

TOWN OF LA GRANGE, NORTH CAROLINA

TOWN COUNCIL AGENDA



**June 6, 2011
6:00 PM**



TOWN OF LA GRANGE

TOWN COUNCIL AGENDA

June 6, 2011

1. **Call to Order** **Mayor Gurley**
2. **Moment of Silence**
3. **Welcome**
4. **Public Hearings - None** **Mayor Gurley**
5. **Board of Adjustments** **Heith Harrison**
 - a. Request for a Special Use Permit – Matt & Laura Tribula
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; May 2, 2011.
 - ii. Approval of Appointment to the Moseley Hall Fire Department's Fireman's Relief Fund Board.
 - iii. Approval of Resolution Continuing the Town's Participation in the Main Street Program.
9. **New Business**
 - a. Begin the Review of FY11-12 Budget.
10. **Unfinished Business & Informational Items**
 - a. PARTF Grant Application
 - b. Update on Wastewater Treatment Plant Improvements.
 - c. Update on Rail Crossing Signalization & Crossing Project and the Charles Street & Railroad Street Traffic Pattern.
11. **Closed Session**
12. **Adjournment**



PUBLIC HEARINGS

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 is one Public Hearing scheduled.



BOARD OF ADJUSTMENTS

AGENDA ITEM # 5

There are no Board of Adjustments cases to be heard.

RECOMMENDATION: N/A



BOARD OF ADJUSTMENTS

AGENDA ITEM # 5A

A little more than six months ago, Laura Lang Tribula and her father, Wallace Lang, appeared before the Council during a Public Hearing to request that the Town Council not rezone their property located at 108 West Washington Street from DC (Downtown Commercial) to R-10 due to the fact that they felt that their property values would be adversely affected and that the property should remain commercial in nature. During that Public Hearing, Ms. Tribula and Mr. Lang committed to the Council that they would not allow their property to be used as an automotive repair/service center because they had learned that it just did not work for the area, and that they would endeavor to house a farmer's market at that location. They indicated that they had been unable to locate anyone that would put a farmer's market there, but I know that an individual approached them to rent the property for that purpose and they would not rent the building for the same price that they had the previous tenant; in fact, they were asking \$250 more in rent. They have indicated that we will not allow them to rent it, which is simply untrue. Since that time, Mr. Lang has passed away and the Tribula's are managing the property.

Mr. Tribula has now made application for a zoning permit/special use permit to enable him to operate another automobile repair facility at that location, a use to which they agreed not to permit at that location in an effort to persuade the Council not to rezone it, which the Council ultimately did. The proposed tenant also wants to operate a car sales lot at that location which is an approved use and can be utilized. Automobile Repair facilities can be approved, if it meets guidelines established by the Town Council. If you determine that it is appropriate to allow the operation, I would at a minimum require the following stipulations:

1. Require that all maintenance work on vehicles occur inside of the building.
2. Require that no dismantled vehicles be stored on the property outside of the building.
3. If you opt to allow onsite storage of vehicles waiting to be serviced, allow only a limited number of vehicles (recommend a maximum of 4) are stored on the property, and only then inside a fenced in storage lot, the fence being solid and of approved materials, which should be limited to PVC Fencing or Masonry.
4. Allow the business to operate only between the hours of 8am and 6pm Monday-Saturday.
5. Require that receptacles for used motor oil, tires, engines, parts, or other byproducts be in approved containers that are located within the aforementioned fence behind the building.
6. That any car washing activities occur in the bay, and that pit is interconnected with the Town's sewer system and includes a grease/oil trap to protect the Town's Sewer System and Wastewater Treatment Plant.

7. Require that the lot be properly maintained at all times.
8. Require these provisions/limitations become part of any lease agreement with proposed tenants to bind the tenants to the same provisions.

Although I do not support the operation of the automobile repair facility at that location, I think that the limitations mentioned above would reduce, but certainly not eliminate, the adverse affects of the proposed operation on the surrounding properties.

I have attached a copy of Heith Harrison's Staff Report and a copy of the application made by Mr. Tribula for your review and consideration. Heith and I will be present at the meeting to answer any questions that you may have.

RECOMMENDATION: Deny the request for the Special Use Permit, but if allowed require the recommended restrictions at a minimum.



PUBLIC COMMENT PERIOD

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.

TOWN OF LA GRANGE
203 S. CENTER ST. • PO BOX 368
LA GRANGE, NC 28551



252-566-3186
252-566-2201 (FAX)
WWW.LAGRANGENC.COM

DATE: May 27, 2011
TO: Mayor and Council Members
FROM: Heith Harrison, Planner
RE: Staff Report for the June 6, 2011 Council Meeting

CASE #: 2011-06-06
APPLICANT: Town of La Grange
REQUESTED ACTION: The applicants are requesting a special use permit to operate an auto repair and sales business at the proposed location.
PROJECT LOCATION: West Washington St. near downtown.
PROPERTY SIZE: 108 W. Washington St. – 0.53 acres

SURROUNDING ZONING DISTRICTS:

North	DD (Downtown District)
South	DD (Downtown District)
East	DD (Downtown District)
West	R-10 (Residential)

SURROUNDING LAND USE AND OWNERS:

North	Mixed Use (Jimmy and Linda Foss; Town of La Grange)
South	Residential (Joseph and Barbara Kinsey; Christopher and Allison Porter)

East	Residential (Thomas and Sandra Crews)
West	Mixed Use (Joseph and Ellen Harrison; Morris Hill, Joseph and Barbara Kinsey)

PROJECT DESCRIPTION:

The applicants are Mr. Matt Tribula and Mr. Paul Davis. Mr. Tribula is the property manager and intends to lease the property to Mr. Paul Davis. Mr. Davis would like to operate an Auto Repair and Sales business. The zoning ordinance requires a special use permit for an Auto Repair business. The Auto Sales part of the business is a permitted use in the zoning ordinance and does not require a conditional or special use permit. Mr. Tribula would also like to install a drain line to the town's sewer system in order to wash vehicles so that the waste could be treated and not disposed of in the storm drain.

As you may remember, last year the town applied for a rezoning of the property to residential because of the nuisances that previous tenants caused. There were many improvements made to the building in the last year, once the town made application to the council to rezone the property. The council decided not to rezone the property at the owners' request. The owner Mr. Wallace Lang, who is now deceased, and his daughter and son-in-law, Laura and Matt Tribula, expressed to the council that if the property was not rezoned that they would not have a repair/service station at the property and would find a different use for the building. Mr. Tribula now states that there is no other use for the property and wishes to have an auto repair business back at the property. He stated that he and the tenant will abide by whatever conditions the council agrees to, in order to be allowed to operate the business.

Public notice requirements were met. The public notice was advertised in the Weekly Gazette as well as the Free Press. Adjacent property owners within two hundred (200) feet were mailed a first class letter. I called Sidney and Vicki Myers who live next to the property. They informed me that they wanted the council to deny the application based on the reputation of prior tenants at the property. I also received a letter from Mr. and Mrs. Kinsey who live across the street from the property. They oppose any auto repair business at the property because of the history of this type of business. A copy of the letter is attached for your review.

APPLICABLE LAND USE REGULATIONS:

The following section(s) of the La Grange Zoning Ordinance are relevant to this petition:

Article X, Section 10-2: R-10 (Medium-Density Residential District)

- A. Purpose Statement: The purpose of this district shall be to maintain a minimum lot size of ten thousand square feet (10,000 sf) for single-family

dwelling and two-family. Multi-family dwellings may be allowed when appropriate conditions are met.

Article X, Section 10-2: DD (Downtown District)

- B. Purpose Statement: The purpose of this district shall be to provide for, enhance and protect commercial facilities in the downtown area, and to provide the opportunity for mixed-use residential or office uses above the street level commercial business establishments. Residential uses shall be encouraged on the upper levels of multi-story buildings in this district.

RECOMMENDATION:

Staff recommends allowing the Auto Sales business as it is a permitted use, but not the Auto Repair business. If allowed, the same types of nuisances could start back, such as working on vehicles late at night, revving up motors, storage of vehicles that are in need of repair, and the storage of tires and other vehicle parts.

If the council approves the application, certain conditions must be made in order to prevent nuisances. The following need to be considered:

1. Require hours of operation anywhere between 8:00am to 6:00pm, Monday – Saturday.
2. No revving up motors or playing loud music.
3. No outside storage of tires, vehicle parts, or wrecked or dismantled vehicles unless stored inside an opaque PVC or Masonry fence six (6) feet in height.
4. Light evergreen hedges shall be planted along the outside of the fence line.
5. Vehicles for sale must be at least ten (10) feet from adjoining residential property line.
6. Fluids from vehicles must be properly stored in approved containers and stored within the fence.
7. Cannot allow any fluids to leak from vehicles or be poured on the ground.
8. Vehicles must have inflated tires.
9. The wash pit should not be used as a separate part of the business for washing vehicles, only vehicles that the tenant intends to sell to the public.

LA GRANGE, NORTH CAROLINA
APPLICATION FOR

- ZONING PERMIT
- CERTIFICATE OF OCCUPANCY
- VARIANCE
- ~~CONDITIONAL USE~~
- SPECIAL USE
- AMENDMENT

NAME MICHAEL A. TRIBULA / PAUL DAVIS
 ADDRESS 4770 SHELLEY DRIVE, LA GRANGE
 TELEPHONE NUMBER 252-566-5032
 OWNER SHELLEY J. LANG
 ADDRESS 4770 SHELLEY DRIVE, LA GRANGE

The building X, sign , or land is located at:

1. ADDRESS 108 WEST WASHINGTON ST.

2. ZONING DISTRICT DOWNTOWN

3. CURRENT USE VACANT CURRENT ZONING DD

4. PROPOSED USE AUTO REPAIR & SALES PROPOSED ZONING

5. CHANGES TO BE MADE IF APPROVED ONLY PLANNED ALTERATIONS
IS TO CONSTRUCT A 'CAR WASH PIT' THAT CONNECTS TO
CITY SEWER.

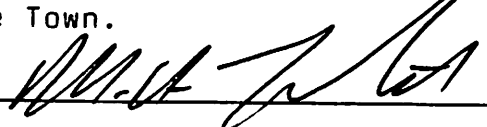
6. DATE TO BE OCCUPIED AS SOON AS APPROVED

7. CONDITIONS WHICH JUSTIFY APPLICATION ZONING ORDINANCE
REQUIRES ~~CONDITIONAL~~ USE PERMIT.
SPECIAL

8. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS
SIDNEY & VICKY MINNES, KINSEY FAMILY
TOWN OF LA GRANGE
JIMMY FOSS

9. OTHER INFORMATION WHICH WOULD CLARIFY REQUEST APPLICANT
WISHES TO REPAIR AND SALE AUTOMOBILES. APPLICANT WILL AGREE
WITH STIPULATIONS AS MADE BY TOWN ADMINISTRATION

10. I hereby certify that the statements made herein are true and that my proposed use of the land or building will comply with the Zoning Ordinance of the Town of La Grange. I will not allow the structure to be occupied until a Certificate of Occupancy is received from the Town.

DATE 5-11-2011 SIGNATURE 

Fee Paid \$ Date
 Date Public Hearing Scheduled Time
 Dates Public Hearing Advertised
 Petition: Approved Denied Petition No.

Rental Agreement

W/PD 1.

This serves as a rental agreement between Shelley J. Lang, hereinto after known as the Property Owner of 108 West Washington Street, LaGrange, NC; Michael A. Tribula, hereinto after known as the Property Representative for 108 West Washington Street, LaGrange, NC; and Paul Davis and Associates, hereinto after known as the Renter(s).
 THOMAS EDMONSON

(Handwritten signature/initials)

W/PD 2.

The Property Representative has agreed to rent the property at 108 West Washington Street, LaGrange, NC to the Renter(s).

W/PD 3.

The Renter(s) has informed the Property Representative that their intentions are to have an automotive repair shop, and subsidiary automotive sales lot.

W/PD 4.

The Renter(s) has agreed to operate the business at reasonable hours and maintain the pleasant aesthetic appearance of the building.

W/PD 5.

The Renter(s) has agreed to refrain from constantly playing loud music or constantly revving of motor vehicle engines that will disturb the neighbors.

W/PD 6.

The Renter(s) has as been made aware that the property cannot be used as a car wash. Furthermore, the Renter(s) has agreed to only wash motor vehicles for the sole purposes of maintenance functions or the presentation of motor vehicles to be sold.

W/PD 7.

The Renter(s) has agreed to not store or pour onto the property any fluids from a motor vehicle. These fluids include, but are not limited to gasoline, used motor oil, anti-freeze or diesel fuel.

W/PD 8.

The Renter(s) has agreed to pay the Property Representative the sum of \$500.00 per month of use of the property.

W/PD 9.

There will be no initial deposit required; however the rent for the first month will be due at the signing of the rental agreement.

W/PD 10.

Subsequent rent cycles will run from the 15th of the month to the 15th of the following month.
 5th *(Handwritten)* 5th *(Handwritten)*

W/PD 11.

Past due rent in excess of thirty (30) days will be charged a late fee of \$25.00 per month.

W/PD 12.

Routine building maintenance, such as replacement of broken windows or fixing of locks is the financial responsibility of the Property Representative.

W/PD 13.

Utilities and water service, connection and billing are the responsibility of the Renter(s).

W/PD 14.

Either party may terminate the rental agreement with at least thirty (30) days prior notice.

Shelley J. Lang

Shelley J. Lang, Property Owner
108 West Washington Street,
LaGrange, NC

M. A. Tribula

Michael A. Tribula, Property Representative
108 West Washington Street,
LaGrange, NC

Paul Davis

Representative for Paul Davis and Associates, Renter(s)
108 West Washington Street,
LaGrange, NC

North Carolina

Wayne County

I, Natalie N. Garris, a Notary Public for said County and State, do hereby certify that Shelley J. Lang / Michael A. Tribula / Paul Davis personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

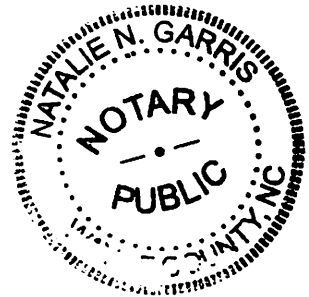
Natalie N. Garris

Witness my hand and official seal, this the 12 day of April, 20 11.

(Official Seal)

Notary Public

My commission expires July 17, 2015, 20 11.



May 20, 2011

Mr. J. Heath Harrison
Director of Planning
Inspections and Safety,
La Grange Town Council

Gentlemen,

We oppose any auto repair
business at 108 W Washington St.

The history of this type of
business is absolutely horrible.

We have tried to maintain
a good relationship with
everyone involved and hope
to continue to do so.

Sincerely,
Joseph Earl Kinney
Markus A. Kinney

TOWN OF LA GRANGE
203 S. CENTER ST. • PO BOX 368
LA GRANGE, NC 28551



252-566-3186
252-566-2201 (FAX)
WWW.LAGRANGENC.COM

Public Hearing Notice

Notice is hereby given that the Town of La Grange Town Council will conduct a public hearing in the Council Chambers at La Grange Town Hall, 203 S. Center St., La Grange, NC, on Monday, June 6, 2011 at 6:00pm. Town staff has received an application from Mr. Matt Tribula and Mr. Paul Davis for a Special Use Permit to operate an Auto Repair and Sales business at 108 W. Washington St. Lenoir County Record # 16194. The zoning ordinance requires a special use permit to operate an auto repair business in the Downtown District. Public comment related to the application is welcome, and may be given in writing prior to the hearing or verbally at the hearing. More information can be obtained by contacting Heith Harrison, Town Planner, 252-566-3186 or at jhharrison@lagrangenc.com.

Thank you,

J. Heith Harrison
Director of Planning,
Inspections and Safety

*Run as Legal Ad in May 18 and 25, 2011 Edition. Please send Affidavit of Publication and Tear sheet.

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The Weekly Gazette

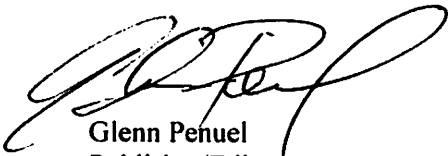
May 25, 2011

To Whom It May Concern:

The legal notice requested by the Town of La Grange calling for a public hearing on Monday, June 6, 2011, relative to the request from Mr. Matt Tribula and Mr. Paul Davis for a Special Use Permit to operate an Auto Repair and Sales business at 108 W. Washington Street, La Grange, was inadvertently omitted from the May 25, 2011 publication of the Weekly Gazette.

The Publisher of the Weekly Gazette regrets any inconvenience this has caused to all parties.

Regards,



Glenn Penuel
Publisher/Editor
The Weekly Gazette
La Grange, NC 28551

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AMENDMENTS TO AND/OR APPROVAL OF AGENDA

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

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; May 2, 2011.
 - ii. Approval of Appointment to the Moseley Hall Fire Department's Fireman's Relief Fund Board.
 - iii. Approval of Resolution continuing participation in the Main Street Program.

RECOMMENDATION: Approval of Items submitted for Consent.



APPROVAL OF MINUTES

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; April 4, 2011

RECOMMENDATION: Approval of Minutes as submitted as part of Consent Agenda.

REGULAR MEETING

The Town Council of the Town of La Grange, North Carolina met in Regular Session at the Town Hall on May 2, 2011, at 6 p.m. with the following present:

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

Absent: Council Members Clifton Harrison and Gregory Rouse, Public Services Director Tyrone Morgan, Water Supply and Waste Water Treatment Plant Superintendent Wesley Sutton, Code Enforcement Officer Heith Harrison

Guest: Public Services Director Tyrone Morgan, Water Supply and Waste Water Treatment Plant Superintendent Wesley Sutton, Code Enforcement Officer Heith Harrison

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

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

ITEM 4: PUBLIC HEARINGS

A. ORDER OF REPAIR – EARL OLIVER

Motion to open a public hearing was made by Council Member Gladney, Seconded by Council member Holmes. Motion carried 4-0.

Code Enforcement Officer Harrison asked that an order of repair be issued to 4938 Alphonso Waters Road. Mr. Harrison went on to explain that Mr. Oliver placed a mobile home on the property in June of 2009 without a building permit. Mr. Harrison placed a stop work order on the property once he became aware it had been placed there.

In Oct. of 2009, Mr. Oliver replied. Mr. Harrison phoned what the town required him to do to make the mobile home meet town ordinance. Mr. Oliver told him he didn't have to do these things, and he would see Mr. Harrison and the Town in Court.

March 7th, 2011 was the latest inspection of the property, with no requests being complied. Mr. Harrison then asked the council to issue an order of repair from the Council. This would give Mr. Oliver 60 days to make the repairs requested or the town would do it for him at his expense as a lien payable as a property tax.

Motion to close the public hearing was made by Mayor Pro Tempore Wooten, Seconded by Council Member Holmes. Motion Carried unanimously 4-0.

Motion for an order to repair, giving him 60 days to do so and comply with state law was made by Mayor Pro Tempore Wooten, Seconded by Council Member Lee. Motion carried unanimously 4-0.

ITEM 5: BOARD OF ADJUSTMENTS

None

ITEM 6: PUBLIC COMMENT PERIOD

None

ITEM 7: APPROVAL OF THE AGENDA

Manager Craft recommended the approval of the agenda as printed.

Motion to approve the agenda as printed was made by Council Member Gladney, Seconded by Council Member Lee. The motion carried unanimously 4-0.

ITEM 8: CONSENT AGENDA

Manager Craft recommended the Approval of the April 4, 2011 Regular session minutes.

Motion to approve the consent agenda which included the April 4, 2011 Regular session minutes was made by Mayor Pro Tempore Wooten, seconded by Council Member Gladney. The motion carried unanimously 4-0.

ITEM 9A: AWARD OF PIGGYBACK BID FOR PURCHASE OF FIRE TRUCK FOR MOSELEY HALL FIRE DEPT.

Manager Craft presented the facts that the fire department was trying to surplus on old model 1984 tanker. They have saved funds for several years and with this year's appropriations, have saved enough to replace the truck.

Chief Sutton and Manager Craft evaluated options for new equipment. They determined that the acquisition of the equipment would be best accomplished by award of a piggy back bid.

Mid West Fire Apparatus sold a similar pumper/tanker to the City of Waldorf, MN, and has agreed to furnish a similar unit at a similar cost. The unit will carry 1800 gallons of water with 1000 GPM pump capacity. The proposed contract price is \$188,508 FOB Luverne, MN.

Manager Craft recommends the award of the Piggyback bid for the purchase of one PT2 "T" style 1800 Gallon Tanker, LSP 1000 Pump on a 2011 MS Freightliner Chassis in the amount of \$188,508.

Motion to execute contract as stated made by Council Member Holmes, Seconded by Mayor Pro Tempore Wooten. Motion carried unanimously 4-0.

ITEM 9B: STREET LIGHTING PROJECT AWARD OF BID

Manager Craft refreshed the Council about the grant received in the amount of \$155,475. He continued that the bids were opened and the low bids for the three different types of lights were from three different vendors.

The Council had previously determined that it would like to see the different lights installed low bidders on the 150's and 400's and lowest and second lowest on the 250's to possible increase short term expense for long term inventory.

The lights were supplied and installed on W. Railroad St. in front of Public Works. Manager Craft recommended that the Low bidders be awarded the bids for each of the three light fixtures at the following quantities and wattages:

- 132, 175 watt equivalent fixtures from Stuart C. Irby at \$320 each, totaling \$42,240.
- 71, 250 watt equivalent fixtures from WESCO at \$481.45 each, totaling \$34,182.95
- 142, 400 watt equivalent fixtures from HD Supply at \$651 each, Totaling \$94,442

Total Cost for all lights is \$168,864.95 with \$155,475 being in the form of grant funds leaving a difference of \$13,389.95 to be spent from Fund Balance.

Motion to accept low bidders as recommended by Manager Craft made by Council Member Gladney, Seconded by Council Member Lee. Motion carried unanimously 4-0.

ITEM 9C: SECOND CEMETERY ENTRANCE

Manager Craft explained that Marvin Moore recently purchased trailers adjacent to the most northern entrance of the cemetery. He asked that the town install rocks in the driveway to the trailer park. Manager Craft then informed him it was a state, not town maintained road.

Mr. Moore then indicated he would close the second entrance. Manager Craft asked him to allow for a surveyor to determine the best course of action for the town, and Mr. Moore indicated he already had. He then installed a fence on both sides of the road, as well as several trees and shrubs.

Manager Craft contacted Farris Duncan, a property/real estate attorney in Goldsboro, as Town Attorney Jenkins must abstain from this issue as he works for both the town and Mr. Moore. Mr. Duncan advised Manager Craft that a prescriptive easement may exist at this site due to an electric line pole that has been in place for more than 40 years.

Manager Craft provided Mr. Duncan a copy of the tax map and aerial photo and is awaiting recommendation from him regarding the prescriptive easement. Manager Craft stated options that the town had in this issue was pursue the issue legally, or relocate the road/street onto the Town's right of Way. This option would involve the demolition of a building built on the right of way.

Manager Craft recommended that they utilize both options, first taking legal action against Mr. Moore to re-open the road under advice of Mr. Duncan. If that fails, then to build a new access road on the right of way to the north of the old road and be prepared to demolish the storage building if needed to facilitate the construction of the new access.

Motion to pursue a prescriptive easement made by Mayor Pro Tempore Wooten, Seconded by Council Member Holmes. Motion carried 4-0.

ITEM 10A: UPDATE ON PARTF

Manager Craft updated the Council that grant funding was not received last year, but an application had been submitted. We should know if we received the funding in July, 2011, with construction beginning in spring 2012 if the grant is received.

Manager Craft also reminded the Council that SB 462 & SB 574 would reduce funding for the PARTF by 38%, redirecting funds from the Land Transfer Tax to the Housing Trust Fund. This will certainly reduce our chances of being funded.

ITEM 10B: UPDATE ON WWTP IMPROVEMENTS

Manager Craft updated the Council on the WWTP improvement grants. The Reuse Project is now complete. The Clarifier, Headworks & Control System Improvements have their improvements in place and are 99% complete.

ITEM 10C: UPDATE ON RAIL CROSSING SIGNALIZATION AND CLOSING

Manager Craft updated the Council on the Rail Crossing Signalization. The repaving is 100% complete. The curb and guttering on the north side of the railroad is complete. The curb and guttering on the Southside of the railroad is to begin next month. Wooten Street is signalized, with Charles Street signalization expected to begin soon. Striping of parking spaces is 100% complete, as is the installation of parking bumpers.

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

Manager Craft updated the Council on the traffic pattern at Charles and Railroad St. He spoke of a conversation with Dwayne Allgood of NCDOT regarding the count and recommendation. Mr. Allgood agreed to a "limited" count. Manager Craft stated he would tell of the results and NCDOT's recommendation when it becomes available.

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

Manager Craft updated the Council that work at the Harvey building had been completed except for the awning installation. He further explained that Harrison Accounting has completed its improvements and Sutton's Grill façade work has begun, and their HVAC is 100% installed.

ITEM 10F: EMPLOYEE & RETIREE HEALTH INSURANCE

Manager Craft explained to the council that another insurance brokerage/consulting firm, Carolina Benefits Specialists Inc, of Greenville, NC had presented the town with a health insurance plan for the town and retirees offering significant savings. Manager Craft stated these savings were higher than those offered by the Laymon Group with a similar benefits offered to employees. Manager Craft then recommended the council take advantage of these savings and choose Carolina Benefits Specialists Inc. to administer the town's health care policy.

Motion to use Carolina benefits Proposal 2, to administer the town's health insurance, as well as establish an HSA and FSA plan made by Mayor Pro Tempore Wooten, Seconded by Council Member Gladney. Motion carried unanimously 4-0.

Manager Craft then recommended that the Council go into Closed Session as authorized by General Statute 143-318.11 (a) (6) (7) (8).

Motion to go into Closed Session at 6:55pm was made by Council Member Gladney, seconded by Council Member Holmes. Motion carried unanimously 4-0.

ITEM 11A: CLOSED SESSION

ITEM 12: ADJOURNMENT

The Mayor adjourned the May 2, 2011 meeting at 7:15.

Kyle J. DeHaven, Town Clerk

Woodard H. Gurley, Mayor



APPROVAL OF APPOINTMENT TO THE MOSELEY HALL FIRE DEPARTMENT'S FIREMAN'S RELIEF FUND BOARD

CONSENT AGENDA ITEM # 8B

The Firefighters' Relief Fund benefit was passed into Legislation in 1907, its purpose was to financially assist firefighters that may have been injured while volunteering their service to their community. This program is funded by a percentage of the tax paid on property coverage pursuant to NC General Statutes 105-228.5. A local Firefighters' Relief Fund Board of Trustee's is comprised of five (5) people. Two of those five are elected by the Fire Department itself, two by the Town, and one is appointed by the State Insurance Commissioner. It has been customary for the Fire Chief to serve as one of the two members appointed by the Town. As you all know, David Holmes retired as Fire Chief and Wesley Sutton has been named Fire Chief. Since we have not reappointed these members recently, the Council needs to reappoint it's appointees to bring these appointments up to date and get the terms back to staggered terms. To accomplish this, I am recommending that Bob Mooring be reappointed to a two year term and that Carl Hinson's term be for one year. It is anticipated that the Fire Department will appoint Chief Sutton to replace David Holmes. As a matter of information the members of the Board of Trustees currently are:

1. Carl Hinson (Appointed by the Town Council)
2. Robert F. (Bob) Mooring (Appointed by the Town Council)
3. David Holmes – (Appointed by the Fire Department)
4. Roy Smith – (Appointed by the Fire Department)
5. Lynn Taylor (Appointed by the State Insurance Commissioner)

Attached for your review and approval is a Resolution Reappointing Bob Mooring to a two year term and Carl Hinson to a one year term. These appointments are supposed to be staggered two year terms. We will address these appointments annually from this point.

RECOMMENDATION: Approval of Resolution Reappointing Bob Mooring and Carl Hinson to the Firefighters' Relief Fund Board of Trustees.

Resolution (2011) _____

Resolution Appointing Advisory Board Member

WHEREAS, the Mayor is appointing **Robert F. (Bob) Mooring** to serve as a member of the Firefighters' Relief Fund Board of Trustees, the term of which will expire June 1, 2014; and

WHEREAS, the Mayor is appointing **Richard Carl Hinson** to serve as a member of the Firefighters' Relief Fund Board of Trustees, the term of which will expire on June 1, 2013.

NOW, THEREFORE BE IT RESOLVED by the La Grange Town Council that **Robert F. (Bob) Mooring** to serve as a member of the Firefighters' Relief Fund Board of Trustees for a term that will expire on June 1, 2014 and **Richard Carl Hinson** to serve as a member of the Firefighters' Relief Fund Board of Trustees for a term that will expire on June 1, 2013.

Adopted this the 6th day of June 2011 by the La Grange Town Council in regular session on the motion of Council Member _____ and second of Council Member _____.

Woodard H. Gurley, Mayor

Attest:

Kyle J. DeHaven, Town Clerk



APPROVAL OF RESOLUTION CONTINUING PARTICIPATION IN THE MAIN STREET PROGRAM

CONSENT AGENDA ITEM # 8C

Each year, the Town is required to adopt a resolution to continue participation in the Main Street Program in order to continue to receive technical assistance from the Main Street Programs' Staff. I have attached a copy of the Resolution and a letter from Bob Murphrey for your review and consideration.

RECOMMENDATION: Approval of Resolution Continuing the Town's Participation in the Main Street Program.

**RESOLUTION
ADOPTING AN AGREEMENT TO CONTINUE PARTICIPATION IN THE
NORTH CAROLINA SMALL TOWN MAIN STREET PROGRAM
2011-2012**

WHEREAS; the North Carolina Department of Commerce, Urban Development Division has established a Small Town Main Street Program to provide technical assistance in downtown revitalization, utilizing the “Main Street Four-Point Approach” of Organization, Design, Promotion and Economic Restructuring, to selected small towns in North Carolina; **and**

WHEREAS; several towns were selected to receive a more detailed level of service incorporating all of the “Main Street Four Points”; **and**

WHEREAS; the Department of Commerce selected the Town of La Grange to participate in the program and the Town wishes to continue its participation for an additional year; **and**

WHEREAS; both parties agree that a high level of community participation and commitment is required on the part of the Town and community in order to ensure that the program is as successful as possible: **and**

WHEREAS; on-site technical assistance will be provided only as requested by the Town, reimbursement for travel related expenses will be required of the Town for site visits made at the Town’s request;

THEREFORE, BE IT RESOLVED; that the Town agrees to continue its participation in the Small Town Main Street Program and to abide by the following conditions:

1. The Town will actively participate in the Small Town Main Street Program for an additional period of no less than twelve (12) months beginning July 1, 2011.
2. The Town will designate a contact person in the community for the technical assistance team to coordinate with in order to provide continuity and leadership for the effort.
3. The Town will continue to maintain a volunteer committee and working subcommittees that are representative of the entire community, to provide focus for the program.
4. The Town will continue its support for the volunteer committee and will assist the committee and team in conducting community projects and any other necessary activities.
5. The Town will cooperate with the technical assistance team and support the community vision and plan of action.
6. The Town will continue to implement the plan of action to the fullest extent possible.
7. The Town will continue to develop and actively participate in local and regional partnerships and networks, and share resources and information gained through the Program with other communities in the region.
8. The Town agrees to reimburse the Urban Development Division for travel related expenses for site visits requested by the Town as submitted.

ADOPTED BY THE TOWN COUNCIL OF LA GRANGE, THIS 6TH DAY OF JUNE, 2011

_____(SEAL)
Woodard H. Gurley

Kyle J. DeHaven



**North Carolina Department of Commerce
Community Development
Urban Development Division**

**Beverly Eaves Perdue, Governor
J. Keith Crisco, Secretary**

**Henry C. McKoy, Assistant Secretary
Elizabeth H. Parham, Director**

June 1, 2011

Dear Mayor:

We continue to be extremely proud of the progress our Small Town Main Street communities are making. Even in today's economic climate we have seen growth in real estate investment, new businesses, jobs and capital improvements in our downtowns. We appreciate your participation in the Small Town Main Street Program and look forward to continuing our working relationship in the future.

As you are aware, direct on-site technical assistance by Small Town Main Street staff is for a limited period of two years. However, assistance on an as-needed basis continues as long as the community chooses to be a "Small Town Main Street" community. This assistance can include façade and streetscape design assistance, market updates and organizational and promotional advice. Any travel to your community will be subject to expense reimbursement to the Urban Development Division.

In addition, Small Town Main Street communities may participate in our annual Main Street Awards program that recognizes outstanding downtown projects, receive discounts to Main Street Conferences, receive invitations to downtown workshops and receive the Small Town Main Street newsletter as well as e-mail updates on issues of interest to small communities. You will also be first in line to learn about any special financial incentives that may become available. And subject to your submission of an annual report (Project Track) to the Main Street Center, you will be eligible to apply for Main Street Grant Programs that are available only to Main Street communities.

If you would like to continue your participation in the Small Town Main Street Program, please consider approval of the attached resolution. Once approved by your local government and signed by an authorized official, please forward an original signed copy to me at the address below. We will make sure that you are aware of and involved in Small Town Main Street activities across the state.

In addition, please complete the attached Annual Report/Project Tracking form and submit it by July 30th. This information enables us to assess the progress that your community is making and qualifies you to apply for any Main Street grant programs that may be available this year.

Please let me know if you have questions or need assistance with any downtown issues.

Bob

Robert Murphrey, Coordinator
NC Small Town Main Street Program (East)
NC Department of Commerce
Urban Development Division
127 Cardinal Drive Extension
Wilmington, NC 28405
Phone: 919-218-2934
E-mail: rmurphrey@nccommerce.com
www.nccommerce.com/mainstreet

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REVIEW OF PROPOSED FY11-12 MUNICIPAL BUDGET

AGENDA ITEM # 9A

Since the Agenda is relatively light for the month, I would recommend that we begin the process of reviewing the proposed FY11-12 Budget. Each of you have been provided a copy of the proposed budget. The budget was extremely tough this year, particularly in the Water and Sewer Fund, which projected expenditures exceeded projected revenues (based on last year's rates) by more than \$81,000 which was the main reason for the recommended increase in flat rate in water and sewer charges by \$1.00. A \$1.00 per month increase was also recommended in tipping fees as collections based on last year's rate schedule are approximately \$50,000 less than were anticipated. Costs remain flat, but revenues are less than expected.

The net impact for our customers is \$3.00 more each month, assuming that the customer has water, sewer, and garbage services with the Town. There was an error in the budget message indicating a \$6.50 increase in water charges, which was an error. The proposed rate schedule represents the correct values as are represented in the proposed budget.

Please bring your copy of the budget with you and be prepared to begin our review of the budget. As you know, we have a Public Hearing scheduled on Tuesday, June 7, 2011 to receive public comment on the proposed budget. The Public Hearing is scheduled for 6:00 pm. Dependent on how far we get on Monday night, I would expect the Tuesday night meeting to be relatively short in duration.

The memo in the front of the Budget book provides a lot of detail regarding the budget, and comprises the majority of the information that will be covered during review. Please let me know if you have any questions regarding the budget. I will be glad to discuss it with you.

RECOMMENDATION: Begin review of proposed FY11-12 Budget.



UPDATE ON STATUS OF PARTF GRANT APPLICATION

AGENDA ITEM # 10A

Staff will provide an update on the status of the PARTF Grant Application.

RECOMMENDATION: Informational Item – No Action is Required.



UPDATE ON WASTEWATER TREATMENT PLANT IMPROVEMENTS

AGENDA ITEM # 10B

I will update you on the progress of improvements of the Wastewater Treatment Plant Improvements.

RECOMMENDATION: Informational Item – No Action is Required.



**UPDATE:
RAIL CROSSING CLOSURES,
SIGNALIZATION, AND RAILROAD &
CHARLES STREETS TRAFFIC
PATTERN**

AGENDA ITEM # 10C

As you will remember, representatives of the North Carolina Railroad (NCRR) have requested that you consider a change to the traffic pattern at the intersection of Charles & Railroad Streets. Currently, traffic flows freely on Railroad Streets with traffic on Charles stopping at the intersection of both North and South Railroad Streets.

NCRR is requesting that you consider changing the pattern to free flowing on Charles Street, and stopping the Railroad Streets Traffic; which would make the traffic flow just like it is at Railroad and Charles.

I think that there are advantages to their pattern, but I am not certain which would be the best pattern for the area. I spoke with Lieutenant Jerry Davis, who thinks that the proposed pattern would be better than the current plan, as it would eliminate the possibility of stalled vehicles on the tracks.

At your November Council Meeting, you instructed me to ask for a traffic count and NC DOT's recommendation relative to the request and report back to the Council. I did ask NCDOT for a recommendation, and a traffic count, but have not heard back from them on this request. I did speak with Duane Alligood (NCDOT) at the Highway 70 Corridor Commission Meeting last month and he is planning a "limited count" of the traffic at that intersection during periods of "peak" traffic, which I requested to include 7-9 am and from 2-4 pm in order to determine the traffic flows while school is taking in and dismissing. I can't advise a firm timeline for that count, and pending recommendation from NCDOT at this time.

RECOMMENDATION: No Action Required – Informational Only.



CLOSED SESSION

AGENDA ITEM # 11

I am requesting a closed session pursuant to N.C.G.S. 143-318.11 (a) (6) (7) (8).

RECOMMENDATION: