

TOWN OF LA GRANGE, NORTH CAROLINA

TOWN COUNCIL AGENDA



**October 11, 2010
6:00 PM**



TOWN OF LA GRANGE

TOWN COUNCIL AGENDA October 11, 2010

1. Call to Order Mayor Gurley
2. Moment of Silence
3. Welcome
4. Public Hearings Mayor Gurley
 - a. Extension of Extraterritorial Jurisdiction & Zoning of parcels within affected area to AR (Agricultural Residential)
 - b. Text Amendment to Zoning Ordinance to amend R-18 definition and Permitted Use List for DD (Downtown District)
5. Board of Adjustments - None
6. Public Comment Period Mayor Gurley
7. Amendments to and Approval of the Agenda Town Manager
8. Consent Agenda
 - a. Approval of Minutes
 - i. Regular Session Minutes; September 13, 2010
 - ii. Closed Session Minutes; September 13, 2010
 - b. Resolution Declaring Surplus Municipal Property.
9. New Business.
 - a. Designation of Voting Delegate for 2010 NCLM Annual Meeting.
10. Unfinished Business & Informational Items
 - a. PARTF Grant Application
 - b. Update on Wastewater Treatment Plant Improvements.
 - c. Consider adoption of Ordinance to allow the operation of Golf Carts on Municipal Streets.
 - d. Update on Rail Crossing Signalization & Crossing Project.
 - e. Roxboro Power Plant Tour (Informational)
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 are two public hearings scheduled for this evening.



PUBLIC HEARING
EXTENSION OF EXTRATERRITORIAL
JURISDICTION & ZONING OF
AFFECTED PROPERTIES

AGENDA ITEM # 4A

As you know, the Town Council voted unanimously at its September 13, 2010 Regular Session Meeting to begin the process to extend the Town's Extraterritorial Jurisdiction (ETJ) to a full one (1) mile from its contiguous City Limits to enable the town to enforce Zoning, Planning, and Subdivision Regulations in the area between the current extent of the ETJ and the Wayne County line to enable the town to enforce impervious surface limits, stream buffers, and monitor nutrient loading in the area west of town in which the proposed interchange will be built for Phase 2 of the Highway 70's Goldsboro Bypass.

As I indicated previously, the Mayor and I met with the Wayne County Manager, Chairman of the Wayne County Board of Commissioners, and NCDOT officials to discuss the possibility of expediting the construction of the Bypass. NCDOT proposes to build the second phase of the Bypass, with construction to begin in 2011 if the project can pass environmental reviews required by the State prior to the construction of roads. In order to pass the environmental review, certain protections must be in place to help mitigate the adverse affects of the road construction and anticipated development in and around the interchange. These protections are intended and are necessary to reduce adverse effects of development on the environment.

Following the meeting with Wayne County Officials and NCDOT, I met with Lenoir County Manager Mike Jarman to discuss the need to enforce these regulations in that area, as Lenoir County does not currently enforce these types of regulations, and would have to do so on a County-wide basis. It was determined that the best course of action would be to extend our ETJ to a full one mile, which according to DOT officials, would enable the project to pass environmental review and would expedite the construction of the Bypass. I discussed this with the Town Council on September 13, 2010 and was directed to begin the process necessary to extend the ETJ. Since that time, I reviewed North Carolina General Statute 160A-360 (and discussed with George L. Jenkins and Bob Griffin, Lenoir County's attorney) and determined that the statute authorizes municipalities of our size to have an ETJ up to one mile, and does not require the approval of the County Commissioners.

Despite that, I did appear before the Lenoir County Board of Commissioners on September 20, 2010 and informed them of the Town's intent to extend the ETJ, and that we would conduct a public hearing on October 11, 2010 to receive comment on the proposed ETJ extension. The Commissioners asked several questions, but seemed to be supportive of our efforts, although no formal vote was taken.

The Public Hearing is intended not only to receive comment on the proposed extension, but also to receive comment on the proposed zoning of the parcels that would be brought into the Town's ETJ. Town staff is recommending that all parcels be zoned AR (Agricultural Residential). Staff recommends that the ETJ extension be effective November 1, 2010. The Planning Board was asked to make a recommendation to the Council at their last meeting.

For your information and review, I have attached the following documents:

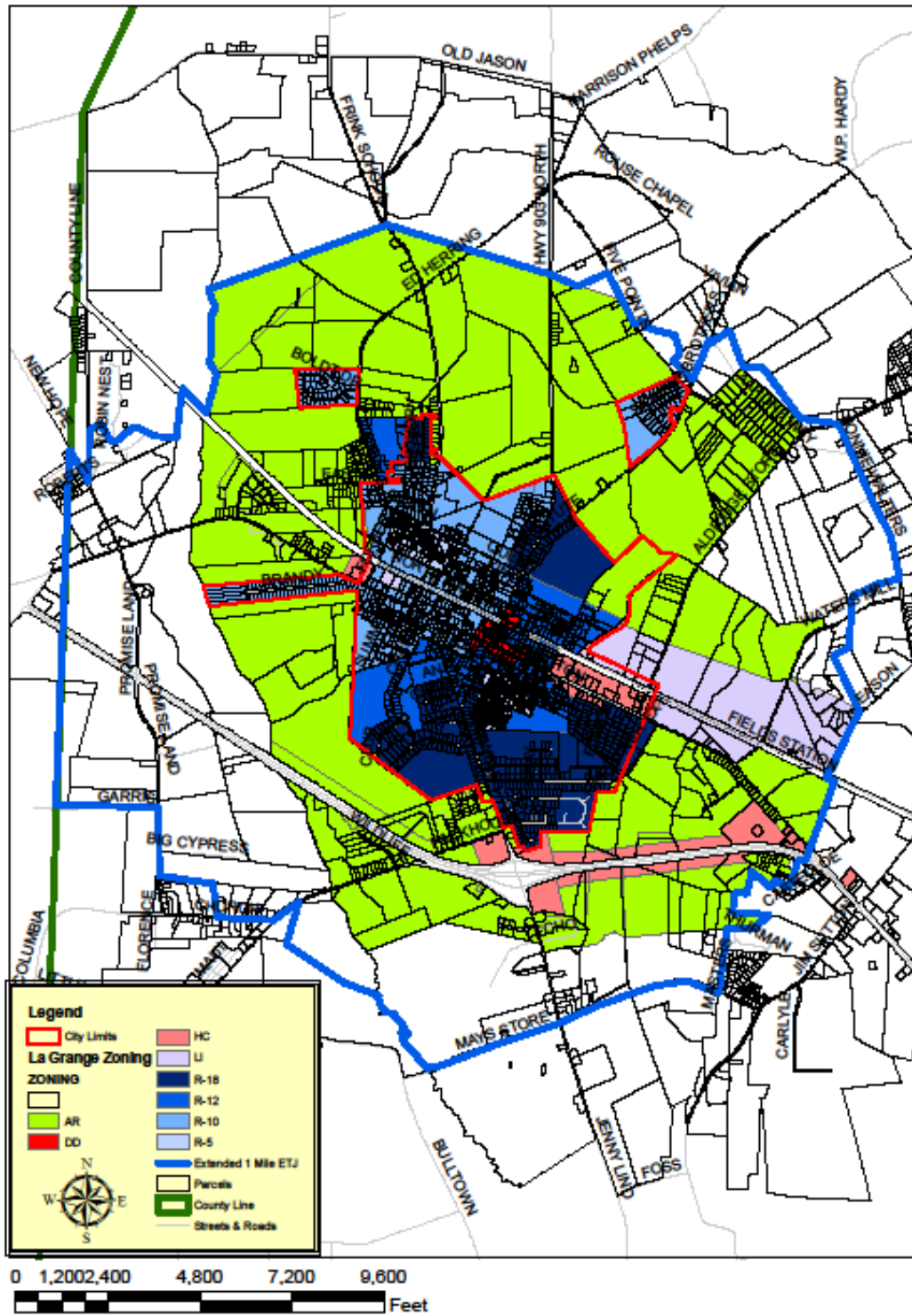
- A map that illustrates the Town's current Planning Area, and proposed extended ETJ.
- A map of the proposed orientation of the Bypass.
- A copy of the Staff Report prepared by Heith Harrison.

I have attached copies of the map of the affected area, a copy of the public notice that was advertised in the Weekly Gazette in advance of the Public Hearing as required by law, and a copy of Heith's staff report that provides details of the subject properties and surrounding properties for your review and consideration.

Notice was given to the property owners in accordance with the Town Ordinances, as well as advertising the Public Hearing in the Weekly Gazette.

RECOMMENDATION: Approval of attached Resolution that will Rezone the aforementioned properties, known as Lenoir County Records 16542, 37299, 16543, and 37298 to R18.

Proposed Extended Extraterritorial Jurisdiction (ETJ)





ORDINANCE _____

**ORDINANCE AMENDING CHAPTER 38, ZONING
OF THE TOWN OF LA GRANGE**

BE IT ORDAINED by the Town Council of the Town of La Grange, North Carolina, that the Code of Ordinances of the Town of La Grange, Chapter 38, the Official Zoning Map be amended as Follows:

Section 1. The Official Zoning Map of the Town of La Grange is amended by changing the zoning district classification of the following described properties from AR (Agricultural-Residential or R-12 (Single Family Residential) to R-18 (Single Family Residential).

Lying and being in Mosley Hall Township, Lenoir County, North Carolina and being more particularly described as follows:

Being the following parcel numbers as shown as on the Lenoir County tax maps:

16138	17159	34147	32935
16135	17163	32933	29831
15248	15394	15435	15635
15892	17228	35669	36714
16518	16615	15586	35673
32682	16616	15280	32719
15996	15523	27114	15011
15495	16252	15782	15780
15690	17221	28081	15252
15948	16266	36709	15634
15041	16523	32304	15636
17219	15274	27129	15638
15986	15277	31864	15716
15564	15278	36198	29032
17201	15585	36199	16442
35668	34988	16843	30302
35669	15854	15285	15518
15417	16224	15286	27113
15259	16813	16423	32934
15347	31183	29557	31527
15801	15829	30600	34991
15802	30873	17218	34993
15034	16173	34989	34419

16195	16200	35674	17219
17047	17334	31027	36558
17073	36103	31028	16367
16450	35998	34994	28595
15732	36059	34995	17075
30266	28391	34996	27104
17213	17317	32305	27105
15797	17216	15635	33843
15346	28544	35042	31526
16486	28944		

Section 2. All ordinances or parts of ordinances of the Town of La Grange which are in conflict herewith are hereby repealed to the extent of such ordinance.

Section 3. This ordinance shall be effective upon its adoption.

Duly adopted by the La Grange Town Council in special session, upon the motion of Council Member _____ and the second of Council Member _____, this the 13th day of September 2010.

Woodard H. Gurley, Mayor

ATTEST:

Kyle DeHaven, Town Clerk



PUBLIC HEARING TEXT AMENDMENT FOR ZONING ORDINANCE

AGENDA ITEM # 4B

In reviewing the Zoning Ordinance and its provisions for the DD (Downtown District) and R-18 (Single Family Residential District) staff has determined that we need to make some changes to the definition of R-18 District and remove Automobile Repair/Service Centers from the permitted use list for the DD District.

The change to R-18 removes the multifamily language from the definition as the permitted use list does not allow multifamily uses within the R-18 Zoning District, and simply clarifies that multifamily uses are not permitted in R-18 unless it is part of a Planned Unit Development which requires additional approvals prior to construction.

The proposed change to the DD (Downtown District) is to remove Automobile Service Centers from the permitted use list and make them possible only after receiving a Special Use Permit, which must be approved by the Town Council in the future.

The Planning Board has reviewed both of these recommendations and voted unanimously to recommend that the Council approve the text amendment to the definition of R-18 and moving Automobile Service Centers to Special Uses within the DD District.

Attached for your review and consideration is an ordinance that would amend the Zoning Ordinance to reflect the proposed changes to the Zoning Ordinance as recommended.

RECOMMENDATION: Approval of attached Resolution to Rezone the aforementioned properties, known as Lenoir County Records 16194 and 16421 to R12.

STAFF REPORT
TEXT AMENDMENT CASE NO. 2010-09-02
AMENDMENT TO SECTION 10-2(D),
ZONING DISTRICTS ESTABLISHED,
OF THE LA GRANGE ZONING ORDINANCE
RE: R-18 - SINGLE FAMILY RESIDENTIAL

DATE PREPARED:

September 20, 2010

TOWN COUNCIL PUBLIC HEARING DATE:

October 11, 2010

AMENDMENTS PROPOSED BY:

Town Staff

SUBJECTS OF AMENDMENT:

Amend: Section 10-2(D); Zoning Districts Established –
R-18 Single Family Residential

PROPOSED TEXT AMENDMENTS:

(The proposed additions are underlined; deletions are ~~struck through~~. Staff Comments are *italicized*)

R-18: Single Family Residential states the following:

The purpose of this district shall be to maintain a minimum lot size of eighteen thousand square feet (18,000 sf) for single-family dwellings, and ensure that uses are limited to those which are compatible with residential use. ~~Two-family dwellings may be allowed when appropriate conditions are met.~~ *Staff recommends this amendment so the character of this zoning district is exclusively Single Family Residential.*

STAFF REPORT
TEXT AMENDMENT CASE NO. 2010-09-01
AMENDMENT TO SECTION 11-4,
TABLE OF USES BY DISTRICTS,
OF THE LA GRANGE ZONING ORDINANCE
RE: AUTO SERVICE STATIONS

DATE PREPARED:

September 20, 2010

TOWN COUNCIL PUBLIC HEARING DATE:

October 11, 2010

AMENDMENTS PROPOSED BY:

Town Staff

SUBJECTS OF AMENDMENT:

Amend: Section 11-4; Table of Uses by Districts – Auto Service Stations

CONCLUSION/STAFF RECOMMENDATION:

Currently a person is allowed to operate Auto Service Stations in the Downtown District. Staff is recommending amending this to require a Special Use Permit in the Downtown District. This will require a person to fill out a Special Use Permit application and get approval on a case by case basis from the Town Council. This will enable the Council the option of requiring conditions with the permit.

ORDINANCE (2010) _____
ORDINANCE AMENDING CHAPTER 38, ZONING
OF THE TOWN OF LA GRANGE

BE IT ORDAINED by the Town Council of the Town of La Grange, North Carolina, that the Code of Ordinances of the Town of La Grange, Chapter 38, “Zoning” be amended as Follows:

Section 1. Replace the existing Chapter 38, Zoning Section 10-2 (D) with the following:

(D) **R-18: Single-Family Residential District**

The purpose of this district shall be to maintain a minimum lot size of eighteen thousand square feet (18,000 sf) for single-family dwellings, and ensure that uses are limited to those which are compatible with residential use.

Section 2. Amend the existing Chapter 38, Zoning Section 11-4 with the following:

Section 11-4 Table of Uses by Districts

Uses	A	R	R	R	R	H	D	L	H
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	R	-	-	-	-	C	D	I	I
		1	1	1	5				
		8	2	0					
Accessory Uses and Structures									
Accessory Uses and Buildings	P	P	P	P	P	P	P	P	P
Home Occupations	P	P	P	P	P				
Agriculture Uses									
Agriculture Production-Crops	P	P	P	P	P	P			
Agriculture Production-Livestock	S								
Game Farm (the raising of animals for the purpose of hunting)	S								
Horticulture (including limited nursery operations) and Forestry	P	P	P	P	P	P			
Educational/Institutional									
Cemeteries	C		C						C
Churches	P	P	P	P	P				
Clubs (non-profit organizations such as Moose lodges, VFW, or Ruritans)	C			C	C	C			
Day Care Homes, Adult	C	C	C	C	C				
Day Care Centers, Children	C	C	C	C	C				
Government Offices (Town Hall)	P	P	P	P	P	P	P		
Library	P	P	P	P	P	P	P		
Nursing Homes/Convalescent Centers/Retirement Facilities	C		C	C	C				
Post Office						P	P	P	

Uses P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	A R	R - 1 8	R - 1 2	R - 1 0	R - 5	H C	D D	L I	H I
Public safety facilities, including fire, police, EMS	C	C	C	C	C	P	P	P	C
School, Public or Private	P	P	P	P					
Manufacturing									
Apparel and other finished products from fabrics, leather, and similar materials								P	
Bakery products								P	
Beverages								P	
Bottling and canning soft drinks and carbonated water								P	
Chemicals and allied products (plastics, drugs, detergents, acids, paints and varnishes, wood chemicals, and agricultural chemicals)								C	C
Cotton Gins	S							P	
Electrical machinery, equipment and supplies								P	P
Fabricated metal products								P	P
Food and kindred products (meat products, dairy, seafood products, grain mill products)								P	
Furniture/Upholstering or refinishing					P	P	P		
Instruments (electrical and mechanical)								P	P
Lumber and wood products (sawmills, planing mills, millworks, veneer and plywood, wooden containers)								P	P
Oil and gas products and storage, provided such uses are located no closer than 300 feet from a residential district.								S	S
Paperboard containers and boxes and other converted paper and paperboard products								P	P
Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks					P	P	P		
Stone, clay, and glass products (flat glass, glass and glassware's, cement, structural clay products, concrete products, gypsum products, pottery, and cut stone products)								P	
Tobacco Manufacturing								P	P
Warehouse facilities								P	P
Recreation Uses									
Community centers	C	C	C	C	C				
Public Parks (town)	C	C	C	C	C		C		
Swimming Pools (Public or non-profits operations where they are the principal use of a lot, not accessory to a residential use)	C	C	C	C	C				

Uses	A	R	R	R	R	H	D	L	H
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	R	-	-	-	-	C	D	I	I
	1	1	1	5					
	8	2	0						
Residential									
Bed and breakfast dwellings	P	P	P	P	P				
Dwellings, Multi-family				S	S				
Dwellings, Single Family, Detached (site-built and modular unit only)	P	P	P	P	P				
Dwelling, Single-Family, Manufactured Home, Class A – with brick or mason underpinning.	P			P	P				
Dwelling, Single-Family, Manufactured Home, Class B – with brick or mason underpinning.					P				
Dwelling, Two-family	C	C	C	P	P				
Home Occupations	P	P	P	P	P				
Planned Unit Developments (PUD)				S	S				
Manufactured Home Parks (no sales)	S								
Mixed Uses							P		
Retail Sales/Services									
ABC Stores	C					P	P		
Accounting and Bookkeeping						P	P		
Adult and Sexually Oriented Business						C	C		
Agricultural machinery sales/service	C					P		P	
Agricultural sales	P					P			
Appliance Store, Sales and Services						P	P		
Apparel and Accessory Stores						P	P		
Art Galleries						P	P		
Antique Stores						P	P		
Auction Sales (excluding livestock)						P	C		
Auto parts, new only						P	P		
Auto Repair Shops						P		P	
Auto Sales						P	P		
Auto Service Stations						P	S		
Auto Towing Shops						C			
Bakeries						P	P		
Banks						P	P		
Bars/Night Clubs						C	C		
Beauty shops/Barber Shops/Stylists					C	P	P		
Boats and accessories, retail sales and service						P			
Body Art and Tattoo Parlors						C	C		
Bookstores						P	P		
Building Supply Store (no outside storage)						P	P		
Building Supply Store (outside storage)						P		P	
Cabinet, Woodworking, and Upholstery Shops								P	

Uses	A	R	R	R	R	H	D	L	H
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	R	-	-	-	-	C	D	I	I
	8	1	1	1	0	5			
Car Washes						P	C		
Craft /Curio Shops						P	P		
Convenience Stores with Gas Pumps						P	C	C	
Drug Stores						P	P		
Dry Cleaning and Laundry (commercial)						P	C		
Dry Cleaning and Laundry (self-service)						P	C		
Electronic gaming operations						C	C		
Equestrian Training (riding lessons, boarding)	P								
Exterminating Service						P			
Flea Markets	C								
Florist without greenhouses						P	P		
Florist with greenhouses, nursery operations	C					P		P	
Funeral homes						P	C		
Furniture stores						P	P		
Food stores	C					P	P		
General merchandise stores, including the sale of fishing equipment and supplies						P	P		
Gift shops						P	P		
Hotels/Motels	C					C	C		
Insurance agencies						P	P		
Jewelry stores including watch repair						P	P		
Kennel Operations/ Veterinary Services	C					C			
Medical/Dental offices and clinics						P	P		
Pawn Shops						C	C		
Planned business developments						C	C		
Printing and Reproduction						P	P	P	
Professional offices (including, but not limited to lawyers, surveyors, engineering, etc.)						P	P		
Real estate, sales and rental offices						P	P		
Restaurants, with alcohol sales						C	C		
Restaurants, with drive-thru						P	C		
Restaurants, without drive-thru						P	P		
Salon/Heath Spas						C	C		
Shopping Center/Commercial Group Development	S					S	S	S	
Temporary Uses/Events									
Assemblies (assembly halls, coliseum)	C					P	C		
Manufactured home, Class A or B	C								
Temporary Construction, Storage, or Office	P	C	C	C	C	C	C	P	P
Yard Sales	P	P	P	P	P	C	C		
Transportation and Utilities									

Uses	A	R	R	R	R	H	D	L	H
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	R	-	-	-	-	C	D	I	I
	1	1	1	5					
	8	2	0						
Communication (cellular) towers	C					C		C	C
Pump and lift stations	P	P	P	P	P	P	P	P	P
Utility lines and related structures	P	P	P	P	P	P	P	P	P
Utility substations, transformer stations, telephone exchanges	C			C	C	C	C	P	P
Waste water treatment plant	C					C	C	C	C

Section 3. All ordinances or parts of ordinances of the Town of La Grange which are in conflict herewith are hereby repealed to the extent of such ordinance.

Section 4. This ordinance shall be effective upon its adoption.

Duly adopted by the Town Council in regular session, upon the motion of Councilmember _____ and the second of Councilmember _____, this the _____ 11th day of _____ October _____, 2010.

ATTEST:

Woodard H. Gurley, Mayor

Kyle J. DeHaven, Town Clerk



BOARD OF ADJUSTMENTS

AGENDA ITEM # 5

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

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
 - i. Regular Session Minutes; September 13, 2010
 - ii. Closed Session Minutes; September 13, 2010
- b. Approval of Resolution Declaring Surplus Property.

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; September 13, 2010
 - ii. Closed Session Minutes; September 13, 2010

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 January 4, 2010, at 6 p.m. with the following present:

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

Absent: 0

Guest: 15

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

ITEM 4: PUBLIC HEARINGS

A.) Lake Pines Drive Rezoning

Manager Craft explained the need to rezone 4 properties. Parcel number 16542 - R10, 16543 - AR, 37298 - R10, 37299 - R18 all needed to be zoned R-18. Manager Craft further explained that the rezoning issue was advertised in the Weekly Gazette, Notices were mailed to the adjoining property owners, the Planning Board received public comment with no opposition, and that owners of the affected property support the rezoning.

Manager Craft then stated he and the staff recommend rezoning the aforementioned parcel R - 18 residential.

Mayor Gurley Proceeded to open the Public Hearing

No comments from the Public or the Council were received.

Motion to Rezone parcel number 16542, 16543, and 37298 to R - 18 residential made by Council Member Wooten, second by Council Member Lee. Motion carried unanimously.

B.) 108 & 110 W. Washington St. Rezoning

Manager Craft explained the Planning Board had unanimously recommended rezoning both of these properties to R - 10. They had voted this way because of the harm they were causing surrounding properties, and the environmental damage they were causing.

Manager Craft further explained that the owners of 110 W. Washington St. supported the rezoning of their property to R- 10 or R - 12, while the owners of W. Washington St. wished their property remain DD (Downtown District). In an effort to remain DD,

The owner of 108 W. Washington St. agreed to install screening adjacent to 110 W. Washington St. to lessen negative impact if 110 W. Washington St. is rezoned residential.

Manager Craft then explained that if 108 W. Washington St. were residentially zoned, the property owner could continue using the property as a vehicle repair shop until such time that the cost to repair the structure exceeded 50% of the value of the structure. He then explained that if it continued to be DD, the property could continue to be used as it had been, and that Mr. Lang, had proposed operating the parcel as a farmers market in the near future, not a vehicle repair shop.

Manager Craft then explained the alternative for 110 W. Washington St. that if it were rezoned, residential, the property would have to be rebuilt for residential use. If the property is not rezoned, the property would continue as a non-conforming use and could be rebuilt unless the cost to repair the property exceeded 50% of its value or the nonconforming use ceased for more than 6 months.

Manager Craft then recommended the rezoning of 110 W. Washington St. to R – 12, to prevent manufactured homes from being installed, and tabling action on 108 W. Washington St. until the November 1, 2010 Council meeting to determine the best course of action for that property. If it is determined that 108 W. Washington St. be residentially zoned, it be zoned R – 12.

Mayor Gurley proceeded to open the Public Hearing

Laura Lang-Tribula of 4720 Shelley Dr., La Grange, spoke against the idea of changing the zoning of the property and spoke well of recent improvements to the property. The current tenants last day is 9-15-2010 and will be the last tenant to operate as a garage. She and her father have been brainstorming for what to do with the property to benefit both the town and themselves. They are looking into the property becoming a farmers market. They are looking for a stable, functional business that can operate year round.

Sid Myers of 110 W. Washington St. spoke well of the recent improvements to 108 W. Washington, but did mention a better good neighbor policy needed to be upheld. He spoke of the downward spiral the property had taken over the years and was disappointed it took this long for a change to occur. He again applauded the recent improvements and hoped for the positive continued change.

Motion to close the public hearing made by Council Member Clifton Harrison, seconded by Council Member David Holmes

Motion to rezone 110 W. Washington St. to R-12 as recommended by town staff was made by Council Member Bobby Wooten, seconded by Council Member Larry Gladney. Motion carried unanimously.

Motion to table action on 108 W. Washington St. until the November meeting was made by Council Member Wooten, seconded by Council Member Gladney. Motion carried unanimously.

ITEM 5: BOARD OF ADJUSTMENTS

Variance recommended by Town staff for Rightsell Property, Lake Pines Farm Subdivision

Manager Craft explained that when the original Lake Pines Subdivision was created, they planned for its expansion by leaving 60' accesses which at the time was ample for the town. At the time, there was no subdivision ordinance requiring a 66' access, which is the DOT standard. Since going from a 66' access to a 60' access will cause a bottleneck, we recommend allowing the variance of 6' in this circumstance.

Motion to grant variance from 66' to 60' in Rightsell Property, Lake Pines Farms subdivision was made by Council Member Larry Gladney, seconded by Council Member Lee. Motion Carried Unanimously.

ITEM 6: PUBLIC COMMENT PERIOD

None

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

Manger Craft recommended the approval of the Agenda with the deletion of agenda item 9C

Motion was made by Council Member Gladney, seconded by Council Member Lee to approve the printed agenda with the deletion of item 9C. Motion carried 6-0 in favor of motion.

ITEM 8: CONSENT AGENDA

Manager Craft recommended the approval of August 2nd, 2010 Regular Session Minutes, Rescheduling of the October Council meeting from the 4th to the 11th, and amendment of the Water Shortage Response Plan.

Motion was made by Council Member Gladney, seconded by Council Member Rouse to approve the consent agendas. Motion carried unanimously in favor of motion.

ITEM 9A: APPROVAL OF SUBDIVISION PLAT: RIGHTSSELL PROPERTY

Manager Craft explained that the Planning board had recently recommended the approval of the final plat of the Rightsell subdivisions plat. With the plats being larger than 10 acres, they are exempt from paving requirements stated in the General Statutes.

Motion made to approve the subdivision plat as recommended by town staff made by Council Member Gladney, seconded by Council Member Harrison. Motion carried in favor unanimously.

ITEM 9B: APPROVAL OF PLANS, SCHEDULE, AND BUDGET FOR WELL CONSTRUCTION PROJECT

Manager Craft explained the town is in the process of building two new wells drawing from the Black Creek aquifer. They are between 100' -110'. These wells are necessary for compliance with the Central Coastal Plain Capacity Use Regulation. One well is located off North Caswell St. on property we recently acquired from Bob Mooring, and the other is off Ed Herring Road which we are exercising an option to purchase from Peter Taylor Heirs.

Manager Craft further explained that we need approval of the specifications which we have provided for your review and is recommended by town staff, the approval of a tentative schedule for timeline of construction, and the budget, which is \$700,000 which half is funded by NC Rural Center Economic Development Grant, and the other half is a USDA Loan. Manager Craft then introduced Jeff Thompspon, an engineer with Hobbs Upchruch & Associates, who is present to further explain the study and answer any questions.

Jeff Thompson further reiterated what Manager Craft had explained, then explained that these wells are more productive than originally anticipated. These wells' water quality is not as good as we anticipated, but we have found an economic process to purify this water through our test wells. Mr. Thompson then explained that USDA funding requires the town to formally adopt the plans prior to accepting bids for work.

Motion to approve plans as recommended by Manager Craft was made by Council Member Wooten, seconded by Council Member Harrison. Motion carried unanimously.

ITEM 9D: EXTENSION OF EXTRATERRITORIAL JURSDICTION; ACCELERATION OF CONSTRUCTION OF PHASE 2 OF GOLDSBORO BYPASS

Manager Craft explained that at a recent meeting he and the Mayor attended with DOT, they were considering the possible acceleration of the construction of the second phase of the Goldsboro Bypass. The construction could potentially begin in 2011 and be completed in 2015 if the proper steps are taken. Acceleration of this project will positively affect the town by bringing development around the interchange, which will spill into surrounding areas with feeder businesses.

Manager Craft further explained the need to extend the ETJ is due to NCDOT requiring environmental protection through developmental impact minimization.

Manager Craft then explained how to extend the ETJ, and recommended that the Council must direct the Mayor and Manager begin the process to extend the ETJ and present this to the Lenoir County Board of Commissioners. The Lenoir County Manger is in support of this extension and the acceleration of the Goldsboro Bypass. The date which it would be heard by the Lenoir County Board of Commissioners is September 20, 2010.

Manager Craft went on to explain that the Town of La Grange wants to comply with the regulations set before them, although we are not intending to go beyond minimums requirements for impervious surface limits and stream buffers. The town would be required to provide building inspections and planning services to the added areas as well as enforce subdivision regulations.

Manager Craft recommends taking the necessary steps to extend the ETJ to accelerate construction of Phase 2 of the Goldsboro bypass to improve economic development opportunities, improve the mobility of citizens, and to receive an interstate designation for Highway 70 if at all possible.

Motion to take recommended steps to extend ETJ to accelerate Phase 2 of the Goldsboro Bypass was made by Council Member Wooten, seconded by Council Member Gladney. Motion carried unanimously.

ITEM 10A: UPDATE ON SPRAYGROUND & PARTF

Manager Craft updated the Council about the spray ground and its constant use and positive feedback from the community. He then spoke of future upkeep needed to keep the park operational and finishing touches for the area.

Manager Craft spoke of the PARTF grant that was not funded for either cycle of this current year. He then spoke of the need to discuss future opportunities to pursue this grant at a later date.

ITEM 10B: UPDATE ON WWTP IMPROVEMENTS

Manager Craft told the Council of the installation of the pump station, and that the force main is 95% complete, as well as clarifier number 4 being formed with backfilling beginning next week.

Manager Craft then recommended the close of the regular meeting to be followed by a Closed Session meeting authorized by General State 143-318.11 (a) (6) (7) (8) to approve previous closed session minutes.

Motion to adjourn regular session was made by Council Member Wooten, seconded by Council Member Holmes. Motion carried unanimously.

ITEM 11A: CLOSED SESSION

Motion to approve closed session minutes from August 2, 2010 was made by Council Member Gladney, seconded by Council Member Lee. Motion carried unanimously.

Motion to close closed session was made by Council Member Wooten, seconded by Council Member Gladney. Motion carried unanimously.

ITEM 12: ADJOURNMENT

Motion to adjourn September 13, 2010 meeting was made by Council Member Holmes, seconded by Council Member Lee. Motion carried unanimously.



APPROVAL OF RESOLUTION DECLARING SURPLUS PROPERTY

CONSENT AGENDA ITEM # 8B

I have attached a listing of vehicles and equipment that the Town is no longer in service, and is no longer needed by the Town. I have attached a listing of equipment that the Town staff is recommending that the Council declare as surplus property. Once you declare as surplus, we will dispose of the property online, through Gov Deals online auction.

RECOMMENDATION: Approval of Resolution Declaring Surplus Municipal Property as part of the Consent Agenda, direct Town Manager to dispose of surplus property by online auction through Gov Deals.



TOWN OF LA GRANGE

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

RESOLUTION 2010-_____

RESOLUTION TO DECLARE SURPLUS PROPERTY OF THE TOWN OF LA GRANGE

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

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

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

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

<u>Item #</u>	<u>Description</u>	<u>VIN or Serial Number</u>
1.	1998 Ford Crown Victoria	2FAFP71W4W103486
2.	2001 Ford Crown Victoria	2FAFP71W31X109613
3.	1993 Ford Crown Victoria	2FACP71W2PX123868
4.	1985 Ford Econoline Type II Ambulance	1FDJS34L9EHB522822
5.	1989 Ford Type III Ambulance	1FDKE30M3KHA92428
6.	2002 Ford F150 Pick up	1FTRF172X2NA38330
7.	1994 Ford F250 Service Truck	1FTHF25HXRNB34395
8.	Above Ground Tank (Used Motor Oil)	
9.	1979 Ingersol Air Compressor & Trailer	
10.	DVR, Suveillance recorder	
11.	McLane Edger	

Adopted this 11th day of October, 2010.

Woodard H. Gurley
Mayor

ATTEST:

Kyle J. DeHaven, Town Clerk
Town Clerk



DESIGNATION OF VOTING DELEGATE FOR 2010 NCLM ANNUAL CONFERENCE

AGENDA ITEM # 9A

Each year, the Town designates a voting delegate to vote on business matters on behalf of the Town at the NC League of Municipalities Annual Conference. You will need to determine who you wish to designate, so that we can provide the League that information in advance of the conference. Mayor Gurley, Council Members Gladney, Lee, Rouse, and Wooten will be attending the conference this year.

RECOMMENDATION: Designate a Voting Delegate for the NCLM Annual Conference.



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.



CONSIDER ADOPTION OF ORDINANCE TO ALLOW OPERATION OF GOLF CARTS ON STREETS WITHIN CORPORATE LIMITS

AGENDA ITEM # 10C

I have prepared a draft Ordinance for consideration that would allow the operation of Golf Carts on streets within the corporate limits. I would like the Council's input on the proposed ordinance, which is based on the one that is utilized successfully by the Town of Winterville.

I would recommend that the proposed ordinance be considered by the Town Council, and amended as desired by the Council. Once the proposed Ordinance is approved by the Town Council, I would recommend holding a Public Hearing at the November 1, 2010 Regular meeting to obtain Public Comment on the proposed Ordinance. I have received several comments on the possibility of operating golf carts on the streets, and would estimate that approximately half are supportive, and half are not.

The proposed ordinance meets the requirements of the enabling NC General Statute, but does not require any specific additional requirements over and above the minimum requirements other than to require that drivers possess a valid North Carolina Drivers License. I have provided a copy of the proposed Ordinance to Lieutenant Davis for his review.

The draft ordinance is attached for your review and consideration.

RECOMMENDATION: Review and Discuss Proposed Ordinance to allow the operation of Golf Carts on streets within the Corporate Limits.

Town of La Grange Golf Cart Ordinance

Whereas, the Town Council of the Town of La Grange, do hereby find and determine that the establishment of a golf cart ordinance is necessary to address the interest of public safety. Golf carts, herein “cart(s),” are not designed or manufactured to be used on public streets and roads, hereinafter “road(s),” and the Town of La Grange in no way advocates or endorses their operation on roads. The Town, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorist, bicyclists, and pedestrians. The Town of La Grange has no liability under any theory of liability, for permitting carts to be operated on roads under special legislation granted by the State Legislature.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of La Grange, North Carolina that the following Golf Cart Ordinance be approved and reads as follows:

- (A) PURPOSE: The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of La Grange to promote the health, safety and welfare of persons operating cart(s) within the Town.
- (B) DEFINITIONS: For the purpose of this section, the following words and phrases shall have the following meanings.
 - 1. Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 25 MPH.
 - 2. Operator: Only persons who are licensed drivers by the State of North Carolina that are over 16 years of age may operate a golf cart.

Section 1. Rules and Regulations:

- 1. Carts may be driven on roads only from official sunrise to official sunset unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.
- 2. Carts must be equipped with a rear vision mirror and rear triangle reflector of the same type required by North Carolina Law.

3. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 25 miles per hour.
4. No golf cart shall be operated on any Town of La Grange street with a posted speed limit of greater than 35 mph. However, carts may cross over roads that have a posted speed limit of greater than 35 mph.
5. The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion. No passengers shall be carried on the part of a golf cart designed by carry golf bags.
6. Children must be properly seated while golf cart is in motion and may not be transported in a negligent manner.
7. All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages and all other illegal drugs.
8. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of La Grange which governs the operation of motor vehicles.
9. Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker or placard.
10. Carts will adhere to all traffic flow patterns, and will operate on the far right side of the roadway and must yield to all vehicular and pedestrian traffic.
11. Carts shall not be operated on sidewalks.
12. Carts shall not be operated on private property without the permission and consent of the property owner.

Section 2: Inspection and Fees:

The inspection by the Lieutenant in responsible charge of the La Grange Division of the Lenoir County Sheriff's Office, or his designee, will cover the following safety requirements and every cart operating on the Town of La Grange streets must have the following safety equipment.

1. Permits/Stickers issued to operators/owners of golf carts by the Lenoir County Sheriff's Office in La Grange.
2. In order to obtain a permit/sticker, each owner must present proof of ownership and sign a Disclaimer of Liability, releasing the Town of La Grange, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the Town of La Grange. A current Disclaimer of Liability must be on file with the Town of La Grange, and must be renewed annually.
3. All carts must meet the requirements or minimum standards of safety equipment as set forth in section one.

4. Permits/Stickers will be issued annually, and are valid from January 1st to December 31st of each year. Permits/Stickers must be attached to driver's side of golf cart. The following fees shall apply:
 - a. Inspection by Sheriff's Office \$10.00 Annually
(Includes Permit/Sticker)
 - b. Re-inspection by Sheriff's Office \$5.00
(If a cart fails the initial inspection)
5. Lost or stolen Permit/Stickers are the responsibility of the owner. A police report must be filed in the event of a Lost or Stolen Permit/Sticker. The Lieutenant in responsible charge of the La Grange Division of the Lenoir County Sheriff's Office will have the discretion in determining whether a Permit/Sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Lieutenant may direct the applicant to re-apply, and also re-submit any and all fees necessary, before a replacement Permit/Sticker is issued.
6. Any person who operates a cart in the Town of La Grange and fails to receive and properly display a Town of La Grange Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this ordinance.
7. Cart owners must complete the attached registration form. This form will be maintained by the Town of La Grange.
8. The Town of La Grange retains the right to refuse to issue and/or revoke any permit/sticker from any cart at any time for any reason that he feels in appropriate to ensure the safety and well-being of the citizens of the Town of La Grange.

Section 3: Penalty:

Any act constituting a violation of this ordinance or a failure to comply with any of its requirements shall subject the offender, upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50.00. Each day that any of the provisions of this ordinance is violated shall constitute a separate offense.

Section 4: Severability:

If any section, sub-section, sentence or term of this Ordinance or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of the Ordinance or its application to any other person or circumstance. The Town Council does not intend a result through the enforcement of this Ordinance that is absurd, impossible for execution, or unreasonable. The Town Council intends that the Ordinance be held inapplicable in such case, if any, where its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.

Section 5: Enforcement:

It shall be the policy of the Town of La Grange to issue a written warning or a state citation against any person the officer has probable cause to believe has violated this Ordinance, whether the offending person is a juvenile or any other person.

This Ordinance shall be effective on _____.

Adopted this _____ day of _____.

Woodard H. Gurley, Mayor

Attested to:

Kyle J. DeHaven, Town Clerk



UPDATE ON THE RAILROAD CROSSING SIGNALIZATION AND CLOSING PROJECT

AGENDA ITEM # 10D

I will update the Council on the status of the Railroad Crossing Signalization and Closing Project.

RECOMMENDATION: No Action is Required – Informational Item Only.



ROXBORO POWER PLANT TOUR

AGENDA ITEM # 10E

I have made arrangements to tour the Roxboro Power Plant. The plant tour is scheduled for November 10, 2010. I need to know which Council Members plan to attend.

RECOMMENDATION: Notify the Manager if you plan to attend the Roxboro Power Plant tour.



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: