

# TOWN OF LA GRANGE, NORTH CAROLINA

## TOWN COUNCIL AGENDA



**April 5, 2010  
6:00 PM**



# TOWN OF LA GRANGE

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## TOWN COUNCIL AGENDA

April 5, 2010

1. Call to Order Mayor Gurley
2. Moment of Silence
3. Welcome
4. Public Hearings - None Mayor Gurley
5. Board of Adjustments - None
6. Public Comment Period Mayor Gurley
7. Amendments to and Approval of the Agenda Town Manager
8. Consent Agenda
  - a. Approval of Minutes
    - i. Regular Session Minutes; March 1, 2010
    - ii. Special Session Minutes; March 15, 2010
  - b. Approval of Audit Contract – Pittard, Perry & Crone
  - c. Resolution Declaring Surplus Property
  - d. Approval of Appointment the Planning Board
9. New Business.
  - a. Approval of Purchase of Service Bucket
  - b. Approval of Disposal of Surplus Real Property – 217 East Washington Street by Negotiated Sale
  - c. Award of Bid for Re-Use Project, WWTP Headworks Improvements & Generator Installation
10. Unfinished Business & Informational Items
  - a. Demolition of 108 West Railroad Street
  - b. PARTF Grant Application & Spray Ground
  - c. Final Approval of Main Street Solutions Grant Application Submission
11. Closed Session
12. Adjournment



## **PUBLIC HEARINGS**

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### **AGENDA ITEM # 4**

#### **Public Hearings**

As established by the Town Council during the February 25, 2006 Work Session, a Public Hearing period has been established and incorporated into the Regular Meeting Agenda.

There are no public hearings scheduled for this evening.



## BOARD OF ADJUSTMENTS

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### AGENDA ITEM # 5

There are no cases to be heard by the Board of Adjustments this evening.

**RECOMMENDATION:** N/A



## PUBLIC COMMENT PERIOD

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### AGENDA ITEM # 6

#### Public Comment Period

As established by Council Action, the public has a designated time period during the Town Council's Regular Council meeting each month to address the council regarding items not included on the printed agenda.

All comments are subject to the "Public Comment Policy". The Council allotted time for up to five (5) citizens to address the council for up to 3 minutes each. Citizens **are required** to sign in with the Town Clerk between 5:45 and 6:00 on the night of the council's regularly scheduled meeting. A response from the Council or Town staff is **not** required during the Council Meeting.

**RECOMMENDATION:** None.



## AMENDMENTS TO AND/OR APPROVAL OF AGENDA

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### AGENDA ITEM # 7

At this time, the Town Manager will recommend that the agenda be approved as submitted or he may recommend the addition of item(s) or deletion of item(s) from the printed agenda to be addressed during the Council Meeting.

**RECOMMENDATION:** Approval of Agenda as Recommended by Town Manager during the meeting.



## CONSENT AGENDA

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### AGENDA ITEM # 8

Attached for your review and consideration are items submitted for the consent agenda. These items, if the agenda is approved, will be handled with a single action of the Council. If for any reason, a member of the council wishes to move an item from the consent agenda to the Items for Discussion and Approval, it is an automatic process that places that item(s) at the end of the printed agenda to allow for a more detailed discussion of the item.

#### **ITEMS SUBMITTED FOR CONSENT:**

##### **8. Consent Agenda**

- a. Approval of Minutes
  - i. Regular Session Minutes; March 1, 2010
  - ii. Special Session Minutes; March 15, 2010
- b. Approval of Audit Contract – Pittard, Perry & Crone
- c. Resolution Declaring Surplus Property
- d. Approval of Appointment the Planning Board

**RECOMMENDATION:** Approval of Items submitted for Consent.



## APPROVAL OF MINUTES

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### CONSENT AGENDA ITEM # 8A

#### APPROVAL OF MINUTES

Attached for your consideration and approval are the minutes for the meetings since the last regularly scheduled Council Meeting.

**8. Approval of Minutes**

- a. Approval of Minutes
  - i. Regular Session Minutes; March 1, 2010
  - ii. Special Session Minutes; March 15, 2010

**RECOMMENDATION:** Approval of Minutes as submitted.

## **REGULAR MEETING**

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on March 1, 2010, at 6 p.m. with the following present:

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, Nelda H. Johnson, CMC.

Absent: Woodard H. Gurley, Mayor

Guest: 6

### **ITEM 1: CALL TO ORDER**

Mayor Pro Tem Wooten called the meeting to order.

### **ITEM 2: MOMENT OF SILENCE**

Mayor Pro Tem Wooten stated that due to a recent court ruling, the Council will observe a moment of silence instead of an invocation.

### **ITEM 3: WELCOME**

Mayor Pro Tem Wooten welcomed all the citizens and the Council Members

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

None

### **ITEM 5: BOARD OF ADJUSTMENTS**

None

### **ITEM 6: PUBLIC COMMENT PERIOD**

None

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

Manager Craft recommended approval of the printed agenda with the following changes:

- DELETION OF ITEM 9A: RESOLUTION OF SUPPORT OF FEDERAL LEGISLATION
- ADDITION OF ITEM 9D: APPROVAL OF RESOLUTION HONORING THE 1960-1961 FRINK HIGH SCHOOL BASKETBALL TEAM

Motion was made by Council Member Holmes, seconded by Council Member Harrison to approve the printed agenda with one deletion and one addition as recommended by the Town Manager.

Council Member Harrison stated that he had read that the Federal Judge's decision concerning prayer had been appealed and he did not think it was a law until the appeal was over.

Council Member Harrison made a substitute motion to add to the agenda ITEM 9E: DISCUSSION ON FEBRUARY 20, 2010 SPECIAL MEETING RELATIVE TO THE COUNCIL'S DECISION NOT TO HAVE PRAYER AT COUNCIL MEETINGS. Council Member Holmes seconded the motion.

Motion carried 4-2 in favor of motion with Council Member Gladney and Council Member Rouse voting in opposition.

### **ITEM 8: CONSENT AGENDA**

#### **a) Approval of Minutes**

- February 1, 2010 Regular Session
- February 20, 2010 Special Session (Retreat)

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the Consent Agenda. Motion carried 6-0 in favor of motion.

### **ITEM 9: NEW BUSINESS**

#### **ITEM 9A: RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION**

This item was removed from the agenda by Council approval.

#### **ITEM 9B: APPROVAL OF APPOINTMENTS**

Manager Craft stated that Mayor Gurley has recommended the following appointments be approved:

- Larry L. Gladney
  - Recommended to be reappointed to serve as the Town's representative on the Eastern Carolina Council – 1 year term. Copy of Resolution No. 2010-03-336 hereto attached and filed in Resolution Book IV.
- Phyllis T. Harrison
  - Recommended to replace Robert (Bob) Mooring to serve as the Town's Representative on the Greene Lamp, Inc., Board of Directors – 5 year term. Copy of Resolution No. 2010-03-337 hereto attached and filed in Resolution Book IV.
- Julia Wooten

- Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-03-338 hereto attached and filed in Resolution Book IV.
- Eugene Shaw
  - Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-03-339 hereto attached and filed in Resolution Book IV.
- Christine Wilhelm
  - Recommended to be reappointed to serve on the Planning Board – 3 year term to expire March 1, 2013. Copy of Resolution No. 2010-01-340 hereto attached and filed in Resolution Book IV.
- John P. Craft
  - Recommended to be appointed to serve as Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-341 hereto attached and filed in Resolution Book IV.
- Larry L. Gladney
  - Recommended to be appointed to serve as Alternate Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-342 hereto attached and filed in Resolution Book IV.
- Bobby R. Wooten
  - Recommended to be appointed to serve as Alternate Commissioner on the Eastern Municipal Power Agency Board of Commissioners – indefinite term. Copy of Resolution No. 2010-03-343 hereto attached and filed in Resolution Book IV.

Motion was made by Council Member Harrison, seconded by Council Member Lee to approve the resolutions appointing the above named persons. Motion carried 6-0 in favor of motion.

#### **ITEM 9C: APPROVAL OF FUNDING AGREEMENT FOR THE SOUTHEASTERN POWER ADMINISTRATION**

Manager Craft had previously provided a copy of the Funding Agreement to the Council within their agenda and stated that he would briefly review the purpose of the agreement.

The Kerr-Philpott System consists of two projects – the John H. Kerr Project located on the Roanoke River, and the Philpott Project located on the Smith River in Virginia. Power generated at these two projects is marketed to preference customers in North Carolina and Virginia. The John H. Kerr Dam was built in 1952 and has 7 generators and 440,000 mWh; the Philpott Dam was built in 1953 and has 3 generators and 25,000 mWh. The Funding Agreement would earmark a portion of the Town’s revenues to cover capital improvements, including relocation of a 13.8 kV breaker, voltage regulator replacement and digital governor replacement. Approval of the Funding Agreement would not change rates paid by the Town. Also, ongoing maintenance to keep these hydroelectric generators operational is wise and environmentally friendly. These two facilities are managed by the Corps of Engineers.

Manager Craft stated that he recommended approval of the Funding Agreement.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the Funding Agreement for the Southeastern Power Administration. Motion carried 6-0 in favor of motion. Copy of agreement on file in Clerk's office.

**ITEM 9D: APPROVAL OF PROCLAMATION HONORING THE FRINK HIGH SCHOOL WILDCATS**

Manager Craft stated that Mayor Pro Tem Wooten brought to his attention the accomplishment of the Frink High School Basketball team of 1960-61 and deemed it in order to ask the Council to recognize that achievement.

Manager Craft recommended the approval of a proclamation honoring the 1960-61 Frink High School Wildcats Basketball Team, who with a 30-0 season won the North Carolina State 2A Basketball Championship.

Mayor Pro Tem Wooten brought to the Council's attention that the winning season was actually 30-1.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve an amended proclamation honoring the Frink High School Wildcats reflecting a 30-1 season and won the North Carolina State 2A Basketball Championship. Motion carried 6-0 in favor of motion.

**ITEM 9E: SPECIAL MEETING FEBRUARY 20, 2010 RELATIVE TO THE COUNCIL'S DECISION NOT TO HAVE PRAYER AT COUNCIL MEETINGS**

Manager Craft stated that this item was discussed at the February 20, 2010 meeting which was the Council's annual work retreat. After a law suit brought by the American Civil Liberties Union (ACLA) there was a North Carolina Court decision in Forsyth County that it was a violation of a citizen's civil rights to have a prayer offered that was not in their religion. Based on that decision it was determined not to have a prayer in the beginning of meetings. A moment of silence allows everyone the opportunity to pray in each one's own way. Manager Craft called on Attorney Jenkins for his opinion.

In summary, Attorney Jenkins stated that not having read the North Carolina Supreme Court case he could not respond appropriately. The appeal that is in process does not mean it is not still a law and that law will not be changed until a higher court over rules or confirms. The United States Supreme Court, for many, many years, has said that it is beyond dispute that the Constitution guarantees that the government may not co- hearse anyone to support or participate in a religion for its exercise or otherwise act in any way which may establish or state religion or religious faith or tends to do so.

Attorney Jenkins concurred with Manager Craft that a "moment of silence" would be appropriate.

## **ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS**

### **ITEM 10A: APPROVAL OF RESOLUTION ORDERING DEMOLITION OF 108 WEST RAILROAD STREET**

Manager Craft stated that Heith Harrison, Code Enforcement Officer for the Town, was present to discuss the time line and his current findings on 108 West Railroad Street.

Code Enforcement Officer Harrison stated that the property owner of 108 West Railroad Street, Nicholas Picciotti, was not present at the meeting. A certified letter was sent to Mr. Picciotti notifying him of this meeting and his wife signed for the letter; but, Mr. Picciotti did not inform the office that he would not be at this meeting. A public notice was also published in the local newspaper.

Code Enforcement Officer Harrison reviewed with the Council the time line over the past 3½ years stating that Mr. Picciotti has made very little effort to remedy the hazards. It is obvious that more extensions will only result in prolonging the risk of hazards associated with the structure. The Town has given Mr. Picciotti many opportunities to save the structure and no substantial progress has been made. Pictures of the structure were also provided for the Council's review.

Council Member Gladney asked what would happen if the property owner sold the property before the demolition.

Code Enforcement Officer Harrison stated that if that were to happen the Town would have to start the process over again with the new owner, giving that person a certain amount of days to make the same repairs.

Manager Craft explained to the Council that the demolition process would take about 30 days due to the asbestos inspection and other permits required.

After a lengthy discussion among the Council, Manager Craft and Code Enforcement Officer Harrison, motion was made by Council Member Gladney, seconded by Council Member Rouse, due to the finding of facts, to approve RESOLUTION ORDERING DEMOLITION OF 108 WEST RAILROAD STREET. Motion carried 6-0 in favor of motion. Resolution No. 2010-03-344 hereto attached and filed in Resolution Book IV.

### **ITEM 10B: UPDATE ON SPRAYGROUND AND PARTF**

Manager Craft stated that he was anticipating notification as to whether or not the Town would receive a grant award that had been applied for through PARTF. Manager Craft reviewed with the Council the status on the sprayground stating that the demolition of the tennis courts was complete, trees cut down and removed, surveillance system installed and the equipment had been delivered and was at the Public Services Complex. The engineer drawing is pending and when received it will be delivered to the Lenoir County Health Department. As soon as the plans are approved by the Health

Department, the Town should be able to begin construction. May 1<sup>st</sup> is the target date anticipated for opening to the public.

#### **ITEM 10C: UPDATE ON SUTTON ACRES PHASE II**

Manager Craft stated that this will probably his last update relative to Sutton Acres. The work is now 100% complete on the sewer lines, sewer taps, lift station, water lines, water taps, electrical, street lighting, streets and drainage. The only item left is the grading and seeding along the road bed.

#### **ITEM 10D: AMR PROJECT UPDATE AND PAYMENT OPTIONS**

Manager Craft stated that this will be the final update on the residential electric meters as the installation is 100% complete.

The Town has opted not to pursue installation of electric meters for the large commercial customers due to the cost being in excess of \$28,000 for 67 meters. A renegotiation of 6% off the price was given; but, Manager Craft stated that he did not recommend replacement of these meters at this time.

Manager Craft further reported that Tyrone Morgan has now installed more than 1500 water meters. About 10 additional residential meters  $\frac{5}{8}$ " to  $\frac{3}{4}$ " to be installed and about 6 1" meters to be installed. There are no plans to address the 2' water meters at this time because of the cost.

The Town is still working with Money Gram to be able to accept payment made at CVS Pharmacy or Wal-Mart. Online payment capability is going well and the Town is still in the prepaid pilot program and very close to being completed.

#### **OTHER BUSINESS**

Manager Craft stated that a Closed Session has not been scheduled because the only item was to approve the minutes of the February 1, 2010 Closed Session. Manager Craft requested that these minutes be approved in open session.

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the February 1, 2010, Closed Session minutes. Motion carried 6-0 in favor of motion.

#### **ITEM 12: ADJOURNMENT**

Mayor Pro Tem Wooten declared the meeting adjourned.

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Nelda H. Johnson, CMC, Town Clerk

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Woodard H. Gurley, Mayor

## **SPECIAL MEETING**

The Town Council of the Town of La Grange, North Carolina met in a Special Meeting at the Town Hall on March 15, 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 Veronica Lee; Town Manager, John P. Craft; Town Clerk, Nelda H. Johnson, CMC.

Absent: Gregory Rouse, Council Member  
George Jenkins, Jr., Town Attorney

Guest: None

### **CALL TO ORDER, MOMENT OF SILENCE, WELCOME**

Mayor Gurley called the meeting to order and asked for a moment of silence. Afterwards, Mayor Gurley welcomed the Council members.

### **ITEM 1: APPROVAL OF AGENDA**

Manager Craft recommended approval of the following agenda items:

- Agenda Item 2: Main Street Solutions Grant Discussion
- Agenda Item 3: USDA Farmers Market Grant Discussion
- Agenda Item 4: Disposal of Surplus Property

Motion was made by Council Member Harrison, seconded by Council Member Holmes to approve the recommended agenda. Motion carried 5-0 in favor of motion.

### **ITEM 2: MAIN STREET SOLUTIONS GRANT**

Manager Craft presented the following information concerning the Main Street Solution Grant.

- \$300,000 maximum grant
- No match required for private fund investments
- \$1 for \$1 match required for public infrastructure investments
- La Grange is one of 65 eligible entities
- Determine projects to be included
- Options
  - Revolving Loan Pool
  - Public Infrastructure
  - Façade Grant Program
  - Acquisition and Rehabilitation/Renovation of existing structures

- Revolving Loan Pool
  - Create a loan pool that would be used to fund acquisitions/enhancements in the future.

Manager Craft stated that he recommended that the Town not participate in the Revolving Loan Pool option.

- Public Infrastructure
  - Street Scaping
  - Water, Sewer, Electric Infrastructure
- Façade Grant Program
  - Creation of Façade Grant Programs
  - Provide funding to enhance the façade of front and/or rear of buildings
  - 44 Building facades downtown
  - If enhanced, the façade grant program to be \$2 for every \$1 invested would cost \$88,000 while causing \$132,000 in investments

Manager Craft stated that about 16 buildings were vacant out of the 44 buildings downtown.

- Acquisition & Rehabilitation/Renovation of Buildings
  - Provide Funding for the acquisition of building to be renovated and rehabilitated

Manager Craft discussed with the Council the following potential projects:

- Grace Barber College
  - \$45,000 acquisition cost
  - Estimates of \$55,000 to renovate
- Harvey Building
  - \$175,000 estimated up fit cost
  - Since public funding is proposed to be utilized, a match of \$87,000 is required
- Foss Building
  - \$35,000 acquisition cost
  - \$165,000 in up fit cost
  - 4 Commercial sites/ 2 residential upstairs
  - Developer considering participation, would invest \$100,000 in project
  - Building is approximately 4,800 square feet
- Worrell Contracting
  - \$0 acquisition cost
  - \$100,000 in up fit cost
  - Proposing \$50,000 in grant funding and \$50,000 private investment

Manager Craft discussed the Main Street Solutions Grant potential project funding and leverage of funds that would maximize a \$300,000 grant. The more funds the Town invests, the more likely the Town would receive a grant. The only funds that the Town would have invested is the \$12,500 for Public Infrastructure. The Acquisition/Rehabilitation/Renovation investment would come from the property owner. Since the Town is the owner of the Harvey Building, the Town would have an upfront investment of \$87,500; but, with a potential lease from Lenoir Community College the Town would reap the investment.

<b>Potential Funding &amp; Leverage of Funds</b>	<b>Total Investment Proposed</b>	
Revolving Loan Pool	\$0	\$0
Façade Program	\$0	\$0
Public Infrastructure	\$12,500	\$25,000
Acquisition/Rehabilitation/Renovation		
• Grace Barber College	\$50,000	\$100,000
• Harvey Building	\$87,500	\$175,000
• Foss Building	\$100,000	\$200,000
• Worrell Contracting	\$50,000	\$100,000
<b>TOTAL</b>	<b>\$300,000</b>	<b>\$600,000</b>

Council Member Harrison expressed his opinion stating that if the Harvey Building was a good investment then find a private investor and sell it to them for \$1, let the new owner repair the building and then they could lease it out as an investment. The Town does not belong in the real estate business. Council Member Harrison further stated that he did not see using public money and did not have faith in downtown buildings being rebuilt.

Mayor Gurley stated that the Harvey Building was given to the Town and has been empty for years and now the Town has a chance to renovate the building plus the opportunity to lease the building for 15 – 20 years.

Mayor Pro Tem Wooten stated that if the Town Council does not invest in our Town why should anyone else bother to invest. The Harvey Building has been sitting empty for years and now the Town has a chance to make repairs and lease the building. This would certainly make a statement that the Council is interested in downtown being revitalized. Mayor Pro Tem Wooten further stated that he did understand apprehension about investing taxpayers' money; but, the Town would be investing in a building that the Town already owns.

After continued discussion, Manager Craft stated that he needed guidance from the Council as to which projects the Council is comfortable with because the grant information has to be compiled and the application has to be submitted.

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to proceed with the Manager's proposal.

Manager Craft asked the Council for clarity as to prioritize the projects.

Council Member Harrison stated that his priority would be (1) Grace Barber College (2) Foss Building (3) Worrell Contracting and (4) Harvey Building.

Council Member Holmes asked if this was the final vote before proceeding with the project or was this authorization to proceed with the grant.

Manager Craft stated that this grant funding would be brought before the Council after the final cost of each project and information was received.

Mayor Pro Tem Wooten amended his motion as to prioritize the projects in the following order (1) Harvey Building (2) Foss Building (3) Worrell Contracting and (4) Grace Barber College; and, to include the Public Infrastructure. The amended motion was seconded by Council Member Gladney. Motion carried 4-1 with Council Member Harrison voting in opposition.

### **ITEM 3: USDA FARMERS MARKET GRANT**

Manager Craft recommended that no action be taken on this item.

### **ITEM 4: DISPOSAL OF SURPLUS PROPERTY – APPROVAL OF RESOLUTION**

Manager Craft recommended that the following items be declared surplus property and be sold by public auction, as per N.C.G.S. 160A-266 and 160A-270, on GovDeals (internet), with the exception of the real estate. The real estate located at 217 East Washington Street recommended to be sold by private, negotiated sale, as per N.C.G.S. 160A-267, to be used as part of the Lenoir County Scattered Site Community Development Block Grant (CDBG).

- 1998 Ford Crown Victoria
- 2001 Ford Crown Victoria
- 2003 Ford Crown Victoria
- 1985 Ford Econoline Type II Ambulance (Crash Truck)
- 1989 Ford Type III Ambulance
- MTD Yard Machine
- McLane Edger
- McLane Edger
- Mc Lane Edger
- 1,000 gallon above ground fuel tank & Gas Boy pump (GAS)
- 1,000 gallon above ground fuel tank & Gas Boy pump (DIESEL)
- Above Ground Tank (Used Motor Oil)
- Ingersol Air Compressor
- NEC Telephone System & 14 Telephone Sets

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to approve RESOLUTION TO DECLARE SURPLUS PROPERTY OF THE TOWN OF LA GRANGE; and direct the Mayor, Town Manager, Town Clerk, and Town Attorney to dispose of real property, known as 217 East Washington Street. Motion carried 5-0 in favor of motion. Copy of Resolution No. 2010-03-345 hereto attached and filed in Resolution Book IV.

### **OTHER INFORMATION**

Manager Craft brought to the attention of the Council that he had met recently with Nicholas Picciotti, owner 108 West Railroad Street, and Mr. Picciotti has related that he has a buyer for the house. Mr. Picciotti further related that he proposes to transfer the house in his brother's name, who is a building contractor in Raleigh. Manager Craft informed Mr. Picciotti that just because the property is transferred to his brother does not stop the action

that the Town Council approved. Manager Craft stated that he needed to make sure of his understanding from the last Council Meeting, that if at the time all permits and inspections are completed and the time came that the Town could proceed with the demolition; and, if a new owner was in control of the property and had made efforts to improve the structure and had a reasonable plan to continue, the demolition order would be brought back to the Council for reconsideration. At this time Mr. Picciotti appears to have done additional work and has indicated that he will have the outside in much better condition by the next Council meeting on April 5, 2010. Manager Craft stated that he related to Mr. Picciotti that his efforts may be futile as he had no authority to make a decision other than the option to bring the case back to the Council to consider new ownership and present their plan.

### **ADJOURNMENT**

Motion was made by Council Member Gladney, seconded by Council Member Holmes 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



## **APPROVAL OF AUDIT CONTRACT**

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### **CONSENT AGENDA ITEM # 8B**

#### **APPROVAL OF AUDIT CONTRACT**

Each year, the NC Local Commission requires that the Town Council approve an Audit Contract. Attached for your review and consideration is the Audit Contract for FY09-10 as proposed by Pittard, Perry & Crone. The cost of the audit is \$13,000 and \$5,000 to prepare the financial statements, at a cost of \$18,000.

**RECOMMENDATION:** Approval of the Audit Contract with Pittard, Perry & Crone.  
Approval of the Consent Agenda will approve the Annual Audit Contract with Pittard, Perry & Crone.



## APPROVAL OF RESOLUTION DECLARING SURPLUS PROPERTY

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### CONSENT AGENDA ITEM # 8C

#### APPROVAL OF RESOLUTION DECLARING SURPLUS PROPERTY

Attached for your review and consideration is a Resolution that would declare the old surveillance system digital video recorder (DVR) as surplus property. This item was inadvertently omitted from the list that was approved by the Council on March 15, 2010. If approved, this item will also be offered for sale on GovDeals.com; and sold by auction on the internet.

As an informational item, I have included the results from the online auction sales of the property that has already sold on GovDeals as approved on March 15, 2010. We have not yet auctioned off the three old police cars, or the two old ambulances. They will be sold when Tyrone has removed all of the old markings.

<u>Property Description</u>	<u>Sale Price</u>	<u>Date Sold</u>
1,000 gallon diesel tank & pump	\$1,430.00	3/23/2010
1,000 gallon gas tank & pump	\$2,010.00	3/25/2010
McLane Edger	\$14.00	3/25/2010
McLane Edger	\$25.00	3/25/2010
McLane Edger	\$18.00	3/25/2010
MTD Edger	\$28.90	3/25/2010
<b>TOTAL:</b>	<b>\$3,525.90</b>	

The telephone system auction has ended, but it did not sell, as I put a reserve that must be met to complete the sale. I will put it back up for auction again, when I add the DVR, assuming that the Council declares the DVR as surplus and authorizes it to be disposed of.

**RECOMMENDATION:** Approval of the Resolution declaring the surveillance system recorder as surplus property. Approval of the Consent Agenda will approve the attached Resolution, and receive the Manager's report on items sold on auction.



# TOWN OF LA GRANGE

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203 South Center Street  
La Grange, NC 28551  
Office (252) 566-3186 • Fax (252) 566-2201

## RESOLUTION 2010-\_\_\_\_\_

### RESOLUTION TO DECLARE SURPLUS PROPERTY OF THE TOWN OF LA GRANGE

**WHEREAS**, the Town of La Grange is authorized by North Carolina General Statute (NCGS) 160A-266 to dispose of real or personal property belonging to the town by public auction and,

**WHEREAS**, there exists certain items of personal property belonging to the Town of La Grange which are surplus to the needs of the town and,

**WHEREAS**, NCGS 160A-270 describes the procedure to be followed to affect such sale,

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of La Grange that the Town Manager is directed to dispose of the following items of municipal property by online auction utilizing Gov Deals. Terms are cash or certified check at Time of Sale.

<u>Item #</u>	<u>Description</u>	<u>VIN or Serial Number</u>
1.	Digia216-320 (Digia II) MPEG Digital Video Recorder	D216-203-719097

Adopted this 5<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
Woodard H. Gurley  
Mayor

ATTEST:

\_\_\_\_\_  
Nelda H. Johnson  
Town Clerk



## **APPROVAL OF RESOLUTION APPOINTING ADVISORY BOARD MEMBER**

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### **CONSENT AGENDA ITEM # 8D**

#### **APPROVAL OF RESOLUTION APPOINTING ADVISORY BOARD MEMBER**

Due to Mr. John H. Waters' failure to meet attendance requirements of Planning Board, Mr. Waters is no longer on the Planning Board, and the vacancy created by his departure would reduce the membership of the Planning Board to 6, which by Ordinance is not to be less than seven members. As you know, the Town began taking applications from citizens to serve on the Boards and Commissions several months ago.

As of the present time, Edward Moore is the only citizen that has submitted an application to serve on the Planning Board. Based on that fact, Heith Harrison is recommending that Edward Moore be appointed to fill the unexpired term vacated by Mr. John H. Waters. The term will expire March 1, 2011. Attached for your review and consideration is a Resolution appointing Mr. Moore to fill Mr. Waters' unexpired term.

#### **RECOMMENDATION:**

Approval of the Resolution appointing Edward Moore to fill the unexpired term of John H. Waters on the Planning Board.  
Approval of the Consent Agenda will approve the attached Resolution.



## TOWN OF LA GRANGE

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203 South Center Street  
La Grange, NC 28551  
Office (252) 566-3186 • Fax (252) 566-2201

**Resolution (2010) \_\_\_\_\_**

### **Resolution Appointing Advisory Board Member**

**WHEREAS**, the Mayor is appointing **Edward Moore** to fill the unexpired term of John H. Waters as a member on the Planning & Zoning Board which will expire March 1, 2011.

**NOW, THEREFORE BE IT RESOLVED** by the La Grange Town Council that **Edward Moore** is to serve as a member of the Planning & Zoning Board for a term that expires on March 1, 2011.

Adopted by the La Grange Town Council in regular session April 5, 2010 on the motion of Council Member \_\_\_\_\_ and second of Council Member \_\_\_\_\_.

\_\_\_\_\_  
Woodard H. Gurley, Mayor

Attest:

\_\_\_\_\_  
Nelda H. Johnson, Town Clerk



## APPROVAL OF THE PURCHASE OF A SERVICE BUCKET

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### AGENDA ITEM # 9A

As you will recall, the Equipment Replacement Plan that was recently updated and approved by the Town Council planned for the purchase of a service bucket truck to be used in the Electric Department in Fiscal Year 2010-2011.

In reviewing this year's budget, we did not spend nearly as much as I had anticipated would be required for the electric system construction in Sutton Acres, and sufficient funding is in place in this year's budget to facilitate a purchase in the current fiscal year, which would remove some pressure on next year's budget, and would not result in the utilization of any fund balance from the Electric Fund.

As you will remember, the Electric Department currently only has one bucket truck, which limits our ability to work multiple outages simultaneously in the event of a major storm. The purchase of a service bucket also would prolong the useful life of the bucket truck which is much more costly to replace than a service bucket would be. Based on these facts, I feel that it would be wise to purchase the service bucket during the current budget year.

During the meeting, I will provide you with more details on the proposed vehicle.

**RECOMMENDATION:** Approval of purchase of Service Bucket.



## **APPROVAL OF SALE OF SURPLUS REAL PROPERTY BY NEGOTIATED SALE**

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### **AGENDA ITEM # 9B**

At your March 15, 2010 Special Meeting, I discussed the disposal of real property located at 217 East Washington Street by negotiated sale, as authorized by NCGS 160A-267 and NCGS 160A-270. According to those terms, a price must first be negotiated, and then presented to the Town Council for approval. Once approved, the proposed sale will be advertised, and if no upset bid is received within 10 days, the sale can be finalized. If an upset bid is received, the terms of that bid would be published, and a new 10 day time period would begin. This process would continue until no upset bid was received.

As directed, I have negotiated a tentative price for the sale of the lot. The price that I was able to negotiate for the lot is \$12,000. If the Council approves the sale of the lot, I will advertise the proposed sale of the property for that amount. In order to proceed, the Council would need to approve the attached resolution which directs the Mayor, Town Attorney, Town Clerk, and Town Manager to take the necessary steps to dispose of the property in accordance with NCGS 160A-267, private sale. I have attached a copy of the "Offer to Purchase", which is not signed, but I will have the signed copy for you by the Council Meeting.

**RECOMMENDATION:** Approval of Resolution authorizing the disposal of real property located at 217 East Washington Street by private, negotiated sale as authorized by NCGS 160A-267.



# TOWN OF LA GRANGE

203 South Center Street  
La Grange, NC 28551  
Office (252) 566-3186 • Fax (252) 566-2201

## RESOLUTION 2010-\_\_\_\_\_

### RESOLUTION TO DECLARE SURPLUS PROPERTY OF THE TOWN OF LA GRANGE

**WHEREAS**, the Town of La Grange is authorized by North Carolina General Statute (NCGS) 160A-266 to dispose of real or personal property belonging to the town by public auction and,

**WHEREAS**, there exists certain items of personal property belonging to the Town of La Grange which are surplus to the needs of the town and,

**WHEREAS**, NCGS 160A- 267 and NCGS 160A-270 describes the procedures to be followed to affect such sale,

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of La Grange that the Mayor, Town Manager, Town Clerk, and Town Attorney are directed to dispose of real property, known as 217 East Washington Street (being listed as Lenoir County Parcel number 3566-06-276724 and Lenoir County Tax Record Number 17112), by negotiated private sale price of \$12,000 as authorized by NCGS 160A-267 with terms as cash or certified check at the time of sale; the terms of the sale for the disposal of this real property are to be published in the Weekly Gazette, the sale to be consummated not less than 10 days after the publication, provided that an upset bid is not received.

Adopted by the La Grange Town Council in regular session April 5, 2010 on the motion of Council Member \_\_\_\_\_ and second of Council Member \_\_\_\_\_.

\_\_\_\_\_  
Woodard H. Gurley  
Mayor

ATTEST:

\_\_\_\_\_  
Nelda H. Johnson  
Town Clerk





## **AWARD OF BIDS FOR RE-USE PROJECT & WWTP HEADWORKS IMPROVEMENTS CONSTRUCTION PROJECTS & GENERATOR INSTALLATION**

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### **AGENDA ITEM # 9C**

As you know, we have been awarded grants from the Clean Water Management Trust Fund, Lower Neuse Basin Association, and the NC Rural Center for several significant improvements to the Waste Water Treatment Plant. Some of these improvements include the following:

1. Replacement of the grit removal system and bar screen
2. Replacement of the control systems
3. Raw sewage pump work
4. The addition of a fourth clarifier
5. Construction of a drying bed
6. Construction of a pump station to pump reuse water from the Wastewater Treatment Plant to the proposed recreation complex & associated piping to facilitate the transfer
7. The purchase of reels to apply the water to more than 100 acres of land in and around the town in an effort to reduce the discharge of nitrogen into the Lower Neuse Basin
8. Installation of generators at the Crouse Hinds and Lake Pines lift stations

As I indicated, the work as proposed is funded largely, if not entirely, through these grant sources. We opened bids on the project on Tuesday March 16, 2010. We were very fortunate in that we had a total of eight companies bid the project. The projects were bid as separate line items to enable us to track the cost of each project due to the way that it was funded, but was bid as a single project due to the fact that virtually all of the work will be occurring at one time and the contractor(s) will be in the WWTP and it would have been a scheduling nightmare, but primarily because it would have been difficult to determine who caused a problem, if one were to arise. I also felt that we would get better bids if it were a larger project.

As you will see, the projects were bid and considered as a base bid (inclusive of all the proposed improvements with 4 Alternate bids. Alternates 1-3 were deductive alternates that would remove portions of work in the event that the bids received were higher than anticipated and exceeded the Town's ability to fund the project in its entirety, which would enable portion(s) of the work to be eliminated without having to rebid the entire project. Alternate 4 was an additive alternate which added a drying bed to the project. As it turned out, the bids came in slightly less than anticipated, which enables the Town to complete all of the proposed work, inclusive of the Alternate 4, within the grant funding allocations.

After opening the bids, we had one contractor that submitted a bid that did not possess the proper license to perform work within the WWTP so that companies bid was rejected, as they

were not properly licensed, and a second contractor made a substantial error on its unit price sheet and withdrew its bid, as is permitted within 72 hours of the bid opening. After reviewing the bids, excluding deductive alternates 1-3 and inclusive of Alternate 4, Peters & White, a large firm based in Virginia has been determined to be the lowest “Responsive Responsible Bidder”. Based on this fact, Mark Drake (our engineer with the Wooten Company) is recommending the award of the bid and construction contract to Peters & White. I concur with Mr. Drake’s determination and recommend that you award the bid to Peters & White.

Attached for your review and consideration are several documents. First, there is a copy of the bid tabulation sheet which has been checked and certified by Mark Drake with the Wooten Company. Second, is a copy of the Unit Price Bid Summary, and third, is a Resolution that awards the bid to Peters & White and directs the Mayor, Town Manager, Town Clerk, and Town Attorney to execute the contract and any other documents necessary to complete the Projects as described above.

**RECOMMENDATION:** Approval of Resolution Awarding the Bid and Construction Contract for the Re-Use project and the Headworks Improvements at the Wastewater Treatment Plant to Peters & White and directing the Mayor, Town Manager, Town Clerk, and Town Attorney to execute necessary documents to complete the project.



# TOWN OF LA GRANGE

203 South Center Street  
 La Grange, NC 28551  
 Office (252) 566-3186 • Fax (252) 566-2201

## RESOLUTION 2010-\_\_\_\_\_

### A RESOLUTION AWARDING A BID FOR CONSTRUCTION OF REUSE SYSTEM AND HEADWORKS IMPROVEMENTS AT THE TOWN WASTEWATER TREATMENT PLANT

**WHEREAS**, the Town of La Grange has solicited formal bids by legal notice in accordance with G.S. 143-129 for construction of a Re-Use System, Headworks and other improvements at the Wastewater Treatment Plant, installation of generators at the Crouse Hinds and Lake Pines lift station; and

**WHEREAS**, the following bids were received and opened on March 16, 2010 at 3:00, and the bids have been certified by Mark Drake, a Professional Engineer with the Wooten Company;

Contractors	Base Bid	Deductive Alternates 1-3	Alternate 4	Total
Turner Murphy Co., Inc. Rock Hill, SC License Number: 09072	\$1,551,835.00	(\$25,500) (\$3,200) (\$500)	\$45,210.00	\$1,597,045.00
Seaside Environmental Raleigh, NC License Number: 55044	\$1,450,000.00	(\$17,500) (\$2,000) \$6,000	\$45,000.00	\$1,495,000.00
T.A. Loving Company Goldsboro, NC License Number: 325	\$1,598,428.00	(\$25,000) (\$5,000) \$3,000	\$55,000.00	\$1,653,428.00
State Utilities Contractors Monroe, NC License Number: 17793	\$1,444,000.00	(\$25,500) (\$2,000) \$0	\$86,000.00	\$1,530,000.00
Peters & White Chesapeake, VA License Number: 1222	\$1,428,361.72	(\$25,000) (\$2,000) (\$3,500)	\$15,000.00	\$1,443,361.72
Dellinger Inc. Monroe, NC License Number: 5992	\$1,509,573.00	(\$25,500) (\$30,000) \$0	\$77,100.00	\$1,586,673.00

**WHEREAS**, Alternate 1, Alternate 2, and Alternate 3 were deductive alternates would remove portions of the work from the project and are not to be accepted as all proposed work will be included in the project; and

**WHEREAS**, Alternate 4, an additive alternate, will be included in the construction project and was included in determining the Lowest Responsive Responsible Bidder; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of La Grange that the Town authorizes and directs the Mayor, Town Manager, Town Attorney, and Town Clerk to execute a contract and any other documents as necessary to complete the Re-Use Project and Headworks Improvements, to the lowest responsive bidder, Peters & White, in the amount of \$1,443,361.72.

Adopted by the La Grange Town Council in regular session April 5, 2010 on the motion of Council Member \_\_\_\_\_ and second of Council Member \_\_\_\_\_.

\_\_\_\_\_  
Woodard H. Gurley  
Mayor

ATTEST:

\_\_\_\_\_  
Nelda H. Johnson  
Town Clerk



**APPROVAL OF RESOLUTION  
ORDERING THE DEMOLITION OF  
108 WEST RAILROAD STREET**

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**AGENDA ITEM # 10A**

Staff will provide an update on the status of the demolition of the structure located at 108 West Railroad Street as ordered by the Town Council.

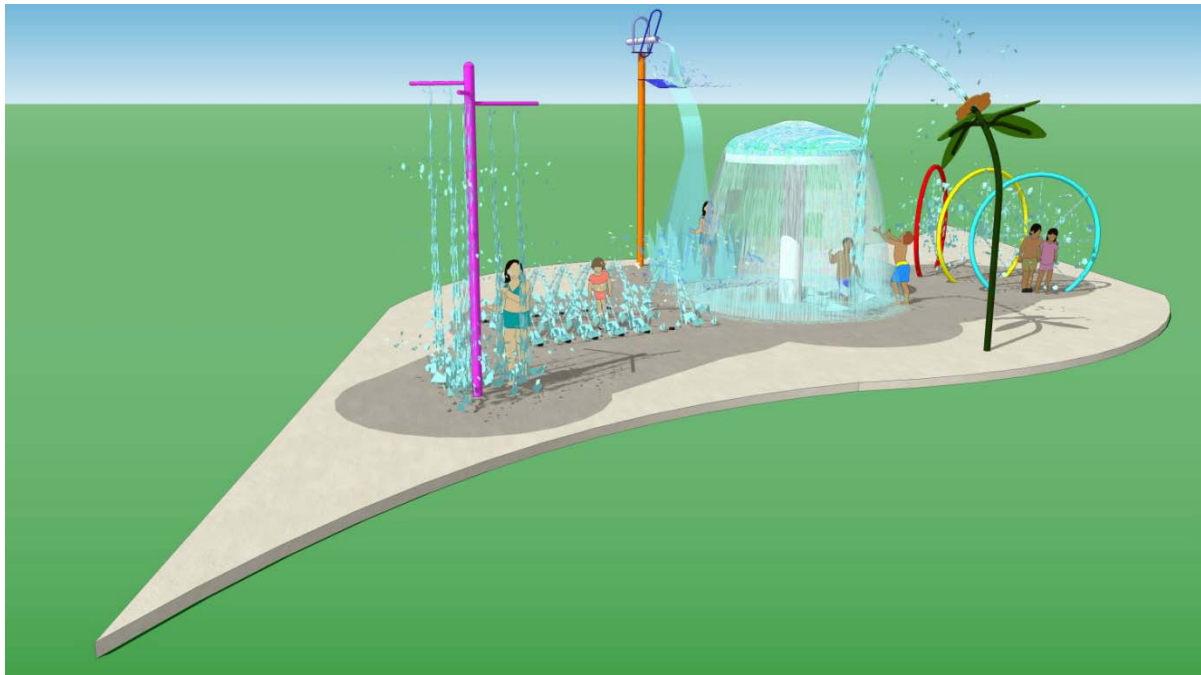
**RECOMMENDATION:** Informational Item – No Action is Required.



## UPDATE ON THE PARTF GRANT APPLICATION AND SPRAYGROUND

### AGENDA ITEM # 10B

I will update you on the progress of PARTF Grant Application and the Sprayground construction project during the Council Meeting.



**RECOMMENDATION:** Informational Item – No Action is Required.



## FINAL APPROVAL OF SUBMISSION OF MAIN STREET SOLUTIONS GRANT APPLICATION

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### AGENDA ITEM # 10C

I will provide you with an update on the Town's Main Street Solutions Grant Application, and will be seeking a decision and final approval of the project(s) that are to be included in the Town's Grant Application. You will also need to authorize and direct the Mayor, Town Manager, Town Clerk, and Town Attorney to execute documents necessary to complete the application on behalf of the Town.

**RECOMMENDATION:** Approval of Submission of Main Street Solutions Grant Application, and authorize and direct the Mayor, Town Manager, Town Clerk, and Town Attorney to execute documents necessary to complete the application on behalf of the Town.



## CLOSED SESSION

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### AGENDA ITEM # 11

I am requesting a closed session pursuant to N.C.G.S. 143-318.11 (a) (8) for a discussion related to a personnel matter.

**RECOMMENDATION:** Informational Item – No Action is Required.