

**CITY OF LAURINBURG
COUNCIL MEETING
JUNE 19, 2012
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 June 19, 2012, at 7:00 p.m. in the council room of the Municipal Building with the Honorable Thomas W. Parker III, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Curtis B. Leak, Herbert M. Rainer, Jr., Kenton T. Spencer, and Andrew G. Williamson, Jr.

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

Mayor Parker called the meeting to order at 7:00 p.m.

The invocation was given by Councilmember Spencer.

Mayor Parker reported that he and Mr. Spencer had engaged in a passionate discussion recently. He added that he wanted to clarify that Councilmember Spencer had done nothing improper and that nothing discussed was meant to impugn his integrity. He then offered an apology to Councilmember Spencer and stated that they had agreed that they had different viewpoints on the subject that had been discussed.

APPROVAL OF AGENDA

Mayor Parker explained that the agenda needed to be amended to remove consideration of Ordinance No. 0-2012-20 (budget ordinance) and add consideration of Resolution No. R-2012-19 amending the Personnel Policy following all public hearings.

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

PUBLIC COMMENT

Rev. Jesse Brunson, Pastor of Galilee United Methodist Church, appeared before Council and expressed concern with increased vandalism, particularly to churches, and offered suggestions to aid in stopping vandalisms and thefts of copper and other metals. He also suggested greater diversity in the Police Department.

Mayor Parker explained that efforts are underway to diversity the Police Department. He then presented City pins to Rev. Brunson and members of his Church in attendance.

CONSENT AGENDA

City Manager reviewed the consent agenda as follows:

- a. Consider minutes for the April 3, 2012 special meeting, April 10, 2012 agenda meeting and April 17, 2012 regular meeting
- b. Consider Resolution No. R-2012-17 which authorizes electronic advertising of bids
- c. Consider Resolution No. R-2012-18 which authorizes the Mayor and City Clerk to execute Lease Agreement with Laurinburg Downtown Revitalization Corporation, et al for parcels bounded on the north by West Railroad Street, on the east by South Main Street, on the south by Roper Street and on the west by Atkinson and Gill Streets (parking lot)
- d. Consider awarding audit contract to Gustaf C. Lundin & Company, LLP to audit financial records from July 1, 2011 to June 30, 2012 at cost of \$29,500
- e. Consider Ordinance No. O-2012-13 amending the 2011-2012 Budget Ordinance (O-2011-11) which transfers \$10,000 from Streets & Highways-Salaries (562-500200) to Storm Drainage-Salaries (563-500200); \$10,000 from Streets & Highways-Salaries (562-500200) to Administrative-Salaries (420-500200); \$7,200 from Streets & Highways-Salaries (562-500200) to Cemetery-Salaries (506-500200); and \$11,000 from Planning-Salaries (503-500200) to Cemetery-Maintenance and Repair Equipment (506-503100)
- f. Consider Ordinance No. O-2012-14 which condemns the property located at 700 Isabelle Street and authorizes the Building Inspector to demolish and clear the property
- g. Consider Ordinance No. O-2012-15 which condemns the property located at 703 Isabelle Street and authorizes the Building Inspector to demolish and clear the property
- h. Consider Ordinance No. O-2012-16 which condemns the property located at 429 East Covington Street and authorizes the Building Inspector to demolish and clear the property

Councilmember Rainer requested that Items (c) and (g) be removed from the Consent Agenda.

Councilmember Adams moved to approve the Consent Agenda as amended. Councilmember Williamson seconded the motion and it was approved by the following vote:

Ayes: Adams, Williamson, Rainer, Leak, Spencer

Nays: None

PUBLIC HEARINGS

CONSIDER REQUEST TO REZONE PROPERTY LOCATED AT 412 FAIRLEY ST. FROM INDUSTRIAL TO OFFICE/INSTITUTIONAL

Mrs. Brandi Deese explained that Sandhills Community Church had requested rezoning of 412 Fairley Street in order to operate a church at that location. She added that the Planning Board heard this request on May 15, 2012 and unanimously recommended approval.

Mayor Parker opened the public hearing.

