

## **REGULAR MEETING**

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on September 11, 2006, 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, Elliott Sutton and Jeff Thomas; Town Manager, John P. Craft; Town Clerk, Phyllis T. Harrison, CMC; Town Attorney, George Jenkins, Jr.

Absent: None

Guest: 23

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

Mayor Gurley called the meeting to order. Invocation was given by Mayor Pro Tem Wooten. The Mayor welcomed all guest and Council Members.

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

There were four Public Hearings scheduled for this meeting.

#### **ITEM 4A: PUBLIC HEARING REGARDING THE POTENTIAL CLOSURE OF THE RAILROAD CROSSINGS AT FORBES STREET AND SCHOOL STREET**

Mayor Gurley opened the Public Hearing. Manager Craft reminded Council Members that when we held a Special Meeting in August we had signed a Resolution of Intent to close the railroad crossings at Forbes and School Streets and the Public Hearing tonight would determine if there would be approval to do this.

Representatives from North Carolina Department of Transportation and the North Carolina Department of Transportation, Rail Division were present at the meeting to show a presentation of the proposed enhancements to the streets and to the La Grange Elementary School parking area and answer any questions or concerns that anyone may have.

Mrs. Judy Poteat, who resides at 131 East Railroad Street, voiced her concerns over the railroad crossings on Wooten and Carey Street. She stated that she thought Carey St. crossing should be reopened and Wooten Street crossing closed because Carey St. was easier access to the businesses. She also added that if Wooten St. crossing remained open and it was signalized it would create more noise.

Principle Brennan of La Grange Elementary School said she would was pleased with the presentation because it would enhance the school area plus adds to the safety of the children if the School Street and Forbes Street crossings were closed.

Rev. Bobby Kittrell, who resides on Herring Road, was opposed to the Forbes St. closing because of the traffic coming from his area of Town. He also stated that he didn't think that the emergency vehicles would have the necessary access that they now do. He stated that minutes could make a lot of difference if someone was having a heart attack.

After lengthy discussion among Council Members, North Carolina Department of Transportation representative and citizens present, motion was made by Council Member Thomas and seconded by Council Member Ellis to close the Public Hearing. Motion carried 6-0 in favor of motion.

Motion was then made by Council Member Thomas and seconded by Council Member Sutton to adopt the resolution that closes Forbes Street and School Street railroad crossings and to accept entire package as presented tonight which included: the widening of James Street; closure of a portion of James Street; upgrading to the school drop off area; installation of no parking signs on railroad right of way; repaving of North and South Railroad St. from city limits to city limits; \$7,500 of landscaping and signage; signalization and widening of Wooten St. and Charles St. crossings. Motion carried 4-2 in favor of motion. Council Members Gladney and Koonce opposed. Copy of Resolution NO. 2006-09-182 hereto attached and in Resolution Book III.

#### **ITEM 4B: POTENTIAL CLOSURE OF AN UNIMPROVED PORTION OF OAK STREET**

Manager Craft stated that Mr. Euell Watts of 312 Forest Drive is requesting that the Town close an unimproved portion of Oak Street from the intersection of Forest Drive west of the intersection for a distance of approximately 160 feet.

Manager Craft said that as required by NCGS 160A-299, the Council will need to approve a resolution of intent to close this portion of Oak Street. Manager Craft said we have to advertise the potential closure, but will have to do it again if the resolution of intent is approved.

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Ellis to approve the Resolution of Intent to close Oak Street. Motion carried 6-0 in favor of motion. Copy of Resolution NO. 2006-09-183 hereto attached and filed in Resolution Book III.

#### **ITEM 4C: PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO CHAPTER 18, ENVIRONMENT REGARDING NOXIOUS WEEDS AND GRASS**

Manager Craft said that Chapter 18, Environment of the town Code of Ordinance currently specifies that grass or noxious weeds that exceeds 24" in height is considered a nuisance and gives the Town the authority to abate the nuisance upon the failure of the property owner to abate the hazard after 15 days of receipt of notice of said nuisance.

