

**CITY OF LAURINBURG
COUNCIL MEETING
DECEMBER 21, 2010
MUNICIPAL BUILDING
303 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

MINUTES

The City Council of the City of Laurinburg held its regular monthly meeting December 21, 2010 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Matthew Block, Mayor, presiding. The following Councilmembers were present: Curtis B. Leak, Thomas W. Parker, III, Herbert M. Rainer, Jr., Kenton T. Spencer, and Joy Ellison.

Also present were: Edward F. Burchins, City Manager, Dolores A. Hammond, City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Mayor Block called the meeting to order at 7:05 p.m. Councilmember Spencer gave the invocation.

Councilmember Leak welcomed former Councilmember Amanda Doerffel and her family. She introduced the new addition to her family, her son, Charles Frederick Doerffel.

CONSENT AGENDA

The City Manager presented the Consent Agenda indicating all items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote.

The items on the Consent Agenda were as follows:

- a. Minutes from the meetings held September 21, 24 and 25; October 12, 13 and 19; November 9, 11 and 16, 2010
- b. Set public hearing for a rezoning request by St. John's Holiness Church (12.032 acres located off of US Highway 401 North) from R-6 to Office/Institutional
- c. Ordinance No. O-2010-24 amending the 2010-2011 Budget Appropriation Ordinance to allocate \$8,100 from Federal Grants to Police Department-Equipment (Governor's Highway Safety Grant)
- d. Resolution R-2010-21 authorizing manager to sign contracts for equipment
- e. Resolution R-2010-22 which authorizes the execution and delivery of an installment financing contract in the amount of \$167,750.00 with RBC Bank (USA) to finance the acquisition of certain equipment for use by the City of Laurinburg, North Carolina, authorizes the execution and delivery of related instruments, determines other matters in connection therewith and authorizes the City Manager to execute an escrow deposit agreement
- f. Resolution No. R-2010-23 authorizing the execution and delivery of an installment financing contract in the amount of \$281,498.00 with RBC Bank (USA) to finance the acquisition of certain equipment for use by the City of

- Laurinburg, North Carolina, authorizes the execution and delivery of related instruments, determines other matters in connection therewith and authorizes the City Manager to execute an escrow deposit agreement
- g. Firefighters Certification
 - h. Laurinburg/Maxton Airport Commission Resignation Letter

The Assistant City Attorney pointed out that the City Manager had indicated in his summary of the consent agenda that that Resolution No. R-2010-22 and Resolution No. R-2010-23 authorized the City Manager sign appropriate documents, but the Resolutions actually authorize the Mayor to do so. He also pointed out that the Resolutions name Marcus Smith as someone who is to sign certain documents on behalf of the City, and he questioned whether this was an error. The City Manager stated that the language was suggested by RBC and that the Marcus Smith referred to is someone with RBC (and not the City's information technology person of the same name).

Councilmember Parker moved for the approval of the Consent Agenda with the corrections as suggested by the Assistant City Attorney. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Parker, Spencer, Rainer, Ellison, Leak

Nays: None

(Resolutions and Ordinances are on file in the City Clerk's office)

RESOLUTION NO. R-2010-24 WHICH CLOSES AN UNOPENED 10-FOOT ALLEY LOCATED OFF THE 100 BLOCK OF WASHINGTON AVENUE

Mayor Block explained that a petition was submitted to the City Clerk on November 10, 2010 requesting that Council consider closing an alley located behind certain property fronting on Washington Avenue and North Gill Street. The petition is in order as required. The stated reason for the alley closing is that it has never been opened. Upon closing, the property owners' lot lines along the alley would be extended to the centerline of the alley.

The City Clerk has notified all property owners by registered mail of Council's intent to consider closing the alley and the public hearing date. The property has also been posted as required by G.S. 160A-299. The notice was published in *The Exchange*.

Mayor Block declared the public hearing open.

Mr. John Alford appeared to speak in favor of closing the alley. He explained that he purchased property on Washington Street, and he has been cleaning the alley since this purchase. He is requesting that Council close the alley, and if closed, he plans to put a 6-foot fence up in order to separate the commercial property from the residential property.

There was no one to speak against this request.

Mayor Block closed the public hearing.

At 7:16 p.m. Councilmember Parker moved for the adoption of Resolution No. R-2010-24 which

closes an unopened 10-foot alley as described in Resolution. Councilmember Leak seconded the motion, and it was adopted by the following vote:

Ayes: Parker, Leak, Ellison, Rainer, Spencer

Nays: None

(Resolution No. R-2010-24 is on file in the City Clerk's office.)

