENDA ITEM 8J: UPCOMING AREA EVENTS

Manager Craft informed Council Members of two upcoming are events if they should chose to attend:

1. Art Exhibit showing by local artist Chick Wooten on Friday, February 10, 2006 from 7 to 9 p.m. at the Arts Council building.
2. Grand opening for Andy's Restaurant on Thursday, February 9, 2006 at 10:00 a.m.

ADD ON AGENDA ITEM 8K: PAY PRACTICES FOR COUNCIL

Manager Craft informed Council Members that he had recently found out that the Town should be providing Council Members with a W'2 at the end of the year instead of a 1099. He said Council Members were classified as Town employees and should have social security and taxes taken out.

ADD ON AGENDA ITEM 8L: WATER PURCHASE AGREEMENT

After discussion motion was made by Mayor Pro Tem Wooten and seconded by Council Member Ellis to approve the Water Purchase Agreement Resolution between the Town of La Grange and the Town of Farmville. Motion carried 5-0 in favor of motion. Copy hereto attached and in Resolution Book No. III, Page 2006-02-171.

OLD BUSINESS

9A: WASTEWATER COLLECTION SYSTEM REHABILITATION PROJECT UPDATE

Manager Craft reported to Council Members that we had sufficient funds left in the grant project to repair the four manholes that were previously discussed. He said hopefully everything would be completed by May 31, 2006.

ITEM 9B: UPDATE ON THE STATUS OF THE PROPOSED RAILROAD CROSSING CLOSINGS

Manager Craft informed Council Members that they had recently met with representatives from the Department of Transportation and from Norfolk Southern Railroad concerning the closings of railroad crossings. As discussed in several previous Town Council meetings they offered several different alternatives concerning the closing of the crossings. Manager Craft said they requested to meet with Council Members two at the time in order to get individual opinions. Council members were not receptive to this idea.

Lengthy discussion was held among Council Members and Manager Craft concerning this item. This item was to be addressed again during the February 25, 2006, Work Session.

ADD ON AGENDA ITEM 9C: DISPOSITION OF JOHN C. WARD CLINIC BUILDING

Manager Craft told Council Members that we will be advertising the sale of the John C. Ward Clinic building in the Free Press, News Argus and Gazette. We will receive bids until March 3, 2006. This will be done by the upset bid process.

With no further business to come before the Council at this time, motion was made by Mayor Pro Tem Wooten to adjourn.

Phyllis T. Harrison, CMC Town Clerk

Woodard H. Gurley, Mayor

PUBLIC HEARING

The Town Council of the Town of La Grange, North Carolina held a Public Hearing at 7:00 p.m. on Monday, February 6, 2006 at the Town Hall with the following present:

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

Absent: Council Member Elliott Sutton

Guest: 9

The purpose of the Public Hearing was the formal withdrawal from the Neuse Regional Water and Sewer Authority (WASA).

Mayor Gurley opened the Public Hearing. Mayor Pro Tem Wooten gave the invocation. Mayor Gurley welcomed all guest present.

Manager Craft explained to Council Members and guest present that the Public Hearing was required to withdraw from WASA even though they had been notified in writing.

Mayor Gurley asked for public input.

Local resident Mrs. Carrie Kornegay asked some questions concerning the withdrawal from WASA and the purchase of water from Farmville.

Manager Craft explained to those present that we would be purchasing the water rights only from Farmville and no infrastructure (running of lines or construction) would be involved. He also said we would still have an increase in water rates as we would have had if we had stayed with WASA.

After discussion among Council Members motion was made by Mayor Pro Tem Wooten and seconded by Council Member Thomas to close the Public Hearing. Motion carried 5-0 in favor of motion.

Motion was then made by Council Member Thomas and seconded by Council Member Ellis to approve the resolution to formerly withdraw from the Neuse Regional Water and Sewer Authority (WASA). Motion carried 5-0 in favor of motion. Copy of Resolution No. 2006-02-170 hereto attached and in Resolution Book No. III.

Phyllis T. Harrison,CMC, Town Clerk

Woodard H. Gurley, Mayor