Manager Craft stated that Senator Albertson introduced a local bill on behalf of the Town that would amend NCGS pertaining to this topic giving the Town of La Grange authority to notify property owners once per year of the existence of the ordinance and then gives the Town the right to mow the property whenever a nuisance occurs on that property.

Manager Craft said that if the proposed amendment to the ordinance was approved it would change Section 18-27 to read "If the height of noxious weeds are in excess of 18 inches instead of 24 inches then the town would notify the property owners and reduce the time allotted to abate the hazard to 10 days."

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Thomas to close the Public Hearing. Motion carried 6-0 in favor of motion.

Motion was then made by Council Member Thomas and seconded by Council Member Ellis to approve said amendment to Section 18-27 "Uncontrolled growth of weeds, an accumulation of refuse, detrimental conditions declared public nuisance." Motion carried 6-0 in favor of motion. Copy of said amendment to ordinance hereto attached.

**ITEM 4D: PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO  
CHAPTER 18, ENVIRONMENT REGARDING JUNKED MOTOR VEHICLES**

Manager Craft was also concerned that Chapter 18, Environment of the Town Code of Ordinances currently specifies that the value of a junked car be less than \$100. With current salvage value of scrap metal as high as it is today, the value of a typical junked motor vehicle would bring well in excess of \$100 if sold for scrap. This severely limits our ability to enforce the junked car ordinance. Manager Craft said that in his opinion the ordinance and G. S. needs to be changed that would increase the value of these vehicles to \$500. Senator Albertson introduced a local bill in the legislature that would amend the G. S that would increase the value of these vehicles to \$500 and it was passed.

After discussion motion was made by Council Member Thomas and seconded by Council Member Sutton to close the Public Hearing. Motion carried 6-0 in favor of motion.

Motion was then made by Mayor Pro Tem Wooten and seconded by Council Member Sutton to amend Section 18-27 Division 2, Section 18-46 to change the value of a junked motor vehicle from \$100 to \$500. Motion carried 6-0 in favor of motion. Copy of amendment to ordinance hereto attached.

**ITEM 5: PUBLIC COMMENT PERIOD**

Mrs. Geraleen Wood, who represented La Grange Village Apartments and Mrs. Valarie Klem who represented La Grange Meadows apartments, spoke to Council Members concerning the large increase in utility deposits that took effect in August. They both voiced their concerns that it was a severe hardship for low income and senior citizens to have to pay a \$450.00 deposit instead of a \$250.00 deposit. They ask if the Council could reconsider this increase.

Mrs. Sylvia McCall then addressed the Council concerning her restaurant/game room that she was operating at 109 West Railroad Street. Mrs. McCall said she did not realize that she was operating illegally until the Police Chief came in and made her unplug her machines. She said that she was helping keep the children off of the streets because they were coming to her business to play games and shoot pool instead of being on the street corners.

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

Motion was made by Council Member Thomas and seconded by Mayor Pro Tem Wooten to approve the agenda and amend the original agenda to add one item:

**8e: Request to Operate a Ground Watering Monitoring Station**

Motion carried 6-0 in favor of motion.

**ITEM 7: CONSENT AGENDA**

Motion was made by Council Member Ellis and seconded by Council Member Thomas to approve the consent agenda which includes the following items:

- a. **Approval of Minutes**
  1. **August 7, 2006 Regular Session**
  2. **August 21, 2006 Special Session**
- b. **Approval of Annual Fire Department Contract With Wayne County**  
Copy hereto attached.
- c. **Appointment of Robert F. Mooring, Jr. as a Firemen Relief Board Member**  
Copy of appointment hereto attached.

Motion carried 6-0 in favor of motion.

## **8: NEW BUSINESS**

### **8D: REQUEST TO EXTEND THE SANITARY SEWER SYSTEM**

Manager Craft informed Council Members that the Frink Alumni Association is in the process of building a facility on Aldridge Store Road. He said that he had discussed with representatives of the Association the possibility of providing Town sewer service. It was estimated that the cost to install the sewer line would be approximately \$30,000. This figure was believed to be more expensive than the Association's other option which was to install an onsite wastewater system ( septic tank) so discussions were dropped.

Manager Craft said upon further investigation the Association learned that the actual cost of the onsite wastewater system (septic tank) would be approximately \$22,000 which was significantly more than was anticipated and although functional it would likely require more maintenance in future years than would sewer services from the Town. Manager Craft said we would have to install 830 feet of sewer line to extend our lines to the rear of the property or 1600 feet to extend the line to the front of the property. Although there is twice the amount of pipe required to extend to the front we would have a gravity fed sewer line extending all the way to Aldridge Store Road which would enable us to offer sewer to other properties along Aldridge Store Road in the future.

Manager Craft recommended that the Town receive Request for Proposals from engineering firms as to the cost for the design, permitting, and inspection for the project. He stated he thought that a firm would be willing to provide a free estimate of the cost to install the lines prior to doing any detailed engineering.

Mr. John Miller, President of the La Grange Frink Alumni and Friends Association spoke to the Council. Mr. Miller stated that this would be a cultural center that would benefit all races and can be used by anyone. He thanked the Mayor and Council Members in advance for considering the sewer extension project.

After discussion among Manager Craft and Council Members, motion was made by Council Member Gladney and seconded by Mayor Pro Tem Wooten to allow Manager Craft to proceed with Request for Proposals concerning the extension of the sewer line to Frink Alumni and Friends Cultural Center. Motion carried 6-0 in favor of motion.

### **ITEM 8A: DISCUSSION PERTAINING TO RETIREE HEALTH INSURANCE BENEFITS**

Manager Craft reminded Council Members that as discussed last month the Town's practice of offering retiree health insurance to employees serving the Town for more than 25 years was terminated due to the anticipated cost. When the Council originally took the action, a "line" was drawn stopping the benefits with those employees that were employed at that time. Manager Craft provided Council Members with a list of those employees that are currently employed and are still eligible for the benefit.

Manager Craft also provided Council Members with several spreadsheets as he did last month that made different assumptions as to the cost of the benefit to the Town. Based on today's cost, retiree benefit coverage is \$600 per month per employee or \$7,200 per year per employee. Manager Craft said in years to come you will have several employees retiring at one time and if insurance cost continue to rise at the rate they have in the past years, which is an average of 12% per year, the cost will become a burden on the Town.

Manager Craft said we are unable to shop for alternate insurance providers because we have less than 50 employees therefore we have to remain with the League of Municipalities. Manager Craft stated that if the 12% increase were to hold true and every employee that is eligible receive their benefit it would cost the Town \$5,284,700.

Under this scenario the Town could expect annual expenditures for this benefit to be as high as \$413,444 annually. This would cost approximately \$1.19 per customer to fund this amount.

Manager Craft said he realized that the decision concerning retiree insurance was a difficult one to make but the fact remains that the Town must be able to fund this policy, and there is no way without substantial rate increases in the future. Based on this information Manager Craft recommended that the retiree health insurance be terminated with those four persons who have previously given notice of their retirement (Aubrey Rouse, Gerald Severson, Phyllis Harrison, and Jimmy Sutton) or another scenario would be to cap it at \$600 per month for all employees that were eligible when it was stopped in 1994 except for the four above mentioned.

Lengthy discussion was held among Manager Craft and Council Members.

Motion was made by Council Member Thomas "that with the exception of the four that have already announced retirement, based on the benefit package they had before them at the time, that we end it effective right now and we do not pay any cap per month". Motion died for lack of second.

Discussion was held again concerning this matter.

Motion was then made by Council Member Gladney and seconded by Council Member Koonce, that we continue the insurance but cap it at \$500 a month except for the four that had had announced their retirement and pay for them in full. Council Members Gladney, Koonce and Ellis voted in favor of motion. Council Members Thomas, Sutton and Mayor Pro Tem Wooten opposed. Mayor Gurley broke the tie voting in favor of motion. Motion carried 4 to 3 in favor of motion.

**ITEM 8B: REQUEST TO AUTHORIZE THE CHIEF OF POLICE TO DISCHARGE A FIREARM WITHIN THE CITY LIMITS TO REDUCE THE SQUIRREL AND PIGEON POPULATION**

Manager Craft provided Council Members with a letter from Mrs. Patricia Newman of 112 Woodard Lane. Mrs. Newman is requesting that Chief Sullivan be allowed to shoot squirrels on her property as soon as the season opens. She has indicated that the squirrels are causing considerable damage to her home.

Manager Craft advised Council Members that if they chose to allow Chief Sullivan to do this he would have to obtain a hunting license and that no one including Chief Sullivan could legally kill squirrels out of season.

In addition to this request Manager Craft ask the Council to consider allowing Chief Sullivan to reduce the pigeon population by shooting pigeons in the downtown area. Manager Craft stated although squirrels cause damage, pigeons pose a health threat as pigeon feces are capable of carrying a disease know as histoplasmosis.

After discussion among Council Members motion was made by Council Member Thomas and seconded by Council Member Ellis to allow Police Chief Sullivan to shoot pigeons downtown. Motion carried 6-0 in favor of motion.

Motion was then made by Mayor Pro Tem Wooten and seconded by Council Member Gladney to allow Police Chief Sullivan to shoot squirrels also. Motion carried 5-0 in favor of motion. Council Member Thomas opposed.

**ITEM 8C: REQUEST FOR APPROVAL OF EDUCATIONAL LEAVE FOR TYRONE MORGAN**

Manager Craft informed Council Members that Tyrone Morgan has requested that he be granted educational leave to take courses at Lenoir Community College. He is

interested in obtaining his two year degree in Environmental Science Technology with a concentration in Water Resources Management. The vast majority of the courses that Tyrone would be taking would serve him, and the Town, well in his future service here. Manager Craft said the Town's Personnel Policy states that employees who are continuing their education may be granted an Educational Leave of Absence at full or partial pay to take courses which will better equip the employee to perform assigned duties.

The policy does require that the employee agree to return to the service of the Town for a period of time equal to twice the length of the educational leave received or the employee shall reimburse the Town for all compensation received while on educational leave. Manager Craft stated that should this request be approved, he would recommend that Tyrone be required to sign an agreement to this effect.

Motion was made by Mayor Pro Tem Wooten and seconded by Council Member Thomas to grant this educational leave for Tyrone Morgan with full pay and to reimburse him for his tuition and books if he successfully passed the course. Motion carried 6-0 in favor of motion.

#### **ADD ON AGENDA ITEM 8E: REQUEST TO OPERATE A GROUND WATERING MONITORING STATION**

Motion was made by Council Member Gladney and seconded by Council Member Ellis that the State of North Carolina, Department of Environment and Natural Resources be allowed to install a Ground Watering Monitoring Station at the Wastewater Treatment Plant. Motion carried 6-0 in favor of motion.

#### **ITEM 9: OLD BUSINESS**

##### **ITEM 9A: TOWN HALL RENOVATION PROJECT**

Manager Craft reported that the renovation on the new Town Hall was progressing. The cabinet man is almost finished and the carpet will be installed soon. He said he would possibly be ready in October.

##### **ITEM 9B: UPDATE ON 103 FLORIDA AVENUE**

Attorney Jenkins said the Town now owns the property at 103 Florida Avenue. We were the only bidder. Manager Craft said we may try to burn it.

Also for information only Manager Craft said due to a fire recently at 201 East Washington Street the Fire Department will be doing a control burning on September 12, 2006 and Washington Street will be closed.

##### **ITEM 9C: MUNICIPAL SEWER SYSTEM INFILTRATION AND INFLOW PROBLEMS**

Manager Craft reported that after tropical storm Ernesto Wesley Sutton had located an inflow problem on Willie Measley Road which will help tremendously with our inflow/infiltration problem.

Town Clerk Phyllis T. Harrison read a thank you card from Mrs. Mitchell Sutton thanking everyone for flowers sent to her during her recent stay in the hospital.

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