There was no one present to speak in favor of or in opposition to this request.

Mayor Parker closed the public hearing.

Councilmember Spencer moved to approve Ordinance No. 0-2012-17 which rezones from Industrial to Office/Institutional the property located at 412 Fairley Street as it is:

- Consistent with other development in the area;
- Advances the public health safety or welfare; and
- Provides a positive impact to the public at large.

The motion was seconded by Councilmember Rainer, and the vote was as follows:

Ayes: Spencer, Rainer, Leak, Williamson, Adams

Nays: None

(Ordinance No. O-0212-17 on file in the City Clerk's office)

CONSIDER REQUEST TO AMEND ARTICLE X (10), SECTION 146 PERMISSIBLE USES, AND ARTICLE XI (11), SECTION 180, SUPPLEMENTARY USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

Mrs. Deese explained that Planet Aid had requested to amend the Unified Development Ordinance (UDO) to permit donation containers in the General Business zone. She added that currently the UDO does not address this accessory use; therefore it is not permitted. She explained that the proposed amendments would allow this use if it was related to the primary use of the lot where the clothing donation container is located and if it could meet the supplemental regulations. Mrs. Deese discussed research conducted concerning Planet Aid and its use of donations in Third World countries. She further added that Planning Board heard this request on May 15, 2012 and recommended denial of the request by a 5-1 vote. She explained that the denial of this request was based on the controversy surrounding the clothing containers and the Planning and Development Department's renewed interest in beautification.

Upon questions by Councilmember Spencer, Mrs. Deese explained that local non-profits could have clothing donation containers such as Planet Aid's if they were operated as an onsite accessory; however, if the containers were offsite, the UDO would need to be amended. She further explained that a semi non-profit is classified as a small percentage of collections are donated and much larger percentage is for-profit to the owner.

Upon question by Councilmember Leak, Mrs. Deese explained that permission must be obtained from the property owner for clothing donation containers to be located on a person's property. Planet Aid did ask permission from the property owners, but did not inquire about zoning permits from the City.

Mayor Parker opened the public hearing.

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

Mr. Julian Butler representing Concerned Citizens for the Homeless and The Helping Hand appeared before Council. He expressed his concern that outside groups removed valuable resources that are desperately needed in the community.

Mrs. Clara Butler representing Concerned Citizens for the Homeless and The Helping Hand appeared before Council. She expressed her concern with the long-term effects Planet Aid would have on the community. She requested denying this amendment so that Scotland County could continue to reap the benefits of the donated goods, clothing, and services the citizens provided.

Mrs. Lesley Womack, Executive Director of Church & Community Services, appeared before Council and requested that the request be denied because she saw no long-term benefit of Planet Aid's involvement in Scotland County.

Mr. Bill Owens, a volunteer with Hospital Auxiliary appeared before Council. He expressed his concern that if Planet Aid remained in Laurinburg, that the Hospital Auxiliary program would end, making it difficult for patients to receive free medications after hospitalization or medical procedures. He requested denying this amendment because Scotland County's 17.4% unemployment rate proved that Scotland County should help itself before it helped others.

Mayor Parker closed the public hearing.

Upon question by Councilmember Leak, the Assistant City Attorney explained that Council has the right to amend or not amend the ordinance.

Councilmember Adams moved to deny Ordinance No. 0-2012-18 which amends Article X, Permissible Uses, Section 146 Table of Permissible Uses and Article XI Supplemental Regulations, Section 180 Supplementary Uses, of the Unified Development Ordinance to allow donation containers in the General Business District and provide supplementary regulations related to such use. Councilmember Leak seconded the motion and the vote was as follows:

Ayes: Adams, Leak, Spencer, Williamson, Rainer

Nays: None

(Denied Ordinance No. O-0212-18 on file in the City Clerk's office)

CONSIDER AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF LAURINBURG

Mrs. Deese requested that Council adopt the proposed Ordinance that will authorize the Planner/Code Enforcement Officer to file a Notice of Lis Pendens in the Office of the Clerk of Superior Court at the beginning of Code Enforcement action which would be binding on the successors and assigns of the owner of a building or dwelling, thus reducing the costs of enforcement as well as potentially speeding up the condemnation process.

