

**CITY OF LAURINBURG
RECONVENED MEETING
MARCH 28, 2012
MUNICIPAL BUILDING
303 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg reconvened its March 20, 2012 meeting on March 28, 2012 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Thomas W. Parker, III, presiding. The following Councilmembers were present: Mary Jo Adams, Curtis B. Leak, Herbert M. Rainer, Jr. and Andrew G. Williamson, Jr. Councilmember Kenton T. Spencer arrived at 7:10 p.m.

Also present were Edward F. Burchins, City Manager; Jennifer A. Tippett, City Clerk; J. Robert Gordon, City Attorney; William P. Floyd, Jr., Assistant City Attorney; and Cindy Carpenter, Finance Director.

Mayor Parker reconvened the March 20, 2012 meeting on March 28, 2012 at 7:00 p.m.

The Invocation was given by Councilmember Adams.

Mayor Parker explained that the primary purpose of the reconvened meeting was to allow the City Attorney time to review tax consolidation issues. He then recognized the City Attorney.

TAX COLLECTION CONSOLIDATION ISSUES

The City Attorney explained that Scotland County contracted with a law firm out of Trenton, NC to aggressively collect delinquent taxes and this firm has filed numerous tax foreclosure actions, with many of the properties being in the City limits. He explained that the law requires that the City file an answer to the County's complaint in order to protect the City's liens, not only tax liens, but also street assessments, nuisance abatements and demolition costs. He explained that over 100 answers had been filed thus far and foreclosure suits continue to be presented to the City Attorney. He further explained that usually the defendants in the cases generally owe very little in City taxes, usually between \$200.00 and \$300.00. He expressed concern that the attorney fees and court costs actually exceed the amount of taxes due to the City and was an injustice to citizens. He then explained the recommended procedures as follows:

- Appoint the City tax collector to accept foreclosure lawsuits as process agent.
- The tax collector will log in all lawsuits that are accepted.
- The tax collector would review and determine the amount of taxes and other liens owed and then make a determination for further action with the lawsuit.
- In the event less than \$500.00 is owed, the City Attorney recommended that no legal action be taken. The tax collector will notify the taxpayer that the County has filed a

lawsuit and the taxes need to be paid and the City taxes should be paid at the same time the taxpayer pays the County taxes.

- In the event the taxes owed to the City are in excess of \$500.00, then the lawsuit will be turned over to the City Attorney for appropriate legal action.
- If the total of taxes is less than \$500.00 but when combined with other liens, the total is greater than \$500.00, the lawsuit will be turned over to the City Attorney for appropriate legal action. The City Attorney will promptly file an answer to the lawsuit and allege any liens that are due the City.
- At the time the City tax collector receives the initial complaint, he will notify the taxpayer that a suit has been filed and that if they fail to pay they may well be attached with attorney fees and court costs. Hopefully that will generate some interest in paying the taxes on a voluntary basis without the necessity of further action.

The City Attorney explained that he would assist Mrs. Carpenter with preparing a letter to the taxpayer notifying him of the existence of a lawsuit. He also explained that he had not billed the City for the answers to the lawsuits filed thus far. He added that he would work with the City tax collector on those lawsuits to see what could be done to collect City taxes.

Upon question by Councilmember Leak, the City Attorney explained that the County is trying to target the taxpayers who are five (5) years or more delinquent. He added that the attorney hired by the County is charging \$675.00 for each lawsuit that is filed. He further added that the taxpayers are paying at the County tax office but they are not paying the City taxes at the same time they are paying the County taxes.

Upon question by Councilmember Adams, the City Attorney explained that the recommended procedures would begin immediately. He added that he would work with Mrs. Carpenter and the County tax office to work out any issues that arise.

Upon question by Councilmember Leak, Mr. Gordon explained that the individual would not have to designate the tax collector in order to carry out the duties in the procedures he outlined for handling tax foreclosure lawsuits.

The Assistant City Attorney explained that for service of process, anyone can be named an agent. He added that there may be some duties that the statutes require to be done by the tax collector.

Mayor Parker explained that filling the position and taking action on the City Attorney's recommended procedures for handling foreclosure lawsuits are separate matters.

Following a brief discussion, motion was made by Councilmember Adams, seconded by Councilmember Rainer, and unanimously carried to adopt the City Attorney's recommended procedures for foreclosure lawsuits.

Upon question by Councilmember Williamson, the City Attorney explained that if the job title of the individual hired by the City is not "tax collector" there would not be a problem in following the procedures.

Mrs. Carpenter expressed concern that she was not clear on the job description for the individual she is to hire, whether it's a tax collector or a revenue collector; therefore she had not posted the job.

Following a brief discussion, motion was made by Councilmember Leak, seconded by Councilmember Rainer, and unanimously carried to not consolidate tax collection with Scotland County.

A discussion ensued concerning the job description and qualifications of the position Council authorized the Finance Director and City Manager hire. Mrs. Carpenter explained that the job description has been refined to define the job better and included all required qualifications.

Following further discussion, motion was made by Councilmember Williamson, seconded by Councilmember Rainer, and unanimously carried to authorize the Finance Director and City Manager to hire a tax collector and/or revenue director as they determine best.

FY 2012-2013 BUDGET

Mayor Parker explained that the City Manager had scheduled a budget work session on April 3, 2012, and he felt that Council should meet prior to meeting with the department heads in order to set the values Council wants to see in the budget as well as review results of the Citizen Input Session held on March 1, 2012 to determine what is appropriate for budget consideration.

Mayor Parker then discussed the following items from the Citizen Input Session:

- *Increase number of cameras in high crime areas.* Mayor Parker explained that he and the City Manager did not see this as a high cost item.
- *Increase Police staff.* Mayor Parker explained that this item would have a significant budget impact.
- *Faith-based programs-rehabilitation use community services.* Mayor Parker stated he did not see how this item tied into the budget.

The City Manager explained that faith-based programs at the federal level are funded and a number of churches take on rehab and other housing projects and they are eligible for funds through Housing and Urban Development (HUD). He added that if a church wanted to step up Council could choose to support them, but there would be no impact on the budget.

Mayor Parker continued his discussion of results from the Citizen Input Session:

- *Increase police officers in order to build community relations, decrease crime by prevention measures and lead by example by making policy accordingly.* Mayor Parker explained that this was just different wording from another table at the Citizen Input Session.

Councilmember Leak expressed concern about the lack of minority police officers.

Upon question by Councilmember Williamson, the City Manager explained efforts such as assistance by Mrs. Betty Galloway of the Employment Security Commission (ESC) to increase diversity in the police department. He added that an event was held at Richmond Community College earlier in the day with 12 attendees. He further added that ESC will prescreen the individuals to ensure they are qualified and then go through Basic Law Enforcement Training (BLET) at no cost to the individuals.

Councilmember Rainer expressed concern that all resources have been exhausted in solving cold cases.

A discussion ensued concerning the open cases. The City Manager explained that individual cases should be discussed in closed session.

Councilmember Spencer discussed ways of increasing presence in high crime areas such as neighborhood watches.

Upon question by Councilmember Williamson, Councilmember Leak explained that the Crime and Drug Committee is meeting but is not ready to present recommendations.

Councilmember Leak requested a breakdown of manpower in the organization.

Mayor Parker continued discussion of results of the Citizen Input Session:

- *Build on strengths we have and foster positive attitude.* Mayor Parker explained that Council is projecting a positive attitude and needs to stay the course to work together. He added that there is no budget implication.
- *Drains and flooding.* Mayor Parker explained that he and the City Manager had discussed this item which is an expensive issue to fix because you have to change elevations. He suggested that the City make sure drains are clear in problem areas.

The City Manager explained that a map would be prepared to show where flooding occurs in the low lying areas.

A discussion ensued concerning areas in town that are prone to flooding and the possibility of permanently erecting signs that say the area is subject to flooding. The City Manager stated that he would investigate this issue.

Upon question by Councilmember Spencer, the City Manager explained that there are still dirt streets in the City and that the City grades the dirt streets.

Councilmember Rainer expressed concern about a creek on Lauchwood Drive between the Dulin Center and Hospice that is filled with debris and trash impacting the water flow.

Mayor Parker resumed discussion of the Citizen Input Session results:

- *Litter clean up and enforcement.* Mayor Parker explained that he believes the City needs to step up enforcement of litter laws.

The City Manager explained that every year beginning in April, a five-man crew picks up litter in the entire City every two (2) weeks and in addition, as US 401 is mowed, litter is also picked up. He stated that it takes about two (2) weeks to get the major highways and roads and then the crews go into the neighborhoods that experience a lot of litter. He added that the City will be using inmate labor this summer.

Councilmember Spencer stated that signage between US 401 and Lee's Mill Road has graffiti painted on it.

The City Manager stated he would contact the State about the graffiti.

Councilmember Leak expressed concern that the Adopt-A Spot program be revived.

The City Manager explained that the County Litter Sweep in April is being publicized in the City's quarterly newsletter and a crowd is expected to participate.

Mayor Parker resumed discussing the results of the Citizen Input Session:

- *Pedestrian Bridge on West Blvd.* Mayor Parker explained that because of the cost of this project, it is unfeasible. He added that Council is cognizant of the danger and the City is going to erect lights at the overpass.

The City Manager explained that the State approved the City lighting the overpass and this will be accomplished this fiscal year and funds were in the budget.

- *Downtown lighting needs improvement for safety and crime prevention and increase lighting for downtown area as it's not safe at night.* Mayor Parker explained that the City Manager informed him that the mastheads on the lights cannot be more illuminated and that part of the problem is that the canopies on the buildings block the light. He added that the City Manager informed him that the only other choice is to take the light poles down and put in new lights.

Upon question by Councilmember Williamson, the City Manager stated that North Carolina Department of Transportation (DOT) would not allow lights that project off certain buildings since the lights could be shining directly in people's faces.

- *Building demolition of abandoned buildings.* Mayor Parker explained that he felt demolition efforts needed to be increased.

Mayor Parker explained that the other two (2) items from the Citizen Input Session were the "Welcome to Laurinburg" signs opened up to organizations, consolidation of water systems into one unit and buy WestPoint plant to sell water to other counties.

Councilmember Spencer explained that a study of consolidation of water systems is underway looking at consolidating the water systems at the City and at Laurinburg-Maxton Airport. Councilmember Spencer stated that the City Manager is tentatively looking at completing the study in August.

- *Trash – use inmates.* Mayor Parker explained that the City Manager informed him that the City will be using inmates this summer.

Trash-Ed says doing that this summer.

Upon question by Councilmember Rainer, the City Manager explained that there are few restrictions on the inmate labor. He stated that they could be used anywhere in the City, no armed guards are required and they are allowed to use certain tools. He added that the City will pay the inmates \$1.00 per inmate per day. He added that the inmates would be used to pick up litter along right-of-ways.

- *Establish Historical Landmark Commission for the City.* Mayor Parker explained that he felt this issue should be delegated to Laurinburg Downtown Revitalization Corporation (LDRC) as all of the historical landmarks would be downtown.

Councilmember Rainer explained that Laurinburg Institute should be considered for landmark designation.

Following a discussion, Mayor Parker requested that the City Clerk provide Council a list of the members of the Historical Commission so Council could consider reviving the Commission.

Mayor Parker then asked Council if there was anything else significant from the Citizen Input Session that needed to be included in the budget or if Council wanted to add other items.

Upon question by Councilmember Adams, the City Manager explained that even if the City installed different poles and lighting, the awnings would block the lighting.

Mayor Parker stated that individual businesses could add a light in front of their store to illuminate downward toward the street.

The City Manager explained that he would have the Utilities Director discuss the downtown lighting issues.

Councilmember Williamson stated that he was on the Board of LDRC as the Laurinburg/Scotland County Area Chamber of Commerce representative and would take this issue before the board for discussion.

Mayor Parker then asked Council if anyone had an item for the budget that was not mentioned in the Citizen Input Session.

Upon question by Councilmember Williamson, the City Manager stated that staff would look into having funds in the budget for tree replacement.

Councilmember Spencer suggested the following:

- Creating more walkways, bike lanes and pedestrian pathways and looking at different ways to increase mobility
- Creation of a city center or some way to create interest in the downtown area
- Look at the traffic pattern at Wal-Mart
- Investigate possibility of the City purchasing or leasing a building downtown, renovating it and leasing to a business

Upon question by Councilmember Rainer, the City Manager explained that the City could not venture into opening a restaurant or movie theater but that the City could provide incentives to attract such businesses. He added that the City could not build a business as such expenditure would be outside the public purpose policy.

Further discussion ensued concerning economic development opportunities in the downtown area.

A discussion ensued concerning the possibility of the City obtaining the vacant gas station on the corner of East Church Street and South Main Street to locate the Farmers Market.

Councilmember Spencer explained that he wanted Council to be aware that one item the County was considering was closing the bathrooms at Washington Park and Hammond Park.

Councilmember Spencer suggested that the park located behind the Municipal Building needs to be renovated or the equipment taken down to create a greenspace or a dog park.

Mayor Parker explained that Council needed to establish what it wanted included in the budget as well as the tax rate.

The City Manager explained that he thought the budget process was set up for Council to consider results from the Citizen Input Session, then hear needs from the department heads and then to decide what it wanted to include in the budget. He added that the department heads have the expertise and knowledge for the basic items that need to be included in the budget.

Councilmember Adams stated that it was important to hear from the department heads.

Councilmember Leak stated that the tax rate should remain at \$.40 and have the department heads cut their budgets by 10%.

The City Manager stated that if staff understands that Council does not want to raise taxes or rates, staff can develop a budget on input from Council. He added that when Council reviews the budget, Council can take whatever action is necessary to remove or add items from the proposed budget.

Following a lengthy discussion concerning the budget development process, motion was made by Councilmember Adams, seconded by Councilmember Williamson, and unanimously carried for Council to meet with the department heads on April 3, 2012 to discuss the budget.

Mayor Parker explained that he felt Council needed to consider some compensation for the employees. He explained that perhaps Council could look at a cost of living adjustment with a cap. He encouraged council members to talk with the City Manager regarding this issue because the City Manager would make the recommendation.

Mayor Parker instructed the City Manager to encourage the department heads to keep the collective presentation to one (1) hour.

ADJOURNMENT

Motion was made by Councilmember Spencer, seconded by Councilmember Williamson, and unanimously carried to adjourn.

The meeting adjourned at 8:44 p.m.

Thomas W. Parker, III, Mayor

Jennifer A. Tippett, City Clerk