

**CITY OF LAURINBURG
AGENDA WORKSHOP
NOVEMBER 9, 2010
W. CHARLES BARRETT ADMINISTRATION BUILDING
305 WEST CHURCH STREET
LAURINBURG, NC
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held an agenda meeting November 9, 2010 at 7:00 p.m. in the conference room of the W. Charles Barrett Administration Building with the Honorable Matthew Block presiding. The following Councilmembers were present: Curtis B. Leak, Thomas W. Parker, III, Kenton Spencer and Davian LaJoyce "Joy" Ellison. Councilmember Herbert M. Rainer, Jr. was absent.

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

Staff members present were: Stacey McQuage, Utilities Director, John Evans, Police Chief, Cindy Carpenter, Finance Director, Brandi Deese, Zoning Officer, and Bill Peele, Zoning Officer.

Mayor Block called the meeting to order at 7:05 p.m.

The City Manager reviewed the upcoming agenda for the November 16, 2010 regular meeting.

1. Consent Agenda

- a. Corrected Minutes of the June 9, 2010 meeting
- b. Minutes from the meetings in July and August and the September 14 agenda workshop

2. Golden Knights-Men and Women's Competition Teams

3. NC DOT Rail Division - Brain Gackstetter

The City Manager stated that Mr. Brian Gackstetter with the NC Department of Transportation will be present to discuss the closing of the rail crossing at Biggs St. Stacey McQuage stated that the particular crossing has been designated as one of the top 100 dangerous crossings. He also stated the final decision about the closure would be with the North Carolina Department of Transportation

4. Robeson Health Care Corporation - Letter of Support

The City Manager stated that Dr. Thomas Maynor would like to address Council and ask for a letter of support to locate a Community Health Center in Laurinburg

5. Carl Head, Gustaf C. Lundin & Company - Audit for Fiscal Year 2009-2010

Mr. Head stated that he would be unable to attend the regular meeting on November 16, 2010. He then stated that he will highlight the city's financials for the year ending June 30, 2010. He explained that in the 2010 General Fund compared to 2009 there was a decrease of \$358,630.00; a decrease of \$311,945.00 in the Electric Fund compared to a 2009 decrease of \$1,023,935.00; the Water Fund had an increase of \$200,880.00; and the Solid Waste Fund showed an increase of \$25,878.00. All of the numbers were income before transfers.

He stated that the Electric Fund negative figure is a result of depreciation expense of \$401,749.00. He explained that the Electric Fund had one full year of increased billings due to an increase in the electric rates. The prior year reflected only a partial year of billings with electric rate increases.

He explained that the Enterprise Funds have a positive cash flow from operations. He continued by explaining the Fund Balances for each fund.

He further explained that there were two significant deficiencies. One was related to the preparation and journal entries completed by the Independent Auditor, and the second was the late filing of the semiannual report of deposits and investments (LGC 203).

He explained that there was a significant improvement over the number of journal entries from the prior year and that it did not take more than one hour to complete the entries.

He then explained that filing dates for reports to the Local Government Commission should be monitored for timely filing. He stated that he was not aware that report filing was a deficiency. He explained that this year it appears to be a common practice with local governments.

He informed Council that the City has an unqualified opinion for its 2009-2010 Fiscal Year which is the best opinion it can receive.

There was further discussion on the audit and no action was taken.

6. Consider Ordinance No. O-2010-23 which amends the Budget Appropriations Ordinance - Additional money owed to the Employment Security Commission of North Carolina
Cindy Carpenter explained that the Employment Security Commission had reported for the 2010-2011 budget process the contribution to the Commission would be approximately \$23,396.00. The Commission was involved in an audit process and found that they did not bill the City of Laurinburg for two employees for the years ending 2008 and 2009. They sent an invoice that included penalties and interest. After talking with the Commission, the penalties and interest were removed and the amount owed by the City is \$28,017.60. The City must pay the amount. She is recommending that Council adopt the Ordinance and the monies be transferred from Contingency (990-509900) to Non-Departmental Unemployment Compensation (660-504700). This will be added to the consent agenda for Council action.
7. Resolution No. R-2010-19 Intent to close alley - Washington Avenue and North Gill Street
The City Clerk explained that a petition had been received from Carletta Langley and John Alford to close a 10 foot alley located off the 100 block of Washington Avenue. The alley has never been opened, and there are no utilities located in the alley. They would like to close the alley in order to use the land that they would acquire from its closing.
8. Resolution No. Ro-2010-19 which leases land to Harvey Edge Farms
Mr. Bill Peele explained that the lease for Harvey Edge Farms has expired. This property is a 71.19 acre tract of land located off Stewartsville Road. Mr. Edge has been leasing this property for a long time. This will be a three-year lease in the amount of \$1,900.00 per year.
9. Financing of Equipment listed in the 2010-2011
The City Manager explained that during the budget process there was discussion about purchasing certain capital equipment by financing the cost. Bids have been received for the equipment.