Councilmember Leak recognized Mr. John Alford as a Scotland County Commissioner and a former City Councilmember.

DELEGATION

Mayor Block explained that American Legion Post 181 withdrew its request on Thursday, December 16, 2010. Therefore, there is nothing for Council to consider.

RECOGNITIONS

The City Manager explained that AAA Carolinas has selected Laurinburg as one of the 2010 Traffic Safe Communities of the Year. He then explained that traffic safe communities are selected by looking at crash statistics, the number of law enforcement officers per capita, the presence of a formal traffic safety program and the existence of a special traffic division. Laurinburg was chosen because it is proactive in enhancing traffic safety efforts and because of its diligent police work. It was selected in the category of a city with a population between 10,000 and 30,000.

Chief John Evans stated that this is the fourth year the Laurinburg Police Department has received recognition by AAA but the first year it has received first place in the State in its population division. He stated that credit should be given to Lt. Fred McQueen and Officer Chris Jackson.

Mayor Block presented the award to Lt. McQueen and Officer Jackson.

The City Manager then informed everyone that Marcus Smith, the City's IT Specialist, graduated from the Certified Government Chief Information Officers Program at the University of North Carolina at Chapel Hill's School of Government in November 2010. He is among over 400 public sector IT professionals from across the nation who have graduated from this program since the program began in 2005.

Councilmember Leak moved for the adoption of Resolution No. R-2010-25 which recognizes Marcus Smith as a graduate of the Certified Government Chief Information Officer Program at the University of North Carolina at Chapel Hill's School of Government. Councilmember Rainer seconded the motion and it was adopted by the following vote:

Ayes: Leak, Rainer, Spencer, Parker, Ellison

Nays: None

(Resolution No. R-2010-25 is on file in the City Clerk's office.)

Mayor Block then presented the resolution to Mr. Smith.

The City Manager stated that Lt. Darwin “Duke” Williams had recently graduated from the North Carolina Justice Academy’s Management Program.

Laurinburg Police Chief John Evans explained that this course is 60 hours and prepares a police officer beginning from the rank of Sergeant to possibly one day take over as Chief. This very rigorous program prepares an officer to see the other side of law enforcement (management).

Councilmember Ellison moved for the adoption of Resolution No. R-2010-26 which recognizes Darwin “Duke” Williams’ graduation from the North Carolina Justice Academy Management Program. Councilmember Spencer seconded the motion and it was adopted by the following vote:

Ayes: Ellison, Rainer, Spencer, Parker, Leak

Nays: None

(Resolution No. R-2010-26 is on file in the City Clerk’s office.)

Lt. Williams was presented with the resolution. Councilmember Leak recognized Mr. Williams as Vice Chair for the Scotland County Board of Education. He also stated that Mr. Williams has participated in the Scotland County Parks and Recreation Football program. He informed Council that Mr. Williams has coached teams that have gone on to win several State Championships. He thanked Mr. Williams for his service to the citizens of Laurinburg and the City.

RESOLUTION NO. R-2010-27 ADOPTING A CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

The City Manager explained that the North Carolina General Assembly has required all local governments to adopt a Code of Ethics Policy by December 31, 2010. A draft was sent to Council for review, the Assistant City Attorney has reviewed it, and the proposed Resolution is recommended.

Councilmember Leak expressed concern regarding the censure section of the policy.

A discussion among Councilmembers ensued concerning the proposed policy.

Upon question by Mayor Block, the Assistant City Attorney stated that in order for a Councilmember to be censured it would take a majority vote.

Councilmember Ellison stated that she had asked at the agenda workshop that the proposed policy be amended to address internet and social networking concerns. She commented that she did not see anything in the proposed policy which deals specifically with either issue.

Following a brief discussion, Councilmember Parker moved for the adoption of Resolution No. R-2010-27 which adopts a Code of Ethics and Conflict of Interest Policy for the Mayor and Councilmembers. Councilmember Spencer seconded the motion and it was adopted by the following vote:

Ayes: Parker, Spencer, Rainer, Ellison, Leak

Nays: None

(Resolution No. R-2010-27 is on file in the City Clerk's office.)

Motion was then made by Councilmember Ellison and seconded by Councilmember Leak to amend the Code of Ethics and Conflict of Interest Policy in reference to the internet and social networking to include the responsibility that each Councilmember has to maintain a positive image of him/herself as well as the City of Laurinburg.

The Assistant City Attorney stated that this motion is rather vague and suggested that there needs to be something in writing that is clearer.

The City Clerk stated that research could be done and brought back to Council in January.

The motion was denied by the following vote:

Ayes: Leak

Nays: Ellison, Rainer, Spencer, Parker

Councilmember Ellison moved that the Assistant City Attorney research the matter that addresses internet usage and social networking as it relates to the Ethics Policy so that an amendment can be added to the Code of Ethics of the City of Laurinburg. Councilmember Rainer seconded the motion. The motion passed with Councilmember Parker casting the only dissenting vote.

The City Manager stated that he would look into the matter.

The Assistant City Attorney stated that he would discuss this issue with Councilmember Ellison after the meeting in order to seek clarification.

ELECTRIC RATES AND RATE SAVING PROGRAMS

The City Manager explained that during the agenda work session there was discussion about the city's current electric rates as well as rate saving programs that the City offers. There was also discussion about how those rates and programs may be modified. Councilmember Spencer requested that the item be placed on the agenda. There was discussion at the workshop but Councilmember Spencer did not have an opportunity to discuss in detail his concerns; therefore, this discussion was put back on the agenda.

Councilmember Spencer stated that he feels that it is time for the City to take a look at its electric rates and to be sure that its customers are receiving the most competitive rates. He also stated that, in the short term, with the economic crisis still upon citizens, the City should take a look at its electric margins and research if there is anything that can be done to provide rebates to our customers in regards to extremely cold weather or extreme heat. He explained that he feels that it is important that the citizens know that that the Council realizes that this is a serious issue and that it wants to make this issue a part of the City's strategic plan.

The City Manager stated that it is important that everyone have a basic understanding of how the

City pays for the electricity it distributes, the amount of debt the City has because of that generation and how rates are developed. He stated that a representative of the North Carolina Eastern Municipal Power Agency (NCEMPA) as well as a representative of the City's electrical engineers should appear before Council to explain the history between the City of Laurinburg and NCEMPA and how the City's rates are structured.

A discussion ensued on the complexity of NCEMPA and the City of Laurinburg's electric rates.

Councilmember Ellison stated she feels that this issue needs to be looked at in depth so that Council can understand exactly what can be done in order to make some adjustments and what is completely out of the City's control. She further stated that, in the interim, the City needs to let the citizens know about the load management and other programs it provides for citizens.

A discussion then ensued on the fuel adjustment charge that is listed on the utility bills. Mr. Ronald Pierce, the City's Electric Utilities Director, stated that this was covered the rate increase the city had and that it had been put on the bill because there was hope that the increase might be temporary in nature and that it could eventually be reduced or eliminated. Neither has so far proved to be the case.

Councilmember Rainer stated his concern with comparisons with other electric providers because the City's position is somewhat different. He explained that given the City's debt to NCEMPA a comparison with other companies is not valid.

Mr. Ronald Pierce explained that in 1982 the City opted in with NCEMPA to purchase ownership in what was then a Carolina Power and Light generation power plant. This was done to insure citizens would have a reliable source of energy. He stated that all the City's electric purchases come through NCEMPA. The City owns 2.267 percent of NCEMPA (the operation of the power plant) and that is why the City is involved in this debt. He then explained that 38.8 percent of the City's power cost is debt service and that, because of the 1982 agreement, the city is locked in until 2025.

Councilmember Ellison asked how often the electric system is evaluated for efficiency.

Mr. Pierce stated that information is compiled every month from the SCADA system and that the City's electrical engineers evaluate the system.

The City Manager stated that the City had about a 4.7 percent line loss last year which is not bad.

Upon question by Councilmember Ellison, Mr. Pierce stated that he would be happy to have ElectriCities come in and audit the City's electric rates.

Mayor Block stated that he felt a better comparison with electric providers would be a comparison with other municipalities that are members of ElectriCities.

Mr. Pierce stated that the average power cost for residential rates for citizens who are in cities that are part of ElectriCities is 13.08 cents per kilowatt hour.

Following lengthy discussion, the City Manager stated that staff would start right away on better

promoting the programs the City has. He stated he will contact representatives from ElectriCities and the City's electrical engineers and find out a date that they would be available to address Council.

He explained once the date is established Council may need to schedule a special meeting.

AUTHORIZE VOTING DELEGATE AT THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM) ADVOCACY GOALS MEETING JANUARY 20, 2011

The City Manager stated that the NCLM is holding an Advocacy Goals Conference January 20, 2011 at the Raleigh Convention Center from 9:30 a.m. – 5:00 p.m. This conference will provide League members with the opportunity to thoroughly debate legislative issues and be directly involved in setting advocacy priorities.

Council needs to appoint a voting delegate and an alternate voting delegate.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to appoint City Manager Ed Burchins as the voting delegate for the upcoming NCLM Conference to be held January 20, 2011.

APPOINTMENTS

Laurinburg/Maxton Airport Commission

Mayor Block stated that Mrs. Ann Slaughter has resigned from the Laurinburg/Maxton Airport Commission. He explained that Council should nominate and appoint a member to fill her unexpired term which ends June 30, 2011.

Councilmember Parker suggested that Council consider tabling the appointment until the January meeting because there has been a suggestion that a pilot who lives in the City be considered.

Following discussion, motion was made by Councilmember Rainer, seconded by Councilmember Leak, and unanimously carried to appoint Councilmember Kenton Spencer to fill the unexpired term of former Mayor Ann Slaughter on the Laurinburg/Maxton Airport Commission (term to expire June 30, 2011).

Laurinburg Housing Authority

Mayor Block explained that there are two appointments that need to be made to the Laurinburg Housing Authority. He then explained that this is a mayoral appointment.

He stated that one appointment needs to be a resident of the Laurinburg Housing Authority program. He stated that he is appointing Gloria Brown as recommended by Laurinburg Housing Executive Director Nancy Walker.

Mayor Block explained that a current Board Member has resigned and this position also needs to be filled which is an unexpired term. He then appointed Ms. Maria Dudley to fill the unexpired term.

Mayor Block informed Council that Ms. Dudley has worked for him for the past six years. She is very interested in City matters. She has worked at the Domestic Violence and the Rape Crisis Center, has lived in Four County property, has raised two wonderful daughters, has a Bachelor's degree from Gardner-Webb and is pursuing her masters at UNC-Pembroke.

LAURINBURG BOARD OF ADJUSTMENT

The Mayor explained that the terms of Mrs. Linda Douglas and Mr. Ron Riggins will expire December 31, 2010. They are both interested in serving again. These are three-year appointments to expire December 31, 2013.

The other City members are:

David Ellison, Jr.
Iris Hamilton
Joyce Jewell (City Alternate)

County appointees are as follows.

Penny Myers Craner
Larry Lanier (County alternate)

Motion was made by Councilmember Ellison, seconded by Councilmember Rainer, and unanimously carried to re-appoint Ron Riggins and Linda Douglas to the Laurinburg Board Adjustment for terms to expire December 31, 2013.

PUBLIC COMMENT

There was no one present for the public comment session.

COMMENTS FROM COUNCIL

Councilmember Leak stated that Sam Blue a coach, friend and twenty-five year public servant for Scotland County Parks and Recreation passed away last week. He stated that Mr. Blue was a friend of youth. He was also a father for the fatherless.

Councilmember Leak thanked Mr. Blue's family for letting citizens share in his life experiences.

The City Manager stated that Scotland County has arranged a trip to Washington, DC to meet with elected officials. He explained that this trip is related to Laurinburg/Maxton Airport, economic development, alternative energy, and development of the Industrial Park. He then explained that two commissioners, the County Manager, and the Economic Development director will be attending and that they have requested that two Councilmembers and the City Manager also attend. The date is January 25, 2011. Details are still being finalized.

Councilmember Parker and Spencer will attend along with the City Manager. The City Manager stated that the Annual Chamber Dinner is January 11, 2011 and that Councilmembers should let the City Clerk know if you plan to attend.

The City Manager stated that the Mayor has sent information out today on the downtown summit. He then stated that all Councilmembers are invited to attend along with representatives of businesses in and around the downtown area. The meeting will be held January 12 around 4:30 or 5:00 p.m. He explained that this will be an organization session to see how to go about developing an opportunity for all downtown business and residents to come out and develop a joint plan for downtown Laurinburg.

The Annual Employee Christmas Luncheon will be held December 23, 2010 at 2:00 p.m. at Laurinburg Presbyterian Church Fellowship Hall.

Mayor Block, on behalf of the City Council, wished the citizens of Laurinburg a wonderful Christmas and Holiday Season.

CLOSED SESSION

At 8:40 pm. Councilmember Parker moved to go into closed session pursuant to General Statute 143-318.11(a)(3) for the purpose of consulting with the attorney in order to preserve attorney-client privilege between the attorneys and the City regarding Schoollink as well as L&S Railroad - proposed butane transfer facility. Councilmember Leak seconded the motion and it carried unanimously to adjourn to closed session.

At 9:01 p.m. motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to adjourn the closed session and resume the open meeting.

Upon motion by Councilmember Parker, seconded by Councilmember Spencer, it was unanimously carried to approve the mutual agreement between the City of Laurinburg and Schoollink, Inc.

ADJOURNMENT

Motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to adjourn the meeting.

The meeting adjourned at 9:03 p.m.

Matthew Block, Mayor

Dolores A. Hammond, City Clerk