

**Approved**

**CITY OF LAURINBURG  
CITY COUNCIL MEETING  
APRIL 16, 2019  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
7:00 p.m.**

**Minutes**

The City Council of the City of Laurinburg held its regular meeting on Tuesday, April 16, 2019 in the Council Chambers of the Municipal Building at 7:00 p.m. with the Honorable Matthew Block, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Mary Evans, James J. Garby, Jr., Curtis B. Leak (arrived at 7:00 p.m.) and Andrew G. Williamson, Jr.

Also present were Charles D. Nichols III, City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney.

Mayor Block called the meeting to order at 6:58 p.m.

Councilmember Adams gave the Invocation and then led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The City Manager recommended that a closed session for economic development needed to be added to the agenda.

Motion was made by Councilmember Garby, seconded by Councilmember Williamson, and unanimously carried to approve the agenda as amended.

**PUBLIC COMMENT PERIOD**

Mayor Block briefly reviewed public comment procedures.

Ms. Sallie McKoy, 922 McGirts Bridge Road, explained that she purchased her home in 1994 and at that time was told and she had paperwork stating that the house was hooked up to City sewer; however, she discovered last week that her house was still on septic tank. She added that she had paid the City sewer fees for almost 25 years. She further added that she was told that the City would reimburse for only three (3) years, and that she was requesting to be reimbursed for the 25 years of overpayment.

Upon question by Mayor Block, Ms. McKoy explained that she was requesting \$5,180.00.

Upon question by Mayor Block, the City Manager explained that in the annexed areas of the City, it happens occasionally that a purchaser of a house is informed incorrectly that the house is on City sewer. He added that it happened when he purchased his house, and the realtor had to pay all costs for connection to City sewer.

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Following a brief discussion, it was consensus of Council for staff to review this matter, provide additional information so that Council could consider this matter at the May 21, 2019 Council meeting.

Mr. James Dibble, 12741 Birchwood Circle, reported a sinkhole on Birchwood Circle and requested that it be repaired correctly since this was the second time he had reported it.

## **CONSENT AGENDA**

Mayor Block reviewed the Consent Agenda:

- a) Consider minutes of February 19, 2019 regular meeting
- b) Adopt 2019 Local Government Agencies General Records Retention and Disposition Schedule and Authorize the Mayor and City Clerk to Execute Approval Form
- c) Consider Resolution No. R-2019-02 Adopting Water Plan
- d) Consider authorizing the City Manager to execute Maintenance Reimbursement Agreement with North Carolina Department of Transportation

Councilmember Evans moved to approve the Consent Agenda. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Evans, Garby, Adams, Leak, Williamson

Nays: None

(Copy of Resolution No. R-2019-02 on file in city clerk's office)

## **PUBLIC HEARING**

### **CONSIDER REQUESTS TO REZONE TWO (2) PROPERTIES ON GULF STREET**

Mayor Block explained that the public hearing was to consider a request to rezone two (2) parcels of land on Gulf Street to General Business.

Mayor Block opened the public hearing.

Mr. Mac McInnis, Planner and Code Enforcement Officer explained that the subject property is located at 322 Gulf Street and comprised of two (2) parcels of land. The first parcel is currently zoned Residential-6, and it is assumed that the parcel has been zoned that way since the original zoning ordinance. The second parcel is zoned Industrial, and both properties have been used for commercial business for decades. Ms. Susan Covington, on behalf of the owner, Mr. Bobby Cooper has requested the rezoning in order to make the properties more attractive to sell because the property immediately to the west is zoned General Business, and it is not really conducive to residential use. The Planning Board considered the request at its March 12, 2019 meeting and unanimously recommended approval of the request.

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Ms. Susan Covington that she represented Mr. Bobby Cooper who wanted to sell the two (2) parcels of land. She added that the property zoned Residential-6 had been improperly zoned as a business had been operating on it for over 80 years. She further added that Planning Board had requested that the tanks be removed from the property, and that the smaller tanks had been removed and a company would be removing the larger tanks. She further explained that rezoning the properties to General Business would make the properties more attractive to sell since there had been interest shown by people who might operate an appliance shop, a car repair business or a bicycle repair shop. She added that there are few houses in the vicinity.

Upon question by Councilmember Leak, Ms. Covington explained that since the tanks were all above-ground, the State did not require soil testing.

Mayor Block stated that two (2) members of the community had voiced objection at the Planning Board to the rezoning as they believed the properties were located in the a residential neighborhood and the lack of control over the type of business that could be located on the properties if they were rezoned to General Business. He added that Council's concern was more with the neighbors than with the seller.

Ms. Covington explained that she had lived in a neighborhood with businesses in close proximity and she was not bothered by the businesses.

Councilmember Leak explained that across the street on the end of Gulf Street is a warehouse.

Upon questions by Councilmember Leak, Mr. McInnis explained that three (3) houses directly across the street from the subject properties had been torn down by the property owners, and that two (2) more would probably have to be demolished. He added that when a property is condemned, the property owner is sent a bill for the demolition; however, many times the demolition bill is not paid, the City pays the tipping fee, and all of the demolition costs become a lien against the property.

Upon question by Councilmember Evans, Mr. McInnis explained that if the property owner wanted to rebuild on the residential properties, it could be possible. He added that the presence of the railroad track made the subject properties ideal for small commercial business.

There was no one else to speak in favor of the request.

Ms. Jo Ann Johnson, 249 Gulf Street, inquired as to what type of business could be located on the properties.

Upon questions by Mayor Block, Ms. Johnson explained that she was in opposition to the rezoning because a business would attract more traffic. She added that the street is narrow and there is hardly enough room for two (2) vehicles to travel the road at one time. She added that she had lived in her house for over 20 years.

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Ms. Elisha Johnson, 723 Raleigh Street, explained that she and her sister were born and raised in the neighborhood of the subject property, and she would not like for the property to be rezoned because the family house had been there so long.

Ms. Lucille McLaughlin, 236 Gulf Street, explained that she lived diagonally across from the subject property. She expressed concern about the narrowness of the road and the lack of parking for a business.

Upon question by Mayor Block, Ms. McLaughlin explained that she had lived in her house since August, 1978.

Upon question by Councilmember Evans, Ms. McLaughlin explained that she received a letter notifying her of the public hearing on the rezoning.

There being no one else to speak, Mayor Block closed the public hearing.

Councilmember Leak explained that he could not vote on the rezoning requests because he had family in the neighborhood. He asked to be excused from voting.

The City Clerk explained that because Councilmember Leak had no personal financial interest in the matter, he was required by General Statute to vote this zoning matter.

Mayor Block explained that another option would be to leave the property zoned residential so that if it was sold, the new owner could request a conditional use permit in the future which would require Council approval. He added that the expressed concerns regarding traffic were legitimate.

Councilmember Evans stated that a conditional use permit would be good because there would be no control by the City once the property was zoned General Business.

Mayor Block stated that the entire Newtown neighborhood needed to be revitalized; however, control over what is located in adjacent properties needed to be maintained.

Councilmember Adams explained that the street is very narrow and would be difficult for any business to be located on Gulf Street.

Ms. Covington expressed concern that if Council denied the rezoning, one tract would remain zoned Residential-6 which did not match the use of the property as a business for over 80 years. She added that one of the tracts was zoned Industrial and she believed that people would rather have it zoned General Business instead of Industrial.

Mr. McInnis explained that the Industrial tract is very small, two-tenths (.2) of an acre. He added that the Residential-6 property does not have rail access. He further added that he the type of business that would be located on the property would determine whether a conditional use permit could be granted. He explained that without the Permitted Use Chart of the Unified Development Ordinance, he could not say what conditional use permit could be allowed.

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Upon question by Mayor Block, Mr. McInnis explained that the two (2) tracts of land are large enough to provide adequate parking. He added that Council would need to decide if the street was wide enough.

Upon question by Councilmember Williamson, Mr. McInnis explained that if the rezoning requests are denied, the requests could not be resubmitted for 12 months.

Following discussion, Councilmember Williamson moved to continue the public hearing to May 21, 2019. The motion was seconded by Councilmember Adams, and the vote was 4-1 with Councilmember Evans casting the dissenting vote.

## **DELEGATIONS**

### **PASTOR MICHAEL EDDS – CODE ENFORCEMENT**

Pastor Michael Edds, 1207 Blue Drive, expressed concern about code enforcement particularly with regard to junk or nuisance vehicles and the impact on property values. He discussed that other municipalities limit the number of vehicles that can be located on a property as well as requiring vehicles to be parked on improved surfaces. He requested that Council consider regulations that are stricter regarding vehicles on property and to educate citizens on regulations. He also suggested that citizens should be able to anonymously report code violations.

Councilmember Williamson suggested that Council needed to be updated on the current ordinances concerning vehicles and yard maintenance.

Following discussion, it was consensus of Council for the City Manager to provide an update on code enforcement and current regulations at the May 21, 2019 council meeting.

Mayor Block explained that the City Attorney had reported to Council that anonymity could not be maintained of a complainant because the accused has a right to know his accuser. He added that he did not feel this was the correct interpretation of the law because this applied when a complaint is made to a law enforcement agency, and that the complaint to a code enforcement officer is not a part of a law enforcement agency. He further added that cities can choose to make code violations a misdemeanor or not. He then read a portion of an email he received from an attorney at the UNC School of Government, Trey Allen, concerning whether a citizen can make an anonymous complaint:

“Mayor Block,

The presumption under the public records law is that local governments must permit the inspection or provide copies of records made or received in the conduct of business. If the city has a record, i.e., an email, letter, etc. showing the identity of a person who made a complaint to a code enforcement officer, I think that ordinarily the law would compel the City to make the record available in response to a public records request. Please note though that the public records law

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concerns access to records, not to information. If the city hasn't made or received a record showing the complainant's identity, the law doesn't oblige the code enforcement officer or any other city official or employee to create one. He goes on to say, suppose for example, that the complaint was made orally and that the city hasn't created a complaint related record that includes the complainant's name, in that situation, the city could say in response to a request for complainant's name that it has not responsive documents."

Mayor Block explained that because of the items he had previously cited including the email from the attorney at the UNC School of Government, he believed that there was justification for keeping the anonymity of the complainant. He added that he believed that keeping the anonymity of the complainant was very important. He further added that the attorney from the UNC School of Government recommended was that the city officials, the mayor and city council members, remove themselves from the complaint process, and that if a citizen contacted the mayor or city council, they would be directed to the code enforcement officer. He explained that he would not go along with recommendation because he believed that elected officials should be responsive to the citizens. He added that he did not believe that there was an obligation to create a record of the complainant's name; therefore the city was under no obligation to unveil the complainant.

Pastor Edds suggested that there be an anonymous tip line for code enforcement similar to the police department.

The City Attorney explained that the violation of a local ordinance is a misdemeanor under the statute unless the ordinance says otherwise. He added that under the City's nuisance provisions, the violation of that ordinance is a misdemeanor under the law. It's very clear under the Public Records law that the disclosure of the name of a complaining witness is a public record if there is a record of the name. He further explained that if there is a voice mail or some type of recording of the complaint, then there could be a public record, and therefore subject to release. He added that a code enforcement officer is deemed to be part of the police force for purposes of that statute under the public records laws, and in fact, there is a case that says that the city attorney could be considered an enforcement officer. He further added that as part of the City's code enforcement officer's procedures, when someone calls or visits him with a complaint, the code enforcement officer will write down the name and address of the person that made the complaint; therefore, creating a public record.

Further discussion ensued concerning the anonymity of a complainant.

## **MS. PATTY KING AND OTHERS– FLOODING ON DEBRA DRIVE**

Sheriff Ralph Kersey explained that he was speaking on behalf of some of the residents on Debra Drive. He added that he lived at 12961 Debra Drive, and that his property was okay. He discussed the standing water issues for some of his neighbors on Debra Drive. He further added that he had been told that there was a canal behind some of the properties and that prior to Hurricane Florence, someone did some work on the property which must have blocked the canal back to the Carolina Bay that separates homes on Debra Drive from the John Blue

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property. He further explained that eight (8) months after Hurricane Florence, some of the houses have water up to the foundations, and residents must stack pallets to get to their front porches, and take a boat to get to buildings in their backyards. He added that even if the water is routed away, the houses would probably be ruined because of how long the water has stood. He discussed the possibility that something in the Carolina Bay was blocking the water from draining off Debra Drive. He suggested that something more could be done to assist the homeowners. He offered to get a contractor to go back on the Carolina Bay property to determine what could be done to alleviate the problem, and the City take care of the solution.

Mayor Block explained that this issue had been discussed by Council, and that he thought that clearing out the ditch that runs along Turnpike Road would help in the matter. He added that the ditch had been cleaned. He further added that Mr. Stacey McQuage, Public Utilities Director, had mentioned some type of ditch running behind the properties on Debra Drive at the March Council meeting, and that he did not know if any work had been done on that ditch.

Ms. Patty King explained that the City had cleared out the ditch at the other end of Debra Drive which is located on the opposite side of the street from the flooded properties.

Sheriff Kersey explained that he believed that the problem was that the property owner had some timber cut and must have done something in the Carolina Bay to stop the water from flowing.

Upon question by the City Attorney, Sheriff Kersey explained that the property behind the flooded properties was owned by a Pate family from Rowland, North Carolina. He discussed the easement beside his residence on Debra Drive, and that the Pate family recently contacted him because they were going to be cutting timber. He added that he would have had to move a building off the easement; therefore the Pates were going to access their property from Turnpike Road between St. Luke Methodist Church and the first house to the south of the church via an old logging road. He further added that Mr. Bernie King, a resident of Debra Drive, had flown over the property and said that there was a ditch on the Pate tract, and that if the ditch was cleaned out, it would probably help the water to flow.

Mrs. Angie Kersey explained that even though residents had obtained the mosquito pods, there was going to be a huge mosquito problem due to the abundance of standing water.

Upon question by Councilmember Williamson, the City Manager explained that Willis Engineering had looked at the Debra Drive issue. He added that the City can work on ditches that are located in the city and Department of Transportation (DOT) rights-of-way and where the City has easements. He further explained that the City cannot work on ditches located on private property. He added that a similar situation existed with flooding in the Camelia Acres Subdivision whereby a property owner outside the City limits had timber cut and debris was placed in the ditch, which in turn affected water flowing out of the Camelia Acres Subdivision. He further added that the City Attorney could address that there could be possible civil issues if property is damaged because of something another property owner had

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done.

The City Attorney explained that if someone's property would not drain because of a blockage downstream or down flow, then that could be a cause of action in North Carolina. He added that if a landowner could show that there was a canal on the Pate tract and something had blocked or interfered with the way water naturally flowed, then a private cause of action could be created.

Mayor Block requested that the City Manager have Mr. McQuage update via email the status of this situation.

Councilmember Leak explained that the City could not spray for mosquitoes.

Upon question by Sheriff Kersey, the City Manager explained that state and federal regulations had changed such that in order to spray, testing for the types of mosquitoes had to be conducted and that the permitting process was very expensive. He added that the spray was also very harmful to honey bees which are such an important part of the environment, particularly to farming. He further explained that right after Hurricane Florence, the state was lenient and allowed the City to spray, and that the County had contracted out spraying. He discussed that the mosquito issue was not limited to Scotland County, but to southeast North Carolina due to Hurricane Florence flooding. He added that when state officials were in Laurinburg several weeks prior, it was discussed about the possibility of leniency for spraying, and if the state and federal agencies are lenient, the City could spray.

Ms. Patty King suggested that a more effective way would be aerial spraying so that the chemical gets into the woods where the mosquitoes are so bad.

Upon question by Sheriff Kersey, the City Manager explained that the street right-of-way is different for different streets, although the most common is 30 feet from the street centerline. He added that some DOT and city streets have larger rights-of-way.

Councilmember Adams explained that several weeks ago Senator Tom McInnis had held a bus tour of the areas with standing water in Scotland County and brought with him representatives from the Army Corps of Engineers and the Federal Emergency Management Agency (FEMA). She added that the Debra Drive area was on the tour, and that the engineers discussed the issue of the Carolina Bay. She further added that Senator McInnis had discussed that there would be millions of state money available for buy-out of homes that were damaged because of flooding. She suggested that someone should contact Senator McInnis.

Upon question by Councilmember Garby, Sheriff Kersey stated that he would contact the Pate family to discuss the problem.

Ms. Patty King asked if the Pate family gave the tract of land to the City, would the City be willing to take responsibility.

## **Approved**

Mayor Block stated that the City would give consideration if that offer was made.

The City Manager reiterated that the City cleans ditches that are owned by the City, that are within the City's and DOT rights-of-ways, and for which the City has an easement. He added that if a ditch is located on private property and the City does not have an easement, then the City cannot clean the ditch.

Councilmember Garby explained that the City would be interviewing storm water engineers in May, and that once a storm water engineer was selected, the problem areas would be investigated with solutions suggested by the engineer.

## **CITY MANAGER REPORTS**

### **CREECH & ASSOCIATES AND EDIFICE – NEW CITY HALL AND POLICE DEPARTMENT**

The City Manager explained that Mr. John Crawford of Creech & Associates, architect of the City Hall and Police Station, was present to address Council's concerns about the changes to the panels under the windows.