Upon question by Councilmember Rainer, the Assistant City Attorney explained that Lis Pendens is a notice requirement or the filing of a complaint in the Clerk of Court's Office at the

beginning of Code Enforcement action which puts everyone with an interest in the subject property on notice that Code Enforcement action is pending.

Mayor Parker opened the public hearing.

There was no one present to speak in favor of or in opposition to the proposed ordinance.

Mayor Parker closed the public hearing.

Upon question by Councilmember Leak, the Assistant City Attorney explained that the notification requirements for absent property owners are the same as for resident property owners. He added that if the identity of the owner or heirs cannot be identified, a notice of publication must be completed.

Councilmember Spencer moved to approve Ordinance No. 0-2012-19, which amends Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Laurinburg to permit the filing of Lis Pendens at the beginning of enforcement actions as it advances the health, safety or welfare of the citizens. Councilmember Williamson seconded the motion and the vote was as follows:

Ayes: Spencer, Williamson, Rainer, Leak, Adams

Nays: None

(Ordinance No. O-0212-19 on file in the City Clerk's office)

Upon question by Councilmember Rainer, the Assistant City Attorney explained that while there are three (3) conditions, for or against to select from to condemn a property, only one (1) is necessary. The three (3) conditions are health, safety, and welfare.

PUBLIC HEARING ON FUNDS APPROPRIATED FOR THE CITY GOVERNMENTS BUDGET

The City Manager presented the following with regard to the proposed Fiscal Year 2012-2013 Budget:

- The budget consists of four (4) operating funds – the General Fund, the Electric Fund, the Water/Sewer Fund and the Solid Waste Fund.

BUDGET SUMMARY BY FUND

FUND	PROPOSED 2013
General	\$7,472,363
Electric	\$17,815,965
Water/Sewer	\$6,262,868
Solid Waste	\$2,625,946
TOTAL	\$34,177,142

- The FY 2013 Proposed budget of \$34,177,142 is \$1,116,196 or 3.3% more than the FY 2012 budget of \$33,060,946.

He listed the following as objectives on which staff focused in developing the budget:

- To maintain the tax rate at \$.40 per \$100 valuation. Therefore, no tax rate increase is proposed.
- To look at ways to improve the City's quality of life by making our community safer using a variety of approaches including being more visible and interact more with citizens one on one as opposed to strictly patrolling. The Police Department, through the use of our new crime mapping technology, will conduct crime trend analysis to understand what tactics to use based on the nature of the crimes we identify. In addition we will renew past efforts and encourage neighborhoods to partner with our Police Department through the Community Watch Program.
- To continue updating and implementing new strategies for more aggressive enforcement of the City's Nuisance Ordinances.
- To improve our ability to manage of our water and sewer and electric assets by implementing the City's new Automated Meter Reading Program.
- To provide an equitable and more manageable means of evaluating our employees by purchasing and implementing an evaluation system that gives supervisors and employees a way to develop an agreed upon evaluation plan.
- Continue to focus on infrastructure improvements for streets, sidewalks, water, wastewater and electric and fiber optic utilities
- To continue to maintain or improve the financial integrity of all operating funds.
- Minimize the financial demand on our citizens and businesses by maintaining our existing water, wastewater, electric and solid waste rates.
- Maintaining all fees at FY 2012 levels
- To work closely with the Scotland County Economic Development Commission, the Laurinburg Downtown Redevelopment Corporation, the Lumber River Council of Governments, the Laurinburg-Maxton Airport Commission, the Scotland County TDA, the Laurinburg/Scotland County Chamber of Commerce, Scotland Memorial Hospital, Richmond Community College and St. Andrews University, and develop strategic relationships with each organization individually and collectively to create opportunities and expand our local economy. All of us are making individual efforts to improve our organizations, the time has come where we need to pool our resources and promote our quality of life, our workforce and develop ways to grow our economy in Laurinburg and Scotland County
- To address our organization's human resource need by considering pay adjustments recommended in the Springsted Compensation and Classification Plan
- To maintain the tax rate per 40/100. Therefore no tax increase is proposed.
- To improve ways of improving the quality of life by making citizens and community safer using a variety of approaches including being more visible and interacting more with our citizens, one-on-one as opposed to strictly patrolling.
- The police department through the use of crime mapping technology will conduct crime trend analysis to understand what tactics to be used to be based on the nature of crimes

we identify throughout the City.

- Renew passed efforts and encourage neighborhoods to partner with the police department through the community watch program.

He added that the proposed budget included no rate increases for water, sewer and electric services.

Mayor Parker opened the public hearing.

Ms. Shannon Craven appeared before Council and expressed concern regarding the following:

- The intersection of US 15-501 and US 15-401 needed to be improved for safety purposes.
- The parking lot in front of Save-a-Lot and Village Cleaners was in poor condition and needed to be paved.

Upon question by Ms. Craven, the City Manager explained that the 401 bridge replacement projected would be completed by the end of 2012 at the very earliest. He also added that the City would contact North Carolina Department of Transportation about the intersection of US 15-501 and US 15-401, and that the City would contact the owner of the shopping center regarding the parking lot.

Mayor Parker presented Ms. Craven with a City pin.

CITY MANAGER REPORTS

CONSIDER AMENDMENT TO THE CITY OF LAURINBURG PERSONNEL POLICY

The City Manager explained the during the budget workshops, discussions were held concerning the Personnel Policy with regard to probationary employees and entry into the Local Government Employees Retirement System (LGERS). He explained that the proposed resolution changes the Personnel Policy so that a new employee would be enrolled in LGERS on the first day of employment.

Councilmember Rainer moved to approve Resolution No. R-2012-19 which amends Resolution No. R-1996-19, entitled "A Resolution Adopting a Personnel Policy for the City of Laurinburg". Councilmember Leak seconded the motion and the vote was as follows:

Ayes: Rainer, Leak, Williamson, Adams, Spencer

Nays: None

(Resolution No. R-2012-19 on file in the City Clerk's office)

LEASE AGREEMENT

Mayor Parker reported the lease agreement with the Laurinburg Downtown Revitalization Committee (LDRC) is for a certain block in the City bounded on the north by West Railroad Street, on the east by US 15-401/501 Business (S. Main Street), on the south by Roper Street and

on the west by Atkinson and Gill Streets.

Councilmember Rainer commented that he would not be in favor of accepting the lease agreement because of location of the property and the liability the City would assume.

Upon question by Councilmember Williamson, the Assistant City Attorney explained that the lease does not specify a monetary amount that the City must spend, the degree of improvements and maintenance required, and therefore, is an open-ended agreement. He added that the City would not pay any rent for the property.

A lengthy discussion ensued concerning potential responsibilities and liability of the City if the Lease Agreement were approved.

Upon question by Councilmember Williamson, the Assistant City Attorney explained that an easement would require the same rights and responsibilities if the City assumed the obligation to effect the repairs in a reasonable manner.

Councilmember Rainer made a motion to deny Resolution R-2012-18. Councilmember Leak seconded the motion.

A discussion ensued concerning the history of the lease agreement and the downtown Special Tax District.

Further discussion ensued about the liability and cost involved with signing the Lease Agreement, the liability and the type of repairs and maintenance required by the City.

Councilmember Spencer suggested that the exposure of the City needed to be reduced to protect the citizens while also working to develop areas downtown.

Mayor Parker discussed the partnership between the City and LDRC and the need for the City to work with its partners. He added that there is probably a way to tighten up the agreement to lessen the liability to the City.

A lengthy discussion ensued concerning the history of the lease agreement and the parking issues in the downtown area.

Upon question by Councilmember Adams, the Assistant City Attorney explained that currently there was no estimated cost of repairs.

Councilmember Rainer rescinded his previous motion to deny Resolution No. R-2012-18 to give the Assistant City Attorney the opportunity to provide additional information on the legal liabilities. Councilmember Leak concurred with rescinding his second of said motion.

After discussion, Mayor Parker suggested that the Assistant City Attorney provide additional information on the liability issue and the City Manager prepare a cost estimate of potential repairs.

Motion was made by Councilmember Rainer, seconded by Councilmember Leak, and unanimously carried to table Resolution No. R-2012-18 contingent upon the Assistant City Attorney working with LDRC regarding the potential liability of the City and upon the City Manager providing a cost estimate of potential repairs.

ORDINANCE O-2012-15 CONDEMNATION OF 703 ISABELLE ST.

Councilmember Rainer explained that he requested that this item be pulled from the Consent Agenda because the Staff Report refers to 700 Isabelle Street instead of 703 Isabelle Street, and he wanted to ensure the correct property was being condemned.

Following a brief discussion of the typographical error, motion was made by Councilmember Spencer to approve Ordinance No. O-2012-15 which condemns the property located at 703 Isabelle Street and authorizes the Building Inspector to demolish and clear the property. The motion was seconded by Councilmember Rainer and the vote was as follows:

Ayes: Spencer, Rainer, Williamson, Adams, Leak

Nays: None

(Copy of Ordinance No. 0-2012-15 on file in the City Clerk's Office)

APPOINTMENTS

Laurinburg Planning Board

Mayor Parker explained that Mrs. Sallie Jones' term on the Laurinburg Planning Board expires June 30, 2012. Mrs. Jones has expressed interest in being reappointed. Her four (4) year term expires would now expire on June 30, 2015.

Motion was made by Councilmember Rainer, seconded by Councilmember Williamson, and unanimously carried to reappoint Mrs. Sallie Jones to a three (3) year term on the Laurinburg Planning Board, which term expires June 30, 2015.

Laurinburg-Maxton Airport Commission

Mayor Parker explained that his term on Laurinburg-Maxton Airport Commission (LMAC) expires June 30, 2012. With the council's blessing he'd like to continue to serve.

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to reappoint Mayor Thomas W. Parker, III, to a three (3) year term on the LMAC, which term expires June 30, 2015.

Laurinburg Housing Authority

Mayor Parker explained that this appointment is a Mayoral appointment, and after consulting with Mrs. Nancy Walker, he was reappointing Ms. Gloria Brown to the Laurinburg Housing

Authority Board of Commissioners. Ms. Brown has expressed interest in reappointment.

COMMENTS FROM MAYOR AND/OR COUNCIL

Councilmember Spencer stated that the Farmers Market will be held on June 30, 2012 from 9:00 a.m. to 1:00 p.m. in the A.B. Gibson Center parking lot and there will be various activities for everyone to enjoy.

Mayor Parker and Councilmember Rainer expressed appreciation for the citizens attending the meeting and showing an interest in the community.

Mayor Parker explained that Council would be going into closed session at this point and upon returning to open session would continue budget discussions.

CLOSED SESSION

At 8:26 p.m. Councilmember Spencer moved to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(6) for the purpose of considering qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee and pursuant to North Carolina General Statute 143-318.11(a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the City.

The motion was seconded by Councilmember Williamson, and unanimously carried.

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

BUDGET DISCUSSION

Mayor Parker explained that at the budget meeting the previous night, Council wanted to further discuss employee compensation.

Councilmember Rainer explained that he would like Council to adopt the Springsted Pay and Classification Plan. He added that since not all employees would receive pay increases in this plan, he would like to recommend a bonus in the range of \$600.00 to \$800.00 for the employees whose pay is not being adjusted more than the bonus amount.

Councilmember Spencer discussed that the pay issue should be broken into pieces, with the first being the Springsted Study recommending pay increases for the eight (8) employees with additional job responsibilities; the second piece is to make the pay schedule comparable to other cities; and the third piece is a bonus or salary adjustment up to 2.5%. He discussed that the City is competitive and the City needs to be fiscally responsible, yet something should be done for the employees. He suggested Council consider a one-time bonus or some type of pay adjustment with benefits.

Mayor Parker explained that the City is moving toward some type of merit pay system with the purchase of the NEOGOV System.

Further discussion ensued concerning the Springsted Plan and possible future pay increases for employees.

Upon question by Councilmember Rainer, Mrs. Carpenter explained that the