

**CITY OF LAURINBURG
AGENDA WORKSHOP
MARCH 13, 2012
W. CHARLES BARRETT ADMINISTRATION BUILDING
305 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held an agenda meeting on March 13, 2012, 2011 at 7:00 p.m. in the conference room of the W. Charles Barrett Administration Building with the Honorable Thomas W. Parker, III, presiding. The following Councilmembers were present: Mary Jo Adams, Curtis B. Leak, Kenton Spencer and Andrew G. Williamson, Jr. Councilmember Herbert M. Rainer, Jr. was absent.

Also present were Edward F. Burchins, City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., Assistant City Attorney.

Mayor Parker called the meeting to order at 7:03 p.m. Councilmember Adams gave the invocation.

AGENDA-MARCH 20, 2012

The City Manager reviewed the agenda for the March 20, 2012 council meeting.

3) CONSENT AGENDA

a) Minutes of the January 9, 2012 workshop; January 11, 2012 meeting; January 12, 2012 meeting; January 17, 2012 meeting and February 6, 2012 special meeting

PUBLIC HEARINGS

4) Consider Ordinance No. O-2012- which rezones from Residential 15-Office/Institutional a 4.55 acre tract of land on N. Wilkinson Dr. to construct a church
Mrs. Deese explained this request was submitted by Community Auxiliary Baptist Church

5) Consider Ordinance No. O-2012- which rezones from General Business to Industrial a 3.4 acre tract of land on McColl Rd. at its intersection with Barnes Bridge Rd.

6) Consider request for a Conditional Use Permit to erect an off-premises sign (billboard) on a 3.4 acre tract of land on McColl Rd. at its intersection with Barnes Bridge Rd.

Mrs. Deese explained the first request submitted by Scotland Motors was to rezone from General Business to Industrial and then the next request is for a conditional use permit to erect a billboard. Staff has heard opposition to this request, primarily associated with the property being rezoned Industrial. Mrs. Deese explained that there was little chance of the property being developed for industrial purposes because of the size and shape of the tract. Further discussion ensued concerning requirements for erecting billboards on private property. Mrs. Deese explained that Planning Board recommended denial of the rezoning request by a vote of 5-2 and tabled the Conditional Use Permit request and

wanted staff to research allowing billboards in the General Business zoning district by Conditional Use Permit. Discussion ensued concerning options for Mr. Howell.

DELEGATION

8. Scotland County Veterans Garden-David Adcox

9. Consider Resolution No. R-2012-07 supporting application for grant from the North Carolina 911 Board-Roylin Hammond, EMS Director

The City Manager explained that this resolution is for a consolidated public safety system and to apply for an E911 grant.

10. Authorize City Manager to execute agreement with East Coast Pyrotechnics for July 4th Fireworks

The City Manager explained that the cost of the fireworks is \$11,000. He added that he had had no response from the County Manager.

11. Consider Ordinance amending the 2011-2012 Budget Ordinance for Laurinburg-Maxton Airport and Highway 74 Interchange Lighting Project

The City Manager explained that the Airport did not use all of the money the City loaned it, so the ordinance moves funding to combine with funding from the TDA and NC DOT for the Highway 74 Lighting. He added that he had notified David Burns that the Council had approved participating in the capital part of the project and the City is waiting to hear from the County on their participation.

12. Authorize Mayor or City Manager to execute Financing Agreements with BB&T for equipment

The City Manager discussed the bids received on financing several pieces of equipment.

13. Consider Resolution requesting NC DOT declare a School Speed Zone on US 15-401 South

The City Manager explained that the request would allow NC DOT to reduce the speed limit from 45 mph to 35 mph during specific times.

Councilmember Leak requested clarification on whether NC DOT would erect lights in addition to the signs.

14. Resolution Honoring Student

Mayor Parker explained that Andrew Todd had been awarded a \$2,500 scholarship from AT&T and AT&T had requested a resolution from the City for his accomplishment.

15. Resolution authorizing the Mayor and City Clerk to execute lease to Silgan Containers Manufacturing Corporation

Mayor Parker explained that this was a renewal of the lease with Silgan Containers at the Airport.

TAX COLLECTION ISSUES

The City Manager explained that he and the Finance Director involved the City's auditor in reviewing the financial information presented about tax collection consolidation. He further added that this discussion brought up another issue to consider, the foreclosures being filed on behalf of the County by a contracted firm out of Trenton, North Carolina.

The Assistant City Attorney provided a detailed explanation of the foreclosure process involved with the firm with which the County has contracted. He explained that once a suit is filed, the City has no choice except to file a response to the foreclosure action;

otherwise the City loses its lien. He added that thus far almost 100 suits had been filed; therefore, the City has to pay the City Attorney for filing the responses. He expressed concern about the lack of research conducted by the firm hired by the County and the possible subsequent problem with sufficiency of process of the foreclosure papers. He also expressed concern that once a suit is filed, an individual may pay the County taxes due, but not the City taxes; therefore the City remains in the case.

Councilmember Williams expressed concern about the inflexibility and the fees charged by the firm that is processing the foreclosures.

Councilmember Leak expressed concern that the City remain customer-friendly.

Councilmember Spencer explained that this foreclosure process reaffirmed his initial inclination in that tax collection consolidation is not the way for the City to go, and that he did not see any savings at all in tax collection consolidation.

Further discussion ensued concerning the foreclosure process by the County and its contractor. The City Manager explained when the Finance Director checked with the County Manager regarding the foreclosure process, she was told by the County Manager that the County would charge the City 1.5% on the foreclosures. He added however, that the County Manager called a meeting that was held earlier in the day, and that the County Manager would have to contact the contractor to determine the foreclosure costs for the City.

Further discussion ensued concerning the tax foreclosure process. The Assistant City Attorney recommended that Council not make a decision on tax collection consolidation until the City Manager has heard from the County Manager on the amount to be charged to the City for foreclosures.

Further discussion ensued concerning the tax foreclosure process and its effect on tax collection consolidation.

A discussion then ensued concerning nuisance abatement charges and their inclusion in the foreclosure process with the County. The Assistant City Attorney explained that Council could make a policy decision about handling the nuisance charges since these charges are not covered under the Machinery Act. He added that he recommended Council not handle the nuisance charges on a case by case basis, but have objective criteria to handle them consistently.

The Assistant City Attorney explained the procedure for charging nuisance assessments. He added that they become a lien and be collected as taxes are.

Further discussion ensued concerning the assessments and the amount owed. Mrs. Carpenter explained that the current balance of outstanding assessments was \$204,000.00. She suggested a one-time adjustment to the nuisance fees to recoup some

of the money owed to the City. She added that the amount on the lot cutting that is charged tends to be greater than the actual cost of the lot cutting.

Further discussion ensued concerning the nuisance charges. The City Manager suggested that he, Mrs. Carpenter and the Assistant City Attorney conduct research including contacting the School of Government and other communities to ensure that the nuisance charges and collection procedures are structured properly.

The Assistant City Attorney explained that the nuisance fees can be investigated and some type of adjustment could be researched.

Mayor Parker suggested, and it was consensus of Council, that the City Manager, Mrs. Carpenter and the Assistant City Attorney would research the nuisance charges and come back with a proposal on how to handle them.

Mayor Parker explained that he had discussed with Mrs. Deese an ordinance prohibiting parking cars on grass. He added that the City is beginning to deteriorate and citizens look to the City to put some decorum in how the citizens behave.

Councilmember Spencer explained that in order to have enforcement, the City needs to have personnel.

The City Manager explained that because of the staffing transitions, the City needed to work on the basics and determine the capabilities of staff. He added that staff is currently working on the budget.

Councilmember Spencer stated that he would like to settle the tax consolidation issue.

Mrs. Carpenter explained that the County has to have an answer in March.

Mayor Parker explained that the foreclosure issue depends upon what the contracted tax foreclosure attorney will charge the City.

Mrs. Carpenter explained that a meeting with the tax foreclosure attorney, the County Attorney, the County Manager, the City Manager, the Assistant City Attorney and herself to discuss the foreclosure charges.

Upon question by Councilmember Williamson, Mayor Parker explained that if there was no motion at the council meeting regarding consolidation of tax collection, then the matter would die.

Councilmember Leak expressed concern that Mrs. Carpenter needed direction on whether or not to hire a Tax Collector or someone to collect revenues.

Mrs. Carpenter explained that should the tax collection consolidation take place, the County would not want to take the nuisance charges because of the difficulty in collecting.

Further discussion ensued concerning the tax foreclosure issue. The City Manager clarified that the County is trying to determine if the tax foreclosure attorney would treat the City the same as other municipalities in the County and not charge an additional fee for foreclosures in the City of Laurinburg.

The Assistant City Attorney explained that there are two (2) issues concerning tax consolidation. The big issue is whether the City and County will consolidate tax collection, and a side issue is consolidation of tax foreclosures.

Further discussion ensued concerning the tax foreclosure issue. The Assistant City Attorney explained that figures regarding the tax foreclosure charges will be determined and presented to Council.

CONSOLIDATION OF WATER SYSTEM WITH LAURINBURG-MAXTON AIRPORT

The City Manager explained that the Laurinburg-Maxton Airport Commission (LMAC) is interested in studying consolidating with the City's water system at no cost to LMAC. He added that there were some parts of the study that could be done in-house to help keep costs low.

Councilmember Leak explained that the City has expertise regarding water treatment.

Councilmember Spencer explained that the consolidation would create a water authority to compete with a large volume of water. He added that this would bring water rates up to be competitive and bring economies of scale.

Mayor Parker explained that the Town of Maxton is having difficulties and someone from the town had called the Airport about supplying the town with water.

Further discussion ensued concerning consolidation of water systems. Mayor Parker explained that the Lumber River Council of Governments (COG) has conducted a study, the City Manager had a water study conducted and the Base Realignment and Closure Commission (BRAC) also had a water study.

The City Manager explained that parts of the above-mentioned studies could be utilized and all that is necessary is some hydraulic modeling which would cost between \$900.00 to \$1,000.00.

Mayor Parker stated that this item would be on the March 20, 2012 meeting agenda.

POLITICAL SIGNS

Councilmember Adams explained that the Beautification Committee had discussed political sign regulations and the Chairperson had requested input from the members. She added that once the Chairperson had input from the members, a recommendation would be submitted to Council.

Councilmember Williamson expressed concern that no staff was present at the Beautification Committee meeting when this matter was discussed.

KENNELS

The City Manager explained that there had been issues with enforcement of kennel regulations. He added that it was more of a code enforcement issue than an animal control issue.

Mrs. Deese explained there are several properties in the City where large numbers of animals are being bred for the purpose of selling. She further explained that it is difficult to prove that the animals are bred for sell. She added that kennels are allowed by Conditional Use Permit in the Residential-20 Mobile Home and Residential-15 zoning districts. She further added that if the animals are not being cared for properly then it is an animal control issue, and if there is an odor issue, the Health Department would be involved. She stated that she had discussed this matter with Chief Evans and he was strongly in favor of amending the Animal Control Ordinance to limit the number of dogs per residence to six (6).

The City Manager explained that research would be conducted on how other municipalities handle this matter. He also added that there was not enough space at the Humane Society because of the large number of animals that are being taken to it and that there had been some arrests where a large number of animals were brought to the Humane Society.

Councilmember Leak explained that every dog in the City was supposed to be licensed and have a rabies tag. He suggested that enforcing the license requirements, especially in the minority areas would be another way to attack the animal problem.

Councilmember Leak expressed concern that neighborhood appearances are being affected negatively by rental houses. He further explained that in general, renters do not care about appearance. He suggested that the property owners should be held accountable for the actions of their renters.

MEETING CALENDAR

The City Manager then presented a proposed meeting calendar to Council. He explained that the Employee Pay and Classification Plan needs further review by Council and he suggested Tuesday, March 20, 2012 at 6:00 p.m. in the Barrett Building. He then

explained that he would like Council to meet on Tuesday, March 27, 2012 at 6:15 p.m. to discuss results of the staff retreat on March 9, 2012, the results of the Citizen Input Session held on March 1, 2012 and Council could provide guidance on goals and directives for preparing the budget. He added that staff would then have the month of April to prepare the budget and it would be presented to Council on May 8, 2012. He further added that budget discussions would be held in May and the public hearing would be scheduled for June 19, 2012.

MISCELLANEOUS

Councilmember Adams expressed concern about the invocation at the beginning of meetings. She added that she had been told not to say the words “Jesus”, “God” or “our Father”. She questioned whether the Council might be open for a lawsuit.

Councilmember Williamson stated that the invocation should be kept neutral.

Mayor Parker stated that he had discussed participation in the study to determine the need for a community center with Commission Chair Bob Davis, and Chairman Davis indicated that the County would not take action on this matter anytime soon.

Councilmember Spencer explained that the three (3) stakeholders in the proposed study are the City, the County and Scotland Healthcare System. He added that the Parks and Recreation Foundation and Scotland Healthcare System had each committed to funding one-third (1/3) the cost of the proposed study to determine the design, the scope of the project and financing opportunities. He suggested that a resolution be prepared committing funding for one-third (1/3) the cost of the study contingent upon the other two (2) entities participating.

ADJOURNMENT

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

The meeting adjourned at 8:45 p.m.

Thomas W. Parker, III, Mayor

Jennifer A. Tippett, City Clerk