Councilmember Leak asked how many trucks travel to Wagram, NC to take the City's recycling.

Stacey McQuage informed Council that residential recycling is taken twice a week as well as commercial recycling.

Following further discussion, action will be taken at the regular Council meeting to authorize signing of the contract.

10. Discussion of Ethics and Conflict of Interest Policy
The City Manager explained that all local government boards are required to adopt an ethics policy by the end of December 2010. He explained the policy should include the following five requirements:
 1. Obey all applicable laws and official actions taken as a board member
 2. Uphold integrity and independence of office
 3. Avoid impropriety in exercise of official duties
 4. Faithfully perform duties
 5. Act openly and publicly

A draft policy has been prepared for your review. The City Attorney will also review. This will be added to the December agenda.

Councilmember Leak would like to know if staff members, especially supervisors, are covered under any sort of policy. He asked the City Manager to check with the Human Resources officer for any such policy.

11. Fire Department

The City Manager stated that he and the Human Resources officer are working on a succession plan for all departments in the City. He explained the plan should be available in January for Council review. He informed Council that he had talked with fire personnel, reviewed all certifications, and determined what the requirements and duties are of fire personnel. He explained that in terms of staffing and structure at this time, there are a few things to discuss at a later date for the future of the fire department.

He explained that more important than personnel at this time is equipment. The department is having problems with the fire trucks. He asked Council for permission to bid out a fire truck in this current year which will be ready to purchase in the 2011-2012 budget.

Following discussion, this item will be discussed further at the November 16, 2010 regular meeting

12. Discussion of Unified Development Ordinance (UDO)

The City Manager stated that staff has had a discussion about revising the UDO. Mr. Peele informed Council that the framework of the UDO is statewide. When discussing changing or modifying a UDO what is typically considered is less critical aspects of it which reflect the character of the community. Guidelines such as setbacks for housing or businesses, the signage allotment, landscape provisions, and parking accommodations are what dictate how property is developed. He stated that what would be needed is some guidance from Council as to what it feels needs to be changed and what Council would like him to research.

Upon question by Mayor Block, Mr. Peele stated that the City of Laurinburg's UDO should not necessarily reflect how other communities have set their UDOs. He further stated that if the City's present UDO follows any community that it would be Sanford, NC. This is because at the time the ordinance was written it was felt that Laurinburg and Sanford had similar characteristics.

Mr. Peele stated that personally he feels that some aspects of the City's UDO may have affected development such as the curb and gutter requirement. The UDO is solid as far as most requirements. The other aspects of the ordinance are reflective of what other Councils have adopted in the past.

Following a brief discussion, Mr. Peele was directed to develop a list of possible changes to the City's UDO and bring back to Council for discussion

13. Discussion of Datamatic

The City Manager stated that he learned that the possible bid to purchase fireflies from Datamatic will need to be rebid. The previous piggyback bid only covers a one year time frame and must be for the same equipment. The year time frame has expired and the City is requesting different equipment. He explained that the rebid will indicate that the bidding company will take a trade-in of the current fireflies the City presently owns as well as other requirements.

The City Manager stated that staff will draft a proposed bid; the City Attorney will then review, and it will then be brought to Council. He explained that it may take 30-45 days to be sure that all are in agreement with the proposed bid.

Councilmember Leak stated that he had a conversation with Joe Huffman, City Manager, Goldsboro, NC, regarding Datamatic. Goldsboro was the municipality upon which the City of Laurinburg piggybacked its bid. Mr. Huffman shared information regarding problems the City of Goldsboro experienced.

Following further discussion, the City Clerk was directed to contact Mr. Huffman for further information regarding the City of Goldsboro and Datamatic

14. Discussion of the Newtown project (Phoenix Development Corporation)

The City Manager stated that following the presentation of the Phoenix Development Corporation Council decided it would discuss further.

Following a brief discussion, Councilmember Parker and Councilmember Spencer stated that they would attend the Corporation's next meeting. The City Manager stated he would let them know when the meeting date is set.

15. 15. Discussion of Downtown Summit with Laurinburg Downtown Revitalization Corporation (LDRC), Chamber of Commerce, downtown property owners and renters.

The City Manager stated that at the retreat, Council discussed a meeting with downtown owners, etc. He explained that LDRC is very willing to have a meeting. The proposal is that a small focus group be established before meeting with everyone. The consensus is to consider a meeting date in mid January.

16. 16. Discussion on conserving energy in January-February Utility Bills

The City Manager stated that information would be included in the utility bills on how to conserve energy. The proposal is to run a conserve energy campaign in December, January, and February. Electricities has been contacted to work with staff to help with material information that is specific to Laurinburg's needs.

17. 17. Report on County Water System

The City Manager explained that a local bill will be introduced when legislature is back in session that would transform the ownership and control of two water districts that are in the county from Scotland County Commissioners to Laurinburg City Council. This would give the City of Laurinburg possession of the assets of the County water system, rate setting authority, and control of the two water districts in the county. The City already bills customers in the county for water usage as well as maintains the water lines.

He stated that in late January, he plans to have a draft of the local bill for council to review.

18. 18. Lumber River Rural Planning Organization (Meeting November 22, 2010 with the Lumber River Transportation Coordinating Committee, the Transportation Advisory Committee, and representatives from the North Carolina Department of Transportation STIP Development Office)

The City Manager explained that Councilmembers are invited to attend the above meeting.

LDRC also has Christmas on Main scheduled for Sunday, November 21, 2010 beginning at 1:00 p.m. and everyone is invited.

The City of Laurinburg Youth Council will have a swearing in and pinning ceremony on Thursday, November 11, 2010 at 6:00 p.m. at the Laurinburg Presbyterian Church.

There is also a veteran's day ceremony at Legion Park the morning of November 11, 2010.

CLOSED SESSION

At 8:55 p.m. Councilmember Parker moved to go into closed session pursuant to G.S. 143-318.11(a) (3) to consult with attorneys employed by and/or retained by the City in order to preserve the attorney-client privilege between the attorney and City regarding Datamatic and the proposed butane transloading facility. Councilmember Spencer seconded the motion and it unanimously passed.

At 9:15 p.m. Councilmember Parker moved to resume the open meeting. Councilmember Leak seconded the motion and it unanimously carried.

INFORMATION

Councilmember Leak expressed concern that he was not treated the same as another citizen when he requested information from staff. He indicated he was told that he needed to request information from the City Manager.

He then he explained why he requested the information.

The City Manager explained that there was miscommunication as to what was being requested. He also stated that if there was a considerable amount of information requested, that he would like to be aware so that, if appropriate, it could be sent to the entire Council.

Councilmember Parker explained that during last month's meeting, Mayor Block wanted to discuss minutes but was unable to attend the meeting unexpectedly. He stated that he would like the Mayor to express his concerns.

Upon Councilmember Parker's statement, the Assistant City Attorney stated that the minutes are not verbatim minutes but should properly reflect the thought or sentiment of the various speakers as well as all action taken by Council.

Mayor Block presented Council with a document from the Clerk's Reference Guide which suggests that minutes should be read, corrected and approved by the Governing Body at the first meeting following that for which the minutes were prepared. He stated that he feels as this is the standard.

He then explained the fundamentals for the recording of minutes. He stated that the reason he is bringing this up is that there are a number of meetings being held and, with the process of review by the Assistant City Attorney, it makes for a very time consuming process. He suggests that a standard be put in place that the minutes are ready at the agenda meeting following the previous month's agenda and regular meeting and that they be reviewed after they are presented at that agenda meeting for approval of the regular meeting.

He also suggests that the Clerk cut down on the detail of the minutes and keep the tape recordings for a year for any future clarification.

A discussion ensued on the number of meetings that have been held and that there are times, especially when there are more than two meetings per month, when it is difficult to have them prepared for the next month's meeting.

The Clerk explained that with the number of meetings that have been held that in order to comply with trying to have them prepared for the next council meeting, she needs complete uninterrupted time from her other daily activities.

The Assistant City Attorney explained his process in reviewing the minutes.

Upon further discussion, there was consensus that the minutes should be prepared in as timely a manner as possible. It was also discussed that the agenda meetings may need to be eliminated.

Council stated that they would discuss this at the December 2010 meeting.

Motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to recess the meeting to Thursday, November 11, 2010 at 6:00 p.m. to be held at the Laurinburg Presbyterian Church Fellowship Hall at 600 West Church St.

RECESSED

The meeting recessed at 9:55 p.m.

Matthew Block, Mayor Dolores A. Hammond, City Clerk