

TOWN OF LA GRANGE, NORTH CAROLINA

TOWN COUNCIL AGENDA



**March 1, 2010
6:00 PM**



TOWN OF LA GRANGE

TOWN COUNCIL AGENDA March 1, 2010

1. **Call to Order** **Mayor Gurley**
2. **Moment of Silence**
3. **Welcome**
4. **Public Hearings - None** **Mayor Gurley**
5. **Board of Adjustments**
 - a. Consider Ordinance of Demolition; 108 W Railroad Street
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; February 1, 2010
 - ii. Special Session Minutes; February 20, 2010
9. **New Business.**
 - a. Resolution in Support of Potential Federal Legislation.
 - b. Approval of Appointments
 - c. Approval of Funding Agreement with Southeastern Power Agency
10. **Unfinished Business & Informational Items**
 - a. Approval of Ordinance of Demolition
 - b. PARTF Grant Application & Spray Ground.
 - c. Update regarding Sutton Acres Phase II.
 - d. Update on AMI Project & Prepaid Utilities.
11. **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 are no public hearings scheduled for this evening.



PUBLIC HEARING

AGENDA ITEM # 4A

No public hearing is necessary this evening as previously mentioned.

RECOMMENDATION: N/A



BOARD OF ADJUSTMENTS

AGENDA ITEM # 5

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

RECOMMENDATION: N/A



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.



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 of Meetings since last Regular Council Meeting.

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. February 1, 2010 Regular Session Minutes
 - b. February 20, 2010 Special Session Minutes

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 February 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. (Note: Attorney Jenkins arrived at 6:05 p.m.)

Absent: Woodard H. Gurley, Mayor

Guest: 24

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

Mayor Pro Tem Wooten called the meeting to order and asked Council Member Lee to give the invocation. Mayor Pro Tem Wooten welcomed all guest.

ITEM 4: PUBLIC HEARINGS

None

ITEM 5: BOARD OF ADJUSTMENT

ITEM 5A: CONDITIONAL USE PERMIT; BILLY THOMPSON, BLUE RIBBON

Manager Craft stated that Billy Britt Thompson has made application to the Town to operate a bar/night club off of George Abbott Road on parcel #30403. The property is currently zoned HC (Highway Commercial) and was rezoned January 1971 which allows for such uses as conditional uses. Manager Craft further stated that the Council, as the Board of Adjustment, will be asked to consider the issuance of a Conditional Use Permit.

Heith Harrison, Code Enforcement Officer for the Town of La Grange, spoke stating that the applicant, Billy Britt Thompson, is the owner of the property. Mr. Harrison provided a map showing the location of the property and to the west Dirt's Cycle Shack is located and to the east of the property is Quality Machine and Welding. Mr. Thompson's property is approximately one acre in size, approximately 315 feet deep and 115 feet wide. In surrounding zoning districts, to the north of the property is a Commercial District and to the east and west is zoned HC and to the south is AR (Agricultural Residential). The property is currently a vacant lot and if approved Mr. Thompson proposes to construct a 50' x 100' metal building in which to house his business, which is known as "Blue Ribbon." Currently, Mr. Thompson owns the "Blue Ribbon Bar" which is in operation at 7799 Highway 70 East and is just outside the Town's Zoning Jurisdiction. The business provides on- premises alcohol sales, which he would have at the proposed location.

Mr. Harrison stated there was one negative aspect about the proposed location and that was George Abbott Road dead ends, one way in and one way out and that could be a safety issue. This is a private road which is part asphalt and part gravel.

Mr. Harrison stated that he recommends that the Board of Adjustment approve this request with the following conditions.

- Buffering to be required along the sides and rear property lines. Buffers are considered to be solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public.
- The parking lot shall have one parking space per every four (4) occupants. Each parking space shall be not less than 8½' x 18', exclusive of adequate egress and ingress drives, landscaping and maneuvering space. Specific requirement for handicap parking would need to be addressed per Volume 11-C of the North Carolina Building Code.
- No external speakers for live entertainment or outdoor entertainment would be allowed.
- All external doors shall be closed, but not locked from the inside during business hours.
- All patron entrances will be well lit and clearly visible to patrons from the parking lot or the street.

Mr. Harrison stated that he had received a call from Sidney Wade, property owner in the area, and he expressed concern about the access to the property with one way in and one way out. Also the Pastor of the La Grange Church of God, Arnold Ball, expressed concern for the type of use that Mr. Thompson was requesting.

Manager Craft stated that if the Conditional Use Permit was to be approved he would certainly agree with Mr. Harrison on placing certain conditions on the permit. Manager Craft further stated that he and Mr. Harrison had different views on the recommendation and he would not recommend that the Conditional Use Permit be issued. The primary reason is because Mr. Thompson's operation would be detrimental to the values of surrounding properties; also, concerns of safety and the capacity of the road.

Manager Craft reminded everyone present that the Board of Adjustment is a quasi judicial proceeding and all testimony that is given is sworn under oath.

Mayor Pro Tem Wooten declared the Public Hearing open and asked all guest to stand that desired to give testimony.

Nelda H. Johnson, CMC, Town Clerk administered a sworn oath in unison to all persons desiring to speak.

Billy Britt Thompson, the applicant, was given the opportunity to speak first concerning his request.

Mr. Thompson stated that he wanted to move his bar to land that he owned so he would not have to pay rent on somebody else's building anymore. The land is currently vacant and is about one acre in size.

Donald Thompson, owner of Dirt's Cycle Shack, located west of Billy Thompson's property spoke in favor of the bar relocating close to his business. Mr. Thompson stated that a new business would be beneficial because people would be riding by on their bikes visiting the bar and increasing his business. Mr. Thompson further stated that it would definitely help his business and everyone else by bringing more sales tax.

Jay Alphin, owner of Quality Machine and Welding spoke against the applicant's request. Mr. Alphin stated that there would be no positive impact as far as his business is concerned. Mr. Alphin's main concern was the potential crime that could come from an increase in car and foot traffic placed on the 12 foot wide, two-lane road that had no outlet.

Rev. Arnold Ball, pastor of the Church of God, stated that the church is located near the proposed bar location, spoke against the applicant's request sighting safety concerns, and increase in traffic which could cause accidents on the small road. Rev. Ball stated that in addition to Sunday, the church has activities through the week and there are elderly men and women who come out nightly to participate in these activities. Rev. Ball further stated concerns about the overflow of traffic and the negative impact because of the size of the road.

Albert Lee Gray, a citizen at 108 East Boundary Street, spoke against the request stating that if this request was approved it would be opening the door for this type of business to come into the heart of La Grange and be around our churches and children.

Gladys Moye, 210 South Charles Street, a member of the Church of God, spoke against the request stating that she was against the sale of alcohol because of the problems it can cause.

There being no further testimony, motion was made by Council Member Harrison, seconded by Council Member Holmes to close the Public Hearing. Motion carried 6-0 in favor of motion.

Motion was made by Council Member Holmes, seconded by Council Member Lee to deny the Conditional Use Permit request by Billy Britt Thompson.

Mayor Pro Tem Wooten called for discussion.

Council Member Holmes questioned about the Town receiving any type of revenue from the proposed business.

Manager Craft stated that the proposed location was located outside of the Town limits and the only potential source of revenue would be from future water services. No other services would be available from the Town.

After no further discussion, Mayor Pro Tem Wooten called for a vote. Motion to deny the Conditional Use Permit by Billy Britt Thompson carried 5-1 in favor of motion. Council Member Rouse voted against the motion.

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 addition of two items:

- ITEM 9D: A DISCUSSION RELATIVE TO UTILITY BILLS, AND CONSIDER RELIEF OF LATE PENALTIES AND RECONNECT PENALTIES
- ITEM 10E: PRESENTATION BY BEVERLY BROWN REGARDING CLIENT FIRST AND THEIR SERVICES OFFERED

Motion was made by Council Member Gladney, seconded by Council Member Holmes to approve the printed agenda and the two additions as listed. Motion carried 6-0 in favor of motion.

ITEM 8: CONSENT AGENDA

- a. Approval of Minutes
 - i. Regular Session Minutes, January 4, 2010

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

ITEM 9: NEW BUSINESS

ITEM 9A: PRESENTATION OF FY 2008-2009 AUDIT BY PITTARD PERRY & CRONE

Dean Horne, CPA, CVA, and President of the auditing firm Pittard Perry & Crone was present to formally present the FY 2008-2009 audit for the Town of La Grange.

Mr. Horne stated that the State of North Carolina is a party to the audit contract. A copy of the audit is presented to the Local Government Commission and the State Treasurer's office for their review before it can be presented to the public. The audit was accepted by the Commission and the Treasurer's office. The highest level of opinion that an auditor can give is an unqualified opinion. There are two separate reports (1) The auditor's report on the basic financial information and (2) A report on adherence to government auditing standards and compliance with government accounting and reporting standards. Mr. Horne further stated that both of those reports are unqualified opinions.

Mr. Horne continued to review the FY 2008-2009 audit stating that the State of North Carolina requires a benchmark of 8% of the budget be in Fund Balance and the Town had 35% at the end of the fiscal year.

After Mr. Horne's review, motion was made by Council Member Gladney, seconded by Council Member Harrison to formally accept the FY 2008-2009 Town of La Grange audit as presented. Motion carried 6-0 in favor of motion. Copy on file in Clerk's office.

ITEM 9B: DETERMINE AGENDA FOR ANNUAL RETREAT

Manager Craft discussed with the Council the agenda for the Annual Retreat scheduled for Saturday, February 20, 2010 beginning at 9 a.m. Manager Craft recommended that the following items be included on the agenda:

- ✓ New Programs (if any) that the Council wants included in the FY 2010-2011 Budget
- ✓ Future Equipment Needs
- ✓ Christmas Decorations
- ✓ Staff Needs and Succession Planning
- ✓ Upcoming Contract Renewal Options
- ✓ Drainage Issues – Particularly West Boundary Street & Simmons Street
- ✓ La Grange Energy Efficiency Foundation (LEEF) Bylaws

Motion was made by Council Member Gladney, seconded by Council Member Harrison to approve the recommendation by Manager Craft to discuss the above listed items at the Council Retreat. Motion carried 6-0 in favor of motion.

ITEM 9C: DIRECTION RELATED TO MAIN STREET SOLUTIONS GRANT SUBMISSION

Manager Craft stated that he was seeking direction from the Council on a potential additional grant application. This is a NC Department of Commerce Pilot Program and part of the Main Street Solution Grant. The grant is intended to stimulate economic development in NC Main Street communities and municipalities in Tier 1 counties, which Lenoir County is a part. There is a \$2,000,000 pool with 91 potential recipients and the grants will range between \$20,000 and \$300,000. The funds must spur private investment and no match is required for private investments. A 50% match is required for public investments. Grant funds can be used in the following ways:

- Acquisition and Rehabilitation of Structures
- To create a revolving loan pool
- Create façade grant program
- Streetscaping & infrastructure improvement

Manager Craft continued stating that there is a short window of opportunity as the grant and application will not formally be available until mid February. Completed applications are due by March 31, 2010. Award notification is proposed for mid May and projects must be completed within one (1) year of the award.

Manager Craft asked for direction from the Council as to pursue the grant and if so, what areas would they desire to concentrate. Manager Craft also stated that the Council would have to approve the final submission of the grant.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to allow Manager Craft to pursue with the submission of the Main Street Solution Grant Application which will include: Loan Pool, Streetscaping and Rehabilitation.

Mayor Pro Tem Wooten called for discussion concerning the application of the grant.

Council Member Harrison asked if the Town would be required a 50% match if awarded.

Manager Craft stated that only portions of the grant that included Streetscaping and Infrastructure required the 50% match. On acquisition and Rehab, if the Town did the work a 50% match would be required; but, not if done by a private individual.

Manager Craft stated that tonight would not be the final decision, but he did need direction on the Council's wishes to proceed because of a time factor.

Mayor Pro Tem called for a vote on the motion. Motion carried 6-0 in favor of motion.

ITEM 9D: UTILITY BILL PAYMENT OPTIONS

Manager Craft stated that the utility bills were mailed out early as possible to give as much time as possible for customers to prepare for payment. The bills were significantly higher than normal due to the extreme temperatures during the billing cycle December 16, 2009 – January 15, 2010. Town staff has already received numerous bill complaints due to the significant increase in kwh usage.

Manager Craft reviewed previous utility billings and provided data on the average high and low temperatures for the billing period; also, the historical January usage for the past 10 years. There was an increase in more than 53% in kwh sales in the current billing period.

Manager Craft stated that no rate increase has occurred, no additional day's usage included on bills and Staff understands there may be a hardship on customers. Due to higher utility bills and the hardship to make payment may cause customers, Manager Craft recommended the following for the Council to consider:

- Relieve customers of late penalties and disconnect penalties for this month only.
- Extend payment deadline for all customers until February 28, 2010 to enable customers additional time to pay bills for this month only.
- Revenue impact of approximately \$3,500 if recommendation is approved.

Council Member Gladney stated that he would like to go a step further in helping customers on a fixed income, especially senior citizens. Council Member Gladney recommended that the Town allow customers to pay one-half of their bill by the due date and defer the other

half until April 15, 2010. This would allow customers with a hardship enough time because the weather would be getting warmer.

Manager Craft stated that he certainly concurred in helping the customer in any way the Town could, but he was concerned about the Town's utility bill payment as it was due on the 20th of the month and the payment was automatically drafted from the Town's checking account.

Council Member Harrison stated that he did have compassion, but the State and Federal Government has Social Service Agencies set up to assist with utility bills. The Town of La Grange cannot enter into Social Services nor does the Town has citizen approval to take on this type of program and the Town does not have the revenue to support a program. Also, if payment is delayed the Town may not receive the revenue.

After continued discussion among the Council Members , motion was made by Council Member Gladney, seconded by Council Member Rouse to allow utility customers with a financial hardship to pay one-half of their bill and allow an extension on the other one-half of the amount due for their utility payment and the payment be deferred until April 15, 2010. This extension will apply to the utility bill for services dated from December 15, 2009 thru January 15, 2010 and due on February 15, 2010. If the customer makes an arrangement with Town staff for an extension on or before February 15, 2010, by close of the business day, the late penalty and disconnect fees will be waived. Customers will be granted this "special extension" until close of the business day on the day before prior to cut-off for the month February 2010 only. Motion carried 5-1 in favor of motion. Council Member Harrison voted against the motion.

ITEM 9E: PRESENTATION BY BEVERLY BROWN WITH CLIENTFIRST OF NC, LLC

Beverly Brown, Program Director, with Client First of NC, LLC located at 129 South Caswell Street, made a presentation on the services the business provides. Mrs. Brown stated that she and her husband owned Client First of La Grange. She provided a handout and a Stakeholder Survey. Mrs. Brown stated that Client First is a mental health and substance abuse services clinic that currently provides services to Medicaid recipients ages 18 and over. Client First is endorsed by Eastpointe Local Management Entity and the Division of Medical Assistance. Client First is scheduled for a national accreditation audit on February 17-19, 2010, through the Commission on Accreditation of Rehabilitation Facilities (CARF). Ms. Brown added that on their staff are two psychiatrists, two case managers, one Certified Substance Abuse Counselor, 1 Peer Support Specialist, one Vocational Specialist and one Psychiatric Nurse.

After Ms. Brown finished with her presentation she requested that Council Members complete their Stakeholder Survey and return them to Client First.

ITEM 10: UNFINISHED BUSINESS AND INFORMATIONAL ITEMS

ITEM 10A: PARTF GRANT APPLICATION & SPRAY GROUND

Manager Craft stated that the Town is still working on the setup of the spray ground. At present the Town is waiting on additional documents from the Health Department. There should not be any problem in reaching the proposed completion date of May 1, 2010.

The PARTF grant was completed this past week and the grant was hand delivered to NC Department of Natural Resources in Washington, NC and the Town should be notified in May relative to a potential award.

ITEM 10B: UPDATE REGARDING SUTTON ACRES PHASE II

The street lighting has been 100% completed and the only remaining piece of the project is the paving of the streets. Rainy and cold weather has been a factor in the completion of the work.

ITEM 10C: UPDATE ON AMI PROJECT & PREPAID UTILITIES

Manager Craft stated that the Town is 100% complete on the installation of the electric residential meters and all but a few water meters. The sixty- seven (67) large commercial electric meters will not be installed at this time due to the cost to replace the meters is in excess of \$28,000.

The Town is still working to integrate with Money Gram to be able to accept payments made at CVS Pharmacy or Wal-Mart. Online payment capability is up and running and the prepaid pilot program is in the testing phase.

ITEM 10D: UPDATE ON TOWN WEB SITE IMPROVEMENTS

Manager Craft stated that the new web site was complete and Town Council minutes from previous years are being uploaded as time permits.

ITEM 11: CLOSED SESSION

Motion was made by Council Member Harrison, seconded by Council Member Holmes to go into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (4) (5) (6). Motion carried 6-0 in favor of motion.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to return to Regular Session. Motion carried 6-0 in favor of motion.

ITEM 12: ADJOURNMENT

Mayor Pro Tem Wooten declared the meeting adjourned.

Nelda H. Johnson, CMC, Town Clerk

Woodard H. Gurley, Mayor

SPECIAL MEETING

The Town Council of the Town of La Grange, North Carolina met in a Special Session at the Town Hall on February 20, 2010, at 9 a.m. with the following present:

Mayor Woodard H. Gurley; 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 Clerk, Nelda H. Johnson, CMC.

Absent: George Jenkins, Jr., Attorney

Guest: Tyrone Morgan, Superintendent of Public Works
Keith Thornton, Superintendent of Electric

Mayor Gurley called the meeting to order and asked Council Member Harrison to give the invocation.

Manager Craft stated the agenda for this Special Meeting had previously been approved at the February 1, 2010, meeting; but, requested to add the following items: (1) ELECTRIC RATE COMPARASION to be added in discussion along with the Electric Rate Discussion/Update and (2) RAILROAD CROSSING UPDATE/TRAFFIC FLOW DIRECTION and delete the following item: LEEF BYLAWS because Attorney Jenkins was not able to complete his preparation of the bylaws.

Motion was made by Council Member Harrison, seconded by Council Member Holmes to amend the agenda with the three above items. Motion carried 6-0 in favor of motion.

Manager Craft announced that the Town's two new elected officials, Council Member Holmes and Council Member Lee attended the orientation for new Council Members for two days in Greenville this past week.

Manager Craft reminded the other Council Members of a law passed by the General Assembly in 2009 that requires all elected officials to have required ethics training by January 1, 2011. The North Carolina League of Municipalities (NCLM) will be providing some training opportunities. On March 25th a webinar will be held and on April 20th an ethics class will be held in Smithfield.

Manager Craft stated that he intentionally left the invocation off of the agenda today because there was recently a court action that it was inappropriate and it violates constitutional rights to open our meetings with prayer. Manager Craft stated that he was not in agreement with this action, but until some additional actions are taken by individuals in court, the Council would not be able to open with prayer anymore.

Council Member Harrison asked if we couldn't open with prayer anyway as he did not agree with the decision. Council Member Harrison further stated that he would like to make a motion to continue to open the Council sessions with prayer.

Mayor Pro Tem Wooten stated that the Council would be violating the law.

Council Member Holmes seconded Council Member Harrison's motion.

Council Member Gladney asked Manager Craft what the law stated.

Manager Craft stated that he had not read the law in its entirety but the synopsis is that it violates the public's constitutional rights. The case law came from a place in the western part of the State. Manager Craft stated that if the Council knowingly does something wrong the Town is opening themselves for potential liability and could be sued.

After continued discussion, Mayor Gurley called for a vote on the motion. Motion failed 4-2 with Mayor Pro Tem Wooten, Council Members Gladney, Lee and Rouse voting against the motion and Council Members Harrison and Holmes voting in favor of the motion.

ITEM 1: NEW PROGRAMS TO BE INCLUDED IN FY 2010-2011 BUDGET

- General discussion pertaining to new programs; Guidance relative to COLA; Health insurance options

Manager Craft stated that in preparation for the FY 2010-2011 budget process, he requested that the Council inform him of any new programs or initiatives that the Town Council wants to include in the new budget.

Manager Craft stated that he wanted to discuss with the Council two items that will have a bearing on the new budget relative to personnel cost. Manager Craft stated that he was looking for guidance from the Council by April on what they desired in the way of a Cost of Living Adjustment (COLA) for the employees in the new budget; also, the Town's health insurance option for employees. Concerning employee compensation, last year was the first year that merit increases were not given to the Town's better employees and that was primarily due to a tight budget. Manager Craft stated that he would like to see merit increases put back in the budget this year to reward those employees that go above and beyond their duties.

Manager Craft reviewed the Town's health insurance plan stating that the Town is currently with the North Carolina League of Municipalities (NCLM) and there are four tiers of benefit plans and at present the Town is participating in the next to the lowest tier. Manager Craft stated that he was talking recently with a participant in the State's Health Plan which has a significantly lower cost than what the Town is paying at present and also has better benefits. At present, the only insurance plan the Town qualifies for, and can continue because of our retiree insurance coverage, is the NCLM. The cost for active employees is \$475 per month and the cost for retirees is \$665 per month. It is projected that the Town can expect an 11% increase in health insurance cost in the coming year.

Manager Craft stated that he would like to access the State Health's Insurance Plan for the employees. This would require special legislation to include La Grange in this plan and

Representative Van Braxton would have to be contacted to introduce this legislation on the Town's behalf.

After continued discussion, the Council had no objections in allowing Manager Craft to pursue the necessary steps to begin the transition from the NCLM Health Care Program to the State Health Care Plan. Manager Craft stated that he could not guarantee that the legislation would pass.

- Planned Water Rate Increase

Manager Craft discussed the planned water rate increase required to purchase additional water withdrawal right as required by Contract the Town of Farmville. The rate will increase on average \$8 per month per customer, possibly 75% on the flat rate and 25% in consumption. The Contract cost increased from \$5,000 per month to over \$30,000 per month beginning this month and the increase in the water rate is a requirement to meet the FY 2010-2011 budget expenditure. The Contract with the Town of Farmville will end in 2018.

The Council did not suggest any new project or programs for FY 2010-2011.

ITEM 2: UPCOMING CONTRACT RENEWAL OPTIONS

- Facilities maintenance contract with Danny Smith Landscaping & Maintenance

Council Member Holmes requested to abstain from voting on this item as he is an employee of Danny Smith.

Manager Craft stated that the fixed cost contract expired originally on June 30, 2009, and was extended one year at the same cost and would be expiring on June 30, 2010. Additional areas that need to be added in the near future include the 62 acres for the Recreation Complex that either needs to be contracted or handled in-house.

Manager Craft stated that he recommended bringing the services back in-house utilizing one additional employee and primarily inmate labor. Manager Craft stated that he proposed to transfer employee, Clifton Hardy, back to the Cemetery/Grounds Department, give him primary responsibility for cemetery maintenance, right-of-ways, vacant lots, park maintenance, and downtown areas. The current contract is \$68,400 and bringing the work back in-house and even with the addition of one Town employee in the Public Works Department would be a savings to the Town of \$17,582.

Manager Craft informed the Council of a recent change by the State in utilizing the inmates in our area from Greene Correctional Center. Program Directors from Greene Correctional Center and Duplin Correctional Center met with the Town on Tuesday, February 16th and because of a hospital closing in Duplin County 100 medical beds were moved from the Duplin facility to the Greene facility. With Lenoir Memorial Hospital and Pitt Memorial Hospital being close to the Greene facility the inmates with medical needs would be better served. The Town will now be utilizing inmates from the Duplin County Correctional Center.

Manager Craft discussed with the Council that the only potential problem with bringing back in-house the grounds maintenance would be the loss of the Inmate Labor Contract. Should this happen for any reason, the Town may have to return to contract labor. The advantages are cost savings and additional services can be derived at a cheaper cost

After continued discussion among the Council, Manager Craft and Superintendent Morgan, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Gladney to pursue bringing the grounds maintenance back in-house by transferring Clifton Hardy to the Cemetery Department and adding one position in the Public Works Department to replace Mr. Hardy's position. Motion carried 5-0 in favor of motion.

ITEM 3: EQUIPMENT REPLACEMENT PLAN

- Review of updated equipment replacement plan as recommended by Town Manager and Department Heads

Manager Craft provided an updated copy of the Town's Equipment Replacement Plan and discussed the plan in detail. Manager Craft stated that this plan would provide for the replacement of aging equipment before major maintenance expenditures occur, reduces budget pressure, reduces need for lease purchases or loans except for most expensive equipment purchases, has enabled the Town to pay off all loans except for garbage trucks and garbage carts; has primarily avoided major expenditures and maximizes resale value of retired equipment.

Manager Craft stated that there is a potential that one police car may have to be purchased during the upcoming FY that is not included in the updated Equipment Replacement Plan. Copy of plan hereto attached.

The Council and Manager Craft discussed building an additional building at the Public Works Complex for the purpose of housing trucks and equipment. Based on several comments concerning the protection of the Town's equipment, Manager Craft stated that he would pursue the project and received bids.

ITEM 4: ELECTRIC RATE DISCUSSION/COMPARISON AND UPDATE

- Federal Energy Information Administration (EIA) Report

Manager Craft stated that he wanted to discuss rate comparison and the cost per kWh relative to information provided by the Department of Energy compiled through an EIA report that is filed annually by all electric providers. The information provided is based on 2008 data as the 2009 reports are not due until April 2010. Manager Craft provided the Council with information on 37 entities and discussed in detail residential customer data showing the entity name, ownership, number of customers, sales in mWh, revenues and average price per cents/kWh.

Manager Craft stated that the reason for the information is the controversy facing entities and increased press coverage, higher than average usage for the last billing period resulting in high bills, complaints and keeping the Council informed of our rates compared to other providers and competitors.

- Other information

Manager Craft stated that a customer has expressed a desire to be on the Council agenda for March concerning high utility bills and high utility rates. Manager Craft stated that customers with this concern should be heard during the public comment period.

Manager Craft stated that the Town of La Grange sponsored an energy fair about two years ago at the Fire Department with representatives from various agencies such as WAGES to assist customers with ways to help conserve energy in order to reduce their utility bills. There was no interest shown from the public.

Council Members suggested that the Town sponsor another energy fair with as much advertising exposure as possible.

ITEM 5: CHRISTMAS DECORATIONS

Manager Craft stated that he had received a few complaints relative to the Town's Christmas decorations. They were reworked by the Electrical Department in about 2005 but they are getting in poor condition. Manager Craft provided some brochures and information on the styles and cost of new decorations. To purchase all new decorations comparable to the ones the Town now has and not add any to the quantity would cost approximately \$15,500. To refurbish our existing decorations would cost approximately \$6,000. Manager Craft stated that his recommendation to the Council was to refurbish the Town's existing decorations and not add any additional new items.

After discussion, motion was made by Mayor Pro Tem Wooten, seconded by Council Member Rouse to accept Manager Craft's recommendation to refurbish the Town's existing Christmas decorations. Motion carried 6-0 in favor of motion.

ITEM 6: WEST BOUNDARY STREET DRAINAGE IMPROVEMENTS

Manager Craft provided photos of areas of West Boundary Street that has a problem with drainage and reviewed them in detail with the Council. Manager Craft stated that there are a couple of options for the improvements and both would be determined by the elevation and a survey of the land would be required.

Manager Craft stated that as a first option he would recommend an open ditch along Simmons Alley, back across the back portion of Mrs. Lillian Bright's property and then between property lines using tile and a catch basin. This route would be less involved and it provides relief for water on the street near the Bright property.

A second option would be to access a catch basin, ditch and tile along the right-of-way and tying back in by the Bright property. About 350' more ditching would be involved than the first option. This option may not give the Bright property the drainage relief needed.

Manager Craft stated that after the survey was complete and the elevations were determined, a decision would be made concerning the best option to proceed with the drainage improvements.

ITEM 7: RAILROAD CROSSING CLOSURE AND STREET RESURFACING PROJECT UPDATE AND GUIDANCE

Manager Craft gave the Council an update on the status of the railroad crossing closures and street resurfacing project and also needed guidance on traffic flow. This project has been going on for more than three years. Manager Craft stated that he received communication this past Wednesday that the Department of Transportation would begin in early March on the project. Manager Craft stated that he had requested that the Forbes Street crossing not be closed until the widening of Charles Street was complete.

For safety during the widening of the Charles Street crossing, stops signs will be placed on each side of the crossing by the DOT on Forbes Street. After the completion of the widening of the Charles Street crossing, the Forbes Street crossing would be permanently closed, as previously approved by the Town Council. Once the crossing at Forbes is closed, the Manager suggested the removal of the stop sign in existence at Forbes Street and South Railroad Street and the installation of a stop sign for traffic coming from the La Grange Cemetery on the dirt path, which would enable the majority of the traffic to free flow from Forbes Street onto South Railroad Street. The same recommendation was made for the intersection of South Railroad and Carey Street. After discussion, the Council provided no additional guidance and concurred with the proposed alterations to traffic flows in those areas.

ITEM 8: STAFFING NEEDS AND SUCCESSION PLANNING

Manager Craft stated that the Town needed to look toward the future and plan staffing needs. Nelda Johnson, Town Clerk/Finance Officer has formally retired and then rehired February 1st and will be working until June. Keith Thornton, Electrical Supervisor will probably retire in 4 to 5 years; the position that is open within his department the Town will attempt to hire a person that would likely be his successor. Current staffing is as follows:

- Administration – 1 Full Time
- Finance – 4 Full Time, 1 Part Time
- Public Services – 7 Full Time, 8 Inmates
- Electric – 2 Full Time
- WWTP – 3 Full Time
- Total Positions – 17 Full Time; 1 Part Time

Manager Craft stated that he recommended the following staffing level:

- Administration – 1 Full Time, ½ Time
- Finance – 4 Full Time, ½ Time, 1 Part Time
- Public Services – 8 Full Time, 8 Inmates
- Electric – 2 Full Time
- WWTP – 3 Full Time
- Total Position: 19 Full Time; 1 Part Time

The staff increased proposed is one full time position to be split between Administration and Finance; and, 1 full time position in Public Services due to the recommendation that Clifton Hardy be transferred to the Cemetery/Grounds Department to oversee the maintenance of the cemeteries, right of ways, and the downtown area.

Manager Craft explained the reasoning for hiring an additional employee to be split between Administration and Finance. This would ensure continued operations with minimal disruption to operations if an employee dies, resigns or retires; also, to ensure that the needs of the Town and its customers are met following those circumstances. Hiring another person in Administration and Finance would provide administrative support to the Manager and help out the office staff on extremely busy collection days, and should be able to free up the Finance Director to enable both the new administrative support person and Finance director work closely with the Manager in order to stay informed about grants and projects that are in progress which would be invaluable should something happen to him suddenly. The Manager indicated that he wanted and needed the new Finance Director to be able to step up and keep all departments and projects running smoothly until a replacement can be found under those circumstances. All key personnel need some type of succession plan. Manager Craft stated that he did have confidence in all Department Heads and the jobs they are performing for the Town. The Clerk's position will be advertised mid March and we hope to have the position filled and in place by late May or early June.

Council Member Gladney expressed concern over the staffing within the Electric Department. This was also discussed, but was not recommended at this time by the Manager Craft, stating that additional help is needed at times, but certainly not a majority of the time, and he felt that in an effort to keep our rates as low as possible, that the position should not be considered at this time.

Manager Craft stated that based on the Council's comments, he would include the proposed Public Services Crew Leader position and the administrative support position in the FY10-11 budget for formal and final approval.

OTHER INFORMATION

Manager Craft stated that prepay on utility bills was still in the testing phase and going well with just a couple of issues to be worked out.

ITEM 8: ADJOURNMENT

Motion was made by Mayor Pro Tem Wooten, seconded by Council Member Harrison to adjourn.

Nelda H. Johnson, CMC, Town Clerk

Woodard H. Gurley, Mayor



APPROVAL OF RESOLUTION IN SUPPORT OF POTENTIAL FEDERAL LEGISLATION

AGENDA ITEM # 9A

I had an opportunity to discuss some potential legislation that is being considered by some in the United States Congress that would provide funding for a weatherization program that could prove very beneficial to our citizens who experience high utility bills because of the lack of insulation, old windows and doors that do not properly seal or close, inefficient heating systems.

I will explain the program in greater detail, based on conversations with legislators and their staff when I met with them. I will try to have completed a resolution of support that I will send to the appropriate members of Congress. I need additional information that is not yet available in order to complete the resolution, but hope to have it by the Council meeting.

RECOMMENDATION: Approval of Resolution supporting potential Federal Legislation.



APPROVAL OF APPOINTMENTS TO EAST CAROLINA COUNCIL & GREEN LAMP, INC.

AGENDA ITEM # 9B

The Mayor has recommended that Mr. Larry Gladney be reappointed to serve as the Town's representative on the East Carolina Council. Mr. Gladney is currently the Town's representative to that organization and has been for several years. The appointments are generally made annually.

The Mayor is recommending that Phyllis Harrison be appointed to The Greene Lamp, Inc. Board of Directors. Greene Lamp, Inc. is a Community Action Agency that works on the More at Four program, Work Force Development Program (out of school drop outs), and the Head Start Program. This Board meets on the third Tuesday of January, third Monday of March, May, July, September, and November. Members are appointed to this Board for 5 year terms.

RECOMMENDATION: Approval of Resolution supporting potential Federal Legislation.



**APPROVAL OF FUNDING AGREEMENT
FOR THE US DEPARTMENT OF ENERGY
SOUTHEASTERN POWER
ADMINISTRATION**

AGENDA ITEM # 9C

Attached for your review and consideration is a letter from Kenneth E. Legg, Administrator of the Southeastern Power Administration requesting that you consider approval of the attached Funding Agreement. This agreement would fund improvements to the Kerr-Phillpott System as approved by the Project Review Committee. The proposed improvements include a 13.8 kV breaker relocation, Voltage Regulator replacement, and digital governor replacement.

If you approve the agreement, our rates will not be affected, but does divert a portion of the revenues that we pay for the power that we purchase from the Southeastern Power Administration to fund the improvements valued at \$3,535,000. We are only able to purchase a very small portion of our power from the Southeastern Power Administration, but this power is hydroelectric power and helps us meet a very small portion of our renewable energy requirements. The plants continued operation is in the best interest of the town, and is at a cheaper rate that we currently are able to purchase power from other sources.

I recommend that you approve the funding agreement, as it will not affect rates and will maintain and improve the system.

RECOMMENDATION: Approval of Funding Agreement



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

AGENDA ITEM # 10A

Attached for your review and consideration is a copy of a memorandum from Heith Harrison, Building Inspector for the Town of La Grange regarding 108 West Railroad Street, which is owned by Nicholas and Leisa Picciotti. The memorandum details the steps that Heith has taken regarding abating the nuisances that exist at 108 West Railroad Street.

Also attached are pictures of the subject property and a Resolution Ordering the Demolition of the structure located at 108 West Railroad Street. As you will remember, Mr. Picciotti appeared before the Council during your January 2009 Town Council Meeting and requested additional time to complete repairs to the structure. He was granted a six months extension to the Building Inspector's Order of Demolition. He returned again on August 3, 2009 seeking an additional six month extension, which was granted by the Town Council and has also expired on February 3, 2010. Since that time, very little progress, if any, has been made in regard to completing the required repairs to the structure. Attached for your review and consideration is a recommendation from the Building Inspector, Heith Harrison, to approve the ordinance of demolition in order to allow the Town, by order of the Council, to demolish the structure.

I would recommend that the Town Council approve the attached resolution that would direct the Town's Staff to demolish the structure, as Mr. Picciotti has repeatedly failed to fulfill his commitments to repair the aforementioned structure. The process has been going on since September of 2006. The Town has given Mr. Picciotti many opportunities to save the structure, which Mr. Picciotti is either unwilling or unable to do. In either case, the repairs have not been made.

RECOMMENDATION: Approval of Resolution Ordering Demolition of 108 West Railroad Street.

Memo

To: Mayor and Council Members

From: Heith Harrison, Director of Planning, Inspections and Safety

The La Grange Board of Adjustment heard Mr. Picciotti's appeal regarding the property known as 108 W. Railroad St. at its regularly scheduled meeting on August 3, 2009. The decision was to modify the appeal which would require Mr. Picciotti to repair deteriorated structural members, defective or missing windows, and properly weatherproof the structure within six (6) months. This extension is the second that Mr. Picciotti has received. After the first extension Mr. Picciotti painted part of the house as well as replaced some of the siding that was deteriorated, but did not install windows where needed. A re-inspection was performed on Wednesday, February 3, 2010 at which time no repairs were made. The town first initiated contact with Mr. Picciotti concerning this issue on September of 2006. Since then he has made little effort to remedy the hazards. The La Grange Historical Foundation offered to purchase the property, but Mr. Picciotti declined their offer. It is the recommendation of town staff to order demolition of the property so that the public nuisance and hazards will cease to exist. If you would like to speak with me concerning this issue you may reach me at Town Hall at 252-566-3186.

Thank you



TOWN OF LA GRANGE

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

RESOLUTION 2010-_____

RESOLUTION APPROVING DEMOLITION OF BUILDING AND REMOVAL OF DEBRIS

WHEREAS, the Building Inspector of the Town of La Grange issued an Order dated September 4, 2008, pursuant to N.C.G.S. Section 160A-426 and the Town of La Grange Code of Ordinances, ordering that among other things, Nicholas and Leisa Picciotti demolish the structure located at 108 West Railroad Street and identified as Lenoir County Parcel Number 15350, and to remove the debris within sixty days from the date of said order due to the owners' failure to repair the structure; and

WHEREAS, said Order gave Nicholas and Leisa Picciotti as property owners up to and including November 4, 2008 by which to demolish said building and remove the debris; and

WHEREAS, the owners have not appealed the order of the building inspector to abate the hazards, have taken no action to comply with the terms of the Town's September 4, 2008 Order, have not taken any steps to further demolish the structure standing on said property, and continues to allow said property to deteriorate and to become a public eyesore, is considered a public nuisance, and constitutes a fire hazard; and

WHEREAS, the owners sought and were granted a six (6) month extension of time on two different occasions, during which the owner committed to complete the required repairs; the first of which expired on July 6, 2009 and the most recent expired on February 4, 2010; and

WHEREAS, the owners have made no substantial effort to complete the required repairs or to demolish the structure standing on said property, and

WHEREAS, the structure at 108 West Railroad Street remains in such a dilapidated or substandard state of disrepair so as to constitute a fire and safety hazard, to be dangerous to life, health, and other property, and is a public nuisance; and

WHEREAS, the property owner of said structure has failed and refused to abate the nuisance over a period inclusive of several years and multiple extensions of time allowed for repairs, has failed and refused to have said structure repaired or demolished and removed as has been ordered by the Town of La Grange.

NOW, THEREFORE, BE IT RESOLVED that the Town of La Grange, acting by and through such Town departments and employees as the Town Manager may deem necessary or such other agents as he may designate, is hereby authorized to demolish the structure at 108 West Railroad Street and to remove all debris presently existing or resulting from such demolition, and to take any and all other actions as may be necessary to insure that the public health, safety, and general welfare is not threatened during or as a result of the demolition of such building or the accumulation of further debris. The Town Manager is further authorized to assess the costs of demolition of the structure, removal of debris, and any other measures designed to insure the public health prior to, during, or after demolition against the parcel of land on which the structure is situated, and to advise the property owner of such costs and demand payment once all steps undertaken by the Town to insure the public health, safety, and general welfare have been completed.

Adopted this 1st day of February, 2010.

Woodard H. Gurley
Mayor

ATTEST:

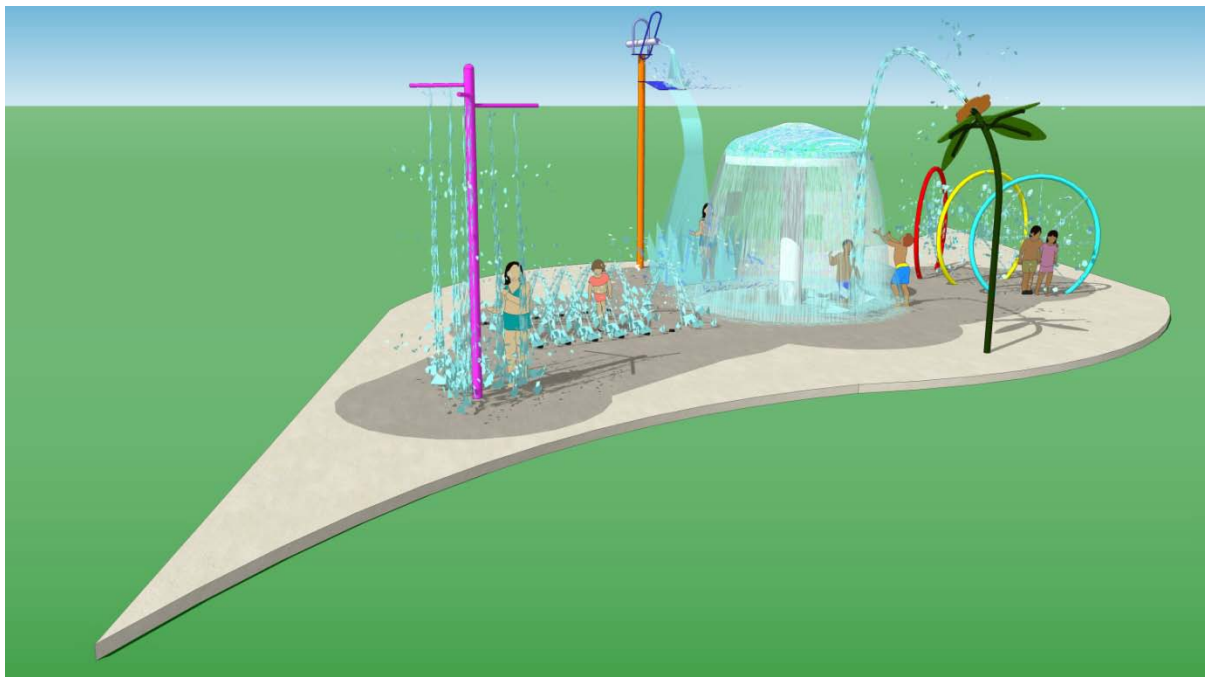
Nelda H. Johnson
Town Clerk



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.



**UPDATE REGARDING
SUTTON ACRES PHASE II**

AGENDA ITEM # 10C

I will update you on the progress of Sutton Acres Phase II construction project during the Council Meeting.

RECOMMENDATION: Informational Item – No Action is Required.



**UPDATE ON AMI PROJECT
& PREPAID UTILITIES**

AGENDA ITEM # 10D

I will update you on the status of our AMI projects and Prepaid Utilities.

RECOMMENDATION: Informational Item – No Action is Required.



**UPDATE ON TOWN
WEB SITE IMPROVEMENTS**

AGENDA ITEM # 10D

I will update you on the status of the web site improvements.

RECOMMENDATION: Informational Item – No Action is Required.