Mr. Crawford explained that he had been involved with the City Hall and Police Department project since its beginning. He added that he felt it was a great project resulting in a great building that will last a long time. He further added that the City Manager mentioned that Council had concerns or issues with some areas on the building, and that he was here to discuss and hopefully resolve the issues.

Councilmember Garby explained that his concern involved the 19 windows with 54 bricks under each of those windows, and that the way the panels underneath those windows looked, it was an eyesore.

Mr. Crawford explained that throughout the process of the schematic design phase of the building, Council was shown different renderings for approval as well as four (4) mock-ups with brick panels, from which Council chose the brick color. He added that he believed that part of the problem with the panels under the windows was the fact that there was mortar overlapping some of the brick and needed to be cleaned. He further added that the contractor and the architect had not developed a punch list of the exterior of the building as it had done with the interior, and that the exterior punch list would be developed in a couple of weeks. He recommended that nothing be changed with the panels under the windows until the exterior of the building had been cleaned. He further explained that the intent for the panels under the windows was to provide some relief to the building façade.

Upon question by Councilmember Garby, Mr. Crawford explained that originally the panels were originally done incorrectly, and the sub-contractor was required to redo the brick panels under the windows.

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Councilmember Williamson explained that his recollection was the panel under the windows was to be a limestone look; however because of the cost, that was changed by Council.

Discussion ensued concerning the change to the panels under the windows, and that the change was due to the cost. Councilmember Adams explained that Council did discuss brick colors because the panels under the windows were originally to look like limestone; however the buff brick was not used because of the cost. She added that it appeared that the bricks under the windows are not cut correctly.

A discussion ensued concerning the bricks being stacked bond versus running bond, and that there was mortar on some of the bricks that needed to be cleaned off.

Upon questions by Councilmember Garby, Mr. Crawford explained that the final rendering of the building showed the bricks under the windows to be stacked bond, and that in the original rendering of the building, it was not stacked bond. He added that he did not have either rendering with him.

Mr. Crawford reviewed the history of the panels under the windows as had been previously stated.

Upon question by Councilmember Williamson, Mr. Crawford explained that Council had several options to change the look of the panels:

- If Council chose to go with a running bond, then he recommended that the frame around the bottom of the window be kept. His concern is that the color of the mortar and the color of the brick could be slightly different from the existing due to the kiln drying time.
- Another option would be to place stucco over the brick in the panels under the windows. Council could choose what color to stain the stucco.

Councilmember Williamson explained that Council would need to see visual options, to which Mr. Crawford said he could Photoshop and send to Council.

Upon question by Councilmember Garby, Mr. Crawford explained that only the windows on the front and side exteriors had panels because the panels were to differentiate and provide emphasis on the exterior.

Upon question by Councilmember Adams, Mr. Crawford explained that stucco would need to be cleaned differently from brick. He added that if the mortar was stained, there would be no additional cleaning requirements.

Councilmember Garby stated that he did not want to pay anything for correcting the panels. Mr. Crawford explained that the punch list on the exterior would include cleaning the exterior and Council would be able to see the difference in removing the mortar that covers some of the bricks.

## Approved

### **MS. DELL PARKER, SCOTLAND COUNTY ELECTIONS DIRECTOR – MUNICIPAL ELECTION INFORMATION**

Mrs. Dell Parker, Scotland County Elections Director, provided an update on the upcoming municipal elections with highlights as follows:

- One-stop early voting will begin on the first Wednesday prior to the election and end the last Friday before the election, and the last Saturday that had been scheduled in previous years will not happen this year due to changes in the General Statutes. Hours for one-stop early voting will be 7:00 a.m. to 7:00 p.m. for thirteen days.
- The budget proposal for this municipal election is much higher than previous municipal elections because the other four (4) municipalities in Scotland County (Wagram, Gibson, East Laurinburg and Maxton) have opted not to participate in absentee voting which includes one-stop early voting and absentee voting by mail. The City of Laurinburg has the option of opting out of absentee and one-stop voting. The cost of municipal elections if the City opted out of absentee would be \$9,598.86, and if the City wanted to participate in absentee and one-stop voting the cost would be \$20,591.14. The executed agreement between the City and the Scotland County Board of Elections is needed by Ms. Parker by mid-June.
- Filing period for municipal elections will be from noon on July 5, 2019 through noon on July 19, 2019.
- In the 2015 municipal elections, which was the last mayoral election, there were 10,316 registered voters with 21.4% turnout. In 2015 1,333 of the 2,207 voters voted during one-stop voting and 874 voted on Election Day.
- In 2017 municipal election, of the 10,559 registered voters, 28.5% voted, with 3,015 voting during one-stop and absentee voting and 903 voting on Election Day.

Councilmember Garby stated that opting out of one-stop and absentee voting penalizes citizens.

Upon question by Mayor Block, Ms. Parker explained that in 2017, every municipality if Anson County opted out of one-stop and absentee voting. She added that according to the Elections Director in Anson County, the number of voters did not go down.

Following a brief discussion, Councilmember Adams requested that Ms. Parker provide opt-out information on other counties similar in population size to Scotland County

Upon question by Mayor Block, Ms. Parker explained that reports are run monthly on voters and deceased and felons are removed from the voter rolls. She added that list maintenance is conducted every four (4) years, and inactive voters who have not voted in eight (8) years are removed.

Upon question by Councilmember Leak, Ms. Parker explained that the North Carolina General Statutes provide the guidelines for location of poll workers at polling places.

## **Approved**

Upon question by Mayor Block, Ms. Parker explained that the hours and number of days of one-stop and absentee voting were set by the General Statutes. She added that a bill had been introduced to the legislature that would give municipalities the option of cutting hours.

Upon question by the City Attorney, Ms. Parker explained that photo ids were not required this year. She added that free photo ids could be obtained at the elections office, and there would be forums in the coming months about the photo ids.

Upon question by Councilmember Leak, Ms. Parker explained that if a St. Andrews student was registered to vote in Scotland County, they could do so. She added that if a student was registered elsewhere, they would have to cancel the previous registration because an individual cannot be registered to vote in more than one place.

Upon question by Councilmember Evans, Ms. Parker explained that there had been voter fraud in Scotland County since 2006 when she started with the elections office, primarily by the individuals electioneering. She added that those individuals bombard and scream at voters, and because the elections office is located beside the probation and parole office and the public defenders officer. She further added that some of the individuals walking into the building are on probation for felonies but do not want to admit that to electioneers and others around; therefore they go on in and vote. She further explained that every fraud case is reported to the district attorney, and the district attorney had indicated in the past that this was not important enough to be prosecuted.

Ms. Parker explained that she was working with the State Board of Elections regarding the possibility of closing and combining some precincts for future elections in order to save money due to the low number of eligible voters for a precinct.

Councilmember Adams suggested that Mr. Benny Cox, Executive Director of the Scotland County Partnership for Families Children, be allowed to present his information after Mr. Ward provides the economic development update due to the time and the length of the agenda. Due to audiovisual difficulties, Mr. Cox was moved to prior to the economic development update.

## **CONSIDERATION OF LEASE OF SANFORD BUILDING TO SCOTLAND COUNTY PARTNERSHIP FOR FAMILIES**

Mr. Benny Cox, Executive Director of the Scotland County Partnership for Families and Children (Smart Start), explained that Smart Start would like for Council to consider leasing the Sanford Building for its use.

The City Manager explained that Ms. Hailey Powell, Program Director for Smart State, had contacted him and presented a proposal to lease the Sanford Building for three (3) to five (5) years at \$2,500.00 per month, and the possibility of purchasing the Sanford Building. He added that Smart Start staff had toured the Sanford Building, and had also been provided with utility expenses. He further added that the City would be adding a new roof to the building at a cost of \$20,000.00 which was included in the upcoming budget.

## **Approved**

Mr. Cox explained that his board would need to discuss and approve the lease.

Motion was made by Councilmember Adams, seconded by Councilmember Garby, and unanimously carried to authorize staff and the City Attorney to begin negotiating to lease Sanford Building to Smart Start.

## **MARK WARD – ECONOMIC DEVELOPMENT UPDATE**

Mr. Mark Ward, Scotland County Economic Development Director, provided an update on economic development activities as follows:

- The City's Smart Site on Stewartsville Road is being marketed with a flyer designed by ElectriCities. The property has been submitted for consideration for several projects.

A discussion ensued concerning clearing the trees off the City's property.

- Plans for the Harris Furniture Building for the exterior and interior have been drawn. Once the Scotland County Economic Development Corporation (EDC) has reviewed all drawings and narrowed down to two (2) to three (3) designs, he will present to Council and the Scotland County Board of Commissioners for recommendations. Discussion ensued concerning the designs.
- The Scotland Incubator Park Phase I will be completed in approximately two (2) weeks. The building being completed is 18,000 square feet. The EDC is seeking funding for another building.
- Edwards Wood Products has hired 58 people.
- Mountaire held a job fair, and plans to hire 33 employees, with up to 62 by the end of May, 2019.

## **CONSIDER RESOLUTION ADOPTING FINDINGS OF FACT FROM PUBLIC HEARING ON CONDITIONAL USE PERMIT TO OPERATE A CARNIVAL**

The City Manager explained that this resolution was the findings of fact concerning the request for a conditional use permit from the public hearing held March 19, 2019.

Councilmember Adams moved to adopt Resolution No. R-2019-03 Resolution adopting findings of fact pertaining to Conditional Use Permit for the operation of a carnival. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Adams, Evans, Garby, Williamson, Leak

Nays: None

(Resolution No. R-2019-03 on file in City Clerk's office)

## **CONSIDER ORDINANCE AMENDING THE ELECTRIC SUBSTATION CAPITAL PROJECT ORDINANCE**

## **Approved**

The City Manager explained that this budget amendment would amend the capital project for the electric substation and allow the City's electric system to be redundant by purchasing four (4) circuits. He added that the new substation construction was progressing, and the engineer recommended that the four (4) circuits be re-circuited.

Councilmember Garby moved to adopt Ordinance No. O-2019-11 amending the Electric Substation Capital Project Ordinance (Ordinance No. O-2018-09) to increase the project by \$1,000,000.00. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Garby, Adams, Leak, Evans, Williamson  
Nays: None  
(Ordinance No. O-2019-11 on file in City Clerk's office)

## **CONSIDER ORDINANCE AMENDING THE FY 18-19 BUDGET APPROPRIATIONS ORDINANCE**

The City Manager explained that this budget amendment will increase revenue in the Water/Sewer Fund to Fund Balance Appropriated (line item 31-439900) by \$3,550,000.00, and increase expenditures in Water Capital Projects (812-5095000) by \$3,550,000.00. He added that the next item on the agenda is the actual capital project ordinance.

Upon question by Councilmember Williamson, the City Manager explained that the projects are factored into the City's Capital Improvement Plan (CIP). He added that the four (4) projects are raw water well improvements, pumps and pump upgrades, sanitary sewer study, and repairs to the influent pump.

Following discussion, Councilmember Adams moved to adopt Ordinance No. O-2019-12 amending the FY 2018-2019 Budget Appropriations Ordinance (Ordinance No. O-2018-07) to increase revenues in the Water/Sewer Fund by allocating \$3,550,000.00 to Fund Balance Appropriated and increase expenditures to Water Capital Projects by \$3,550,000.00. The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Adams, Leak, Evans, Williamson, Garby  
Nays: None  
(Ordinance No. O-2019-12 on file in City Clerk's office)

## **CONSIDER ORDINANCE ESTABLISHING WATER/SEWER FUND CAPITAL PROJECT**

The City Manager explained that this ordinance establishes the Water/Sewer Fund Capital Project for the projects totaling \$3,550,000.00 in the Water/Sewer Fund that are included in the City's Capital Improvement Plan (CIP). He added that the four (4) projects are raw water well improvements at \$1,650,000.00, pumps and pump upgrades at \$1,200,000.00, sanitary sewer study at \$100,000.00, and influent pump station repairs at \$600,000.00.

## Approved

Councilmember Williamson moved to adopt Ordinance No. O-2019-13 establishing Water/Sewer Fund Phase I Capital Project. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Williamson, Adams, Leak, Garby, Evans

Nays: None

(Ordinance No. O-2019-13 on file in City Clerk's office)

## CAPITAL IMPROVEMENT PLAN

Mr. Harold Haywood, General Services Director, presented a PowerPoint presentation on the Capital Improvement Plan (CIP) with highlights as follows:

- A CIP is a long-term plan for identifying the capital needs of the City over the next five (5) years. The threshold for capital projects is defined as investments in non-disposable, tangible assets with an estimated life of more than one year and exceeding \$5,000 in cost.
- What occurs in the first year of the plan will typically be represented in the upcoming FY 20 annual operating budget, then future years are meant to give a perspective on what is on the horizon so that the city can plan accordingly and help forecast needed revenues in the upcoming years. Therefore, it is a link for the longer term budget planning. It lists the capital projects and replacement/upgrading needs over the next five years as identified by the Department Heads, engineering consultants, and by City Council.
- The CIP development process generally begins at the city's annual council retreat, public input session, and budget retreats. Needs are identified from the results of these processes, as well as within departments. The departments submit these needs so that a consolidated document can be developed during the beginning of the calendar year. Department heads work with vendors and engineers on determining costs. Staff attempts to apply for as many grants as possible to help meet some of the city's capital needs. For example, when a utility rate study is conducted, the consultant will take into account all of the projected capital needs for a particular enterprise fund. The process of developing strategies to fund these projects is an ongoing process. Council will continue to direct the prioritization of capital projects over the next couple of months during budget meetings with staff. Once Council has reviewed and refined the CIP during the upcoming budget workshops, staff requests council's consideration of adopting a formal working plan for the City which will be monitored and revised and adopted on an annual basis.
- General Fund Capital Projects:
  - Fire Equipment -\$75,000 – FY 20
  - Sanford Building Roof Replacement - \$20,000 – FY 20
  - Street Jet Rodder Truck - \$250,000 – FY 20
  - Street Motor Grader - \$333,000 – FY 21
  - Fire Pumper Truck with Equipment – (\$600,000) – FY 21
  - Fire Equipment - \$199,000 – FY 22
  - Street Trucks & Equipment - \$146,000 – FY 22
  - Fire South Substation Expansion - \$250,000 – FY 23
  - Cemetery Layout of New Section - \$150,000 – FY 23
  - Street Pot-hole Patcher Truck - \$150,000 – FY 24

## Approved

- Replacement of Police Vehicles & Equipment - \$156,000 each year
- Street Resurfacing - \$200,000 each year
- Beautification Projects - \$30,000 each year
- Stormwater Drainage Improvements - \$2,100,000 (spread over next 5 years)
- Other Equipment Replacement & Infrastructure Improvements
- Electric Fund Capital Projects:
  - Fire Equipment -\$75,000 – FY 20
  - Sanford Building Roof Replacement - \$20,000 – FY 20
  - Street Jet Rodder Truck - \$250,000 – FY 20
  - Street Motor Grader - \$333,000 – FY 21
  - Fire Pumper Truck with Equipment – (\$600,000) – FY 21
  - Fire Equipment - \$199,000 – FY 22
  - Street Trucks & Equipment - \$146,000 – FY 22
  - Fire South Substation Expansion - \$250,000 – FY 23
  - Cemetery Layout of New Section - \$150,000 – FY 23
  - Street Pot-hole Patcher Truck - \$150,000 – FY 24
  - Replacement of Police Vehicles & Equipment - \$156,000 each year
  - Street Resurfacing - \$200,000 each year
  - Beautification Projects - \$30,000 each year
  - Stormwater Drainage Improvements - \$2,100,000 (spread over next 5 years)
  - Other Equipment Replacement & Infrastructure Improvements
- Water/Sewer Fund Capital Improvements:
  - Produce Market Rd Sewer Improvement - \$2,000,000 – FY 20 (Grant funded)
  - New School Site Extension - \$1,500,000 – FY 20 (Cost reimbursed by Scotland Co Schools)
  - Pump Station Renovations/Improvements - \$1,000,000 – FY 20
  - Aeration Basin Repair - \$500,000 – FY 20
  - Main Waterline Replacement from Water Plant to Caledonia Rd - \$6,000,000 – FY 20-21
  - Influent Pump Station - \$3,000,000 – FY 20-21
  - Raw Water Improvements - \$2,450,000 – FY 20-24
  - Raw Water Expansion Program - \$4,000,000 – FY 20-24
  - Pump Station Renovations/Improvements - \$500,000 – FY 21
  - Waste Water Treatment Plant Expansion - \$4,000,000 – FY 22
  - Other Equipment Replacement & Infrastructure Improvements
- Solid Waste Fund Capital Improvements:
  - Replace Knuckle-boom Truck - \$155,000 – FY 20
  - New Recycling Sort Line - \$160,000 – FY 21 (Depending on Expansion)
  - Replace Automated Leaf/Grass Collection Truck - \$180,000 – FY 21
  - Replace Automated Side Loader (Residential) - \$285,000 – FY 22
  - Replace Front End Loader (Commercial) - \$290,000 – FY 23
  - Replace Automated Side Loader (Residential) - \$290,000 – FY 24
  - Other Equipment Replacement & Infrastructure Improvements

## COUNCIL PREVIEW OF BUDGET WORKING DRAFT

## Approved

The City Manager explained that the first draft of the budget is presented to Council every April with the understanding that it is very much a working draft. The health insurance costs have not been finalized, and this affects all four (4) funds. Salaries have been adjusted based on known retirements and planned step increases.

Highlights of the General Fund include:

- Overall the General Fund increase approximately \$500,000.00 from current year.
- Tax rate remains at \$0.40.
- Fund Balance Appropriated is \$600,000.00 compared to \$217,000.00 the prior year. Includes \$150,000.00 payment of the lawsuit settled last year.
- Tax revaluation negatively will impact revenues by approximately \$130,000.00.
- Already removed request from Fire Chief for new pumper truck of \$500,000.00.
- Capital items in the General Fund include:
  - Sanford Building roof replacement
  - Beautification projects
  - Five (5) police vehicles
  - Four (4) tsunami cameras
  - Fire equipment
  - Phone units
  - Street resurfacing
  - Commonwealth Bridge
  - \$150,000.00 included for storm water projects
- Waiting on cost estimate on concrete/paving for the Downtown Parking Project.

Highlights of the Electric Fund include:

- Expecting increase due to finalization of the electric substation. As is, expect increase of approximately \$300,000. Last year's budget was \$16.9 million, and the draft for FY 19-20 is \$17.2 million.
- Electric Fee Schedule is unchanged.
- Projecting to use \$1.4 million of Fund Balance compared to the current year of \$1 million.
- Includes approximately 38 LED downtown light fixtures costing \$75,000.00 to replace the decorative heads. Will eliminate the problem with lights burning out and will also provide brighter lighting. Will preserve the historic look.
- Capital items include:
  - Completion of the LED area/flood lighting conversions at a cost of \$100,000.00.
  - Bucket truck replacement.
  - Second part of substation construction and re-circuiting at \$600,000.00.
  - Have been conducting pilot program with smart meters and will purchase smart electric meters.

Highlights of the Water/Sewer Fund include:

- Increase in Water/Sewer Fund expenditures from \$8.5 million to \$14 million.

## Approved

- Using \$7.2 million of Fund Balance to balance the budget, compared to \$1.5 million the prior year.
- Capital projects include:
  - Painting water plant.
  - A new well.
  - Raw water well improvements at \$300,000.00.
  - Re-drill three (3) wells at \$650,000.00.
  - Purchase \$110,000.00 dump truck.
  - Begin replacement of the 20-inch water line that runs from the water plant to the Caledonia Road Water Tank. It is a \$6 million project that will cover two (2) to three (3) years, and \$1.2 has been included in the draft budget. Staff will apply for any grants for which the City qualifies.
  - Jet rodder truck at \$440,000.00.
  - \$1.4 million for pump station renovations.
  - \$600,000.00 for influent pump station improvements.
  - \$500,000.00 for wastewater treatment plant aeration basin.

### Highlights of the Solid Waste Fund include:

- Expenditures decreased from previous year, from \$2.7 million to \$2.38 million in the draft budget.
- Solid Waste fees are unchanged.
- Using \$12,000.00 of Fund Balance Appropriated compared to \$340,000.00 this year.
- The only capital is purchase a knuckleboom truck and \$175,000.00 and the annual dumpster and cart replacement at \$40,000.00

The City Manager discussed two (2) possible revenue sources for the City. The majority of municipalities have a municipal vehicle tax fee that is charged per vehicle, and the highest fee charged is \$30.00 per vehicle. The other revenue source would be to pass on credit card fees. The City incurs \$40,000.00 to \$50,000.00 annually and that is absorbed by the City. Other local governments charge a convenience fee for credit cards use.

The City Manager reiterated that there are still items for which staff is awaiting costs. He added that currently the budget includes no Cost of Living Allowance for employees.

## **SET DATE AND TIME FOR BUDGET WORKSHOP**

Following discussion, it was consensus of Council to hold a budget workshop on May 2, 2019 at 6:30 p.m. in the council chambers of the Municipal Building located at 303 West Church Street, and also to hear from the top three (3) storm water engineering firms at the beginning of the meeting.

## **DESIGNATE VOTING AND ALTERNATE VOTING DELEGATES FOR NORTH CAROLINA LEAGUE OF MUNICIPALITIES CITYVISION CONFERENCE**

## **Approved**

The City Manager explained that the voting and alternate voting delegates for the North Carolina League of Municipalities CityVision Conference needed to be appointed.

Following a brief discussion, motion was made by Councilmember Adams, seconded by Councilmember Williamson, and unanimously carried to appoint City Manager Charles D. Nichols III as the voting delegate and Councilmember Mary Evans as the alternate voting delegate to the North Carolina League of Municipalities CityVision Conference.

## **MAYOR'S REPORTS**

### **DISCUSSION OF CITY HALL PLAQUE**

Mayor Block explained that he and citizens were concerned about how and why the decision was made concerning the names of the elected officials on the City Hall plaque. He added that he had put the plaque on Facebook.

Councilmember Adams explained that if the City business is on the Mayor's Facebook page, the Mayor's Facebook page should be open to everyone and no one blocked. She then asked the City Attorney if that information was correct.

The City Attorney explained that the answer to whether a social media account should be open to everyone when the individual is discussing City business, he would look into the matter further if Council wanted him to do so.

There was no consensus from Council for the City Attorney to investigate whether a social media account should be open to everyone because City business was being discussed.

Councilmembers Evans and Garby stated that they had never heard any discussion via email or at a council meeting concerning the plaque placed on City Hall.

Councilmember Williamson explained that there was one Council when the project began and a different Council at the present time. He added that he had no problem if another plaque was added with the names of the current Council.

Mayor Block stated that he did not want his name on the building. He added that his concern was how the decision was made and by whom.

Councilmember Evans explained that she felt it was disrespectful to the Mayor to not include his name on the plaque. She added that there should have been discussion with Council.

The City Manager explained that there was no discussion at a council meeting about the plaque.

Mayor Block asked Council if it believed that the decision on the plaque should have been made by the City Manager and the City Clerk without Council involvement.

## **Approved**

Councilmember Williamson explained that the first he knew of a plaque was when Mayor Block brought it up. He added that he was open to suggestions as to whether there should be a plaque and whose names should be on a plaque.

Mayor Block explained that the issue for him is that a controversial issue was made without Council being aware.

Councilmember Adams explained that she was fine with how the decision was made.

Councilmember Williamson explained that he wondered how a proposal to put the current Council on the plaque would have been received.

Mayor Block stated that this was not the issue. He added that the “issue was a matter of discussing it, a matter of respect for the sitting Mayor and other Council members.” He added that the answer was not as clear cut as shown by the emails shared in the public records request. He further added that the City Clerk and the City Manager continued to say that there was three (3) responses to the City Clerk’s email on the UNC School of Government’s clerks’ listserve. He further added that there was a wide variety of responses, and that there is no consensus throughout the state about the protocol for names on the plaque. He further explained that the emails revealed that some municipalities used the sitting elected officials, some used the funding elected officials, and some used both sets.

Councilmember Williamson explained that if Council wanted everyone on the plaque, the put everyone on the plaque.

Mayor Block restated that the names on the plaque was not the issue.

Councilmember Leak discussed his experience with plaques for buildings such as his church. He explained that he observed that the people who start the project are the ones whose names go on the plaque. He added that when the issue with the plaque first arose, he knew that Mayor Block and Councilmembers Evans and Garby were not in favor of a City Hall.

The City Clerk clarified that she received three (3) responses to her email on the clerks’ listserve on the same day, after which she and the City Manager discussed the matter. She added that the City Manager made the decision and she then emailed to the City Manager the names with correct spelling to go on the plaque. She further added that another response was received the following day just after midnight from the Town of Rural Hall. She added that other emails provided in the public records request were months after her inquiry on the clerks’ listserve and were in response to a similar question from the town clerk in Kernersville.

Mayor Block stated that to make a decision such as this based on only receiving three (3) email responses in the subsequent hours and on the same day the original email was sent seemed absurd to him.

The City Manager explained that discussion was held before making the decision.

## **Approved**

Councilmember Adams explained that she does not have a problem with the administrative staff, the City Manager, deciding about the plaque because that is normally how that process is done. She added that she recently attended an event at Cole Auditorium at Richmond Community College and saw a plaque with her name on it from years ago, and that this was the first time she knew anything about the plaque.

Councilmember Evans stated that there should have been a discussion.

The City Manager explained that there still could be a discussion about the names on the plaque. He added that if Council wanted to change or add to the plaque, it could be accomplished.

Councilmember Leak moved to keep the plaque as it is.

Further discussion ensued. Councilmember Evans stated that it looked like the intent was to overlook or disrespect someone.

Councilmember Adams stated that it was not the intent to overlook or disrespect anyone. She added that she believed staff was just trying to do what was right.

Councilmember Adams seconded the motion made by Councilmember Leak.

Councilmember Garby stated that it seemed to him that someone wanted a trophy with the plaque. He added that he thought that the plaque should be removed.

Mayor Block requested a roll call vote, with the results as follows:

Ayes: Leak, Adams, Williamson

Nays: Garby, Evans

## **DISCUSSION OF LAURINBURG RECREATION/COMMUNITY CENTER**

Mayor Block explained that the idea of forming a committee to discuss a recreation/community center was proposed to the Scotland County Commissioners, who tabled the matter.

After a brief discussion, there was no action taken on this matter.

## **NEWTOWN NEIGHBORHOOD: CURRENT STATE AND FUTURE DIRECTION**

Mayor Block explained that the Newtown Neighborhood is a blighted area with just a few livable houses and the majority of the lots are empty. He added that since the neighborhood has a lot of history and is close to the downtown area, he wanted to see if Council was interested in tasking the Community Development Director to develop a plan for revitalization of the neighborhood. He suggested that the City could purchase the empty lots and dilapidated buildings, and then build subsidized housing for seniors.

## **Approved**

Councilmember Leak explained that several years ago Dr. Michael Rush, on behalf of the Phoenix Group, discussed revitalizing the Newtown neighborhood, and to the best of his knowledge, nothing had been done. He added that 80% of the lots in Newtown are owned by the City, with several lots owned by the McDuffie family which will be tied up in estate for many years. He further added that his church had recently discussed purchasing some of the lots owned by the City and plan to improve the neighborhood.

Councilmember Leak explained that perhaps the City could bring in Laurinburg Housing Authority to explore public/private partnerships.

Mayor Block requested that this item be on the agenda for May Council meeting.

## **COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS**

Councilmember Adams explained that the League of Women Voters had requested that she share an invitation to a public policy series on the impact of rural poverty on residents. The event is being held on Tuesday, May 7, 2019 at Scotia Village.

Councilmember Evans informed Council of a job fair being sponsored by the Scotland County Reentry Council. The job fair will be held on April 26, 2019 at 10:00 a.m.

## **CLOSED SESSION**

At 10:37 p.m. motion was made by Councilmember Adams to go into closed session pursuant to N.C. General Statute 143-318.11(a)(3) for attorney-client privilege and for N.C. General Statutes 143-318.11(a)(4) for economic development. The motion was seconded by Councilmember Evans, and carried unanimously.

At 11:10 p.m., motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to adjourn the closed session and resume the regular meeting.

## **ADJOURN**

Motion was made by Councilmember Williamson, seconded by Councilmember Evans, and unanimously carried to adjourn the meeting.

The meeting adjourned at 11:10 p.m.

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Matthew Block, MD, Mayor

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Jennifer A. Tippett, City Clerk