REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on October 11, 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, and Gregory Rouse; Town Manager, John P. Craft; Town Attorney, George Jenkins, Jr.; Town Clerk, Kyle J. DeHaven.

Absent: Council Member Lee

Guest: 12

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

ITEM 4: PUBLIC HEARINGS

A.) Consider Extension of ETJ to full 1 mile

Manager Craft explained the primary reason to extend the ETJ was to enforce stream buffers and impervious surface limits in the area of which phase 2 of the Goldsboro Bypass will be built so the project will pass an environmental review.

Manager Craft explained in more detail that the Stream buffers are the distance from the stream you must be before you can build a road, and that impervious surface limits are the amount that a lot can be covered with concrete, asphalt, or buildings. These areas would prevent water absorption into the ground. He continued to explain that the public hearing had been advertised in the weekly gazette, notices were sent to property owners, and the planning board received public comment and unanimously recommended the extension of the ETJ. He further assured property owners they will not have to pay town taxes, this is not an annexation, and they will not be required to change utility companies.

Manager Craft concluded that he and the town staff recommends the extension of the ETJ to one full mile, authorized by NCGS § 160A-360, the adoption of the official zoning map to zone affected properties as AR, and to be effective on November 1, 2010.

Mayor Gurley proceeded to open the Public Hearing

Brian Lanning of 4297 Five Points Rd., La Grange, stated he was unhappy that he was only notified 5 days before the planning board meeting and that all the landowners were not properly notified. He then stated that if this was for a bypass, restaurants, and development, why he needed to be included since this was of no interest to him. He then stated no one was in favor of expanding the ETJ at the planning board meeting, and challenged the council to represent the people and their wishes.

Michael A. Tribula of 4720 Shelley Dr., La Grange, stated he objected to the ETJ because expansion the ETJ is the first step toward annexation. He explained that although the town is not annexing currently, will it change its intentions in the future. He asked that the Town only annex what it needs for the Super 70 bypass, and not the rest of the un-extended ETJ around the Town.

Skip Wade of 601 Firetower Rd, La Grange, spoke for his mother, who has property on the south side of Interstate 70. He expressed concern for use of permits. Asking if land use permits would be the town or county, to which Manager Craft responded the Town. He then asked if hunting is permitted, to

which Manager Craft answered in the ETJ. Wade then concluded he was just against the extension of the ETJ.

Eddy Long, 4045 Bonnie Waters Road, La Grange, spoke in reference to his neighbor, but was informed by Manager Craft that his property is not affected by this extension of the ETJ. Mr. Long continued to speak how he saw both sides of the dispute and was confident the council would make a just decision.

Laura Tribula, 4720 Shelley Dr., La Grange, spoke in opposition of the extension of the ETJ and claims that her contacts at DOT told her that the extension of the ETJ around La Grange could not speed the process of the road. She continued that her sources claimed 10 -15 years before the Super 70 affects Lenoir County. She asked the decision to be tabled until more information could be learned and complete ramifications could be understood.

With no further comment, Mayor Gurley closed the Public Hearing.

Motion to extend the territory jurisdiction just to affected Super 70 areas and not the unaffected areas until a later time that is needed made by Council member Holmes, seconded by Council member Wooten. Motion Carried. 4 – 1. Council Member Gladney was against.

Motion to table action on the remaining sections of the ETJ until the November council meeting was made by Council Member Gladney, Seconded by Council Member Rouse. Motion carried 4 – 1. Council Member Wooten was against.

B.) Text amendment to Chapter 38, Zoning of Town Ordinances

Manager Craft explained that there are two proposed changes to text in the Town's Zoning Ordinance. The first amendment is to remove Multifamily Residential from the definition of the R-18 Zoning district, which would clarify the intent of the ordinance. The current definition contradicts the permitted use table which says it allows multifamily, and the permitted use table does not.

The current R-18 definition states; the purpose of this district shall be to maintain a minimum lot size of eighteen thousand square feet for single family dwellings, and ensure the uses are limited to those which are compatible with residential use. Two-family dwellings may be allowed when appropriate conditions are met.

Manager Craft explained the removal of the last sentence; Two-family dwellings may be allowed when appropriate conditions are met is contradictory to the previous sentence which supports his reasoning for removal.

Manager Craft explained the second proposed change is to amend section 11-4 "Table of Uses by District" to remove the use Automobile Service Station from Permitted Use, to Special Use, which would require Town Council Approval in the future, within the DD Downtown District.

Manager Craft explained that he, the Planning Board, and the Town Planner recommend the proposed text amendments be approved to remove the multifamily provisions from the definitions of R-18 and that automobile service stations be made special exceptions within the DD Downtown District.

Mayor Gurley proceeded to open the Public Hearing

No Public Comment

Motion to change R-18 not include more than one residence, and to change DD Downtown district to exclude automobile service stations unless special exceptions are made by council made by Council Member Harrison, seconded by Council Member Holmes. Motion Carried unanimously.

ITEM 5: BOARD OF ADJUSTMENTS

None

ITEM 6: PUBLIC COMMENT PERIOD

None

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

Manager Craft recommends the approval of the agenda with the addition of two items, item 9B, which is an EECBG grant to replace street lights with LED Street Lighting. And item 9C, which is the discussion of and enforcement of the Town's cemetery regulations. With these, Manger Craft recommends approval of the printed agenda.

Motion to approve the agenda with the aforementioned additions was made by Council Member Gladney, Seconded by Council Member Holmes. Motion Carried Unanimously.

ITEM 8: CONSENT AGENDA

Manager Craft recommended the approval of the September 13, 2010 Regular Session Minutes, and the September 13, 2010 Closed Session Minutes, and the approval of the Resolution declaring surplus municipal property as submitted.

Motion to Approve the consent agenda was made by Council Member Gladney, Seconded by Council Member Harrison. Motion Carried unanimously.

ITEM 9A: SELECTION OF VOTING DELEGATE AT ANNUAL NCLM CONFERENCE

Manager Craft explained that the designation of a voting delegate and alternate are needed for the upcoming Annual Conference.

Motion to appoint Council Member Gladney as voting delegate, and Council Member Wooten as alternate made by Council Member Harrison, Seconded by Council Member Wooten. Motion carried unanimously.

ITEM 9B: DISCUSSION PERTAINING TO RECENTLY RECEIVED EECBG GRANT REPLACE STREET LIGHTS

Manager Craft explained that he had been recently notified that he had been selected to receive an EECBG grant to replace all the Town's street lights. The amount of the grant he had received was valued at $155,475. The lights holding this value were LED lights that would replace mercury and high pressure sodium street lights. The Town's match is in kind, which represents staff and equipment time to remove and install the new lights.

Manager Craft further explained that this grant will replace the entire inventory of street lights, some as old as 30 years old. The LED lights are more energy efficient and represent an annual savings of $36,774 vs. the older Mercury and HPS street lights. With these LED lights, there are no bulb replacements unless they are physically destroyed, and have a life of 10 years with 0% failure, vs. 25% of the older bulbs. Over the course of the lifetime of the fixture, which Is 10 years, 67% less energy will be

utilized. In total, $155,475 for the grant, $421,569 in energy savings, and $175,349 in maintenance savings; which means that this grant is worth $752,393 to the Town over a ten (10) year period.

Manager Craft went on to explain that the work will begin once all paperwork is complete, and we can prepare an RFP to purchase the lights. The lights would be made in America and that this grant has certain reporting requirements in time that the Town Manager can keep track of for the benefit of the Town. With the council's approval, Manager Craft will proceed in completing the paperwork necessary.

Motion to proceed in completing necessary paperwork and proceeding in acquisition of replacement LED lights was made by Council member Harrison, seconded by Council Member Wooten. Motion Carried unanimously.

ITEM 9C: Discussion Related to Enforcement of Cemetery Regulations

Manager Craft explained that there are issues in the cemetery that our Public Works Director has brought to his attention that he would like to explain to the council for further guidance.

Public Works Director Morgan explained that people are putting stones, shrubs, pine straw, etc. around gravesites, which adversely affect the maintenance of the town owned cemetery. An ordinance was put in place in April disallowing this because of the hindrance and inefficiency it causes. He then asked if he can enforce the ordinance put in place on April 6, 2010 with the support of the council.

He further explained if the council wishes, a picture would be taken then sent to the owner/caretaker of the lot. The owner/caretaker would be given 30 days to put the site back in order or the town would do so for them at their expense.

Council Member Harrison supported the previous ruling of the council and spoke of enforcing the ordinance. Council member Wooten spoke in support of council member Harrison.

Public Works Director Morgan took this discussion with council to mean enforce the ordinance as written for those affected, and proceed with the aforementioned steps in giving the citizens time to get in line with the ordinance.

ITEM 10A: UPDATE ON PARTF GRANT

Manager Craft explained the lack of success in the previous grant cycle for the PARTF grant for a multi purpose recreational facility. Manager Craft asked if there was interest in re-applying for this grant in the next cycle for the upcoming year.

Motion to re-apply for the PARTF grant in February, 2011 was made by Council Member Gladney, Seconded by Council Member Wooten. Motion carried unanimously.

ITEM 10B: UPDATE ON WWTP IMPROVEMENTS

Manager Craft explained that because of weather, the work on the waste water treatment plant was slow, but the pump station and vault are here. The tie-in to the force main has not begun, but is close. The clarifier is built, and backfilling it has begun. The excess dirt is being stock piled and will be used for upcoming projects. The headwork's are ordered and will be arriving shortly.

ITEM10C: CONSIDER ADOPTION of GOLF CART ORDINANCE

Manager Craft explained he researched other towns of our size and their rules governing operation of golf carts on city streets in their respective towns. He found that Winterville was close and used theirs as a base model. He then suggested the addition of the rule that an operator of a golf cart must be at least 16 years of age. The council

was then asked to read though the drafted ordinance, make the desired changes, and conduct a public hearing at the November 1st meeting to receive public comment and formally consider the adoption.

Different Council Members proposed different issues to which Manager Craft responded he will bring two versions of an ordinance that the council may vote on.

ITEM10D: UPDATE ON RAIL CROSSING SIGNALIZATION AND CLOSING

Manager Craft explained that the Forbes St. railroad crossing has been permanently closed. The road leading across the tracks needs to have the yellow and white street paint removed so as not to confuse citizens.

He further explained that curb and gutters are planned to be put in to beautify the street and also assist in occasional flooding issues that can arise. The curb and gutter project should begin very shortly, and the repaving has been contracted to Barnhill Contracting and will take place after the curb and guttering.

ITEM10E: ROXBORO POWER PLANT TOUR

Manager Craft explained that a tour of the Roxboro Power plant is available for council members on November 10, 2010. Any interested Council Members need to let Manager Craft know immediately after the meeting.

Manager Craft then explained that there was no more business to discuss in open session but a closed session would be needed.

Council Member Wooten made the motion to close the open session meeting and enter a closed session, as authorized by NCGS § 160-318 (a) (5) (6) (8) at 7:20pm, seconded by Council Member Harrison. Motion carried unanimously.

ITEM 11: CLOSED SESSION

ITEM 12: ADJOURNMENT

After returning to open session upon the motion of Council Member Wooten, second by Council Member Gladney, the Council voted unanimously to return to Open Session. Being no further business, the Mayor adjourned the meeting at 7:50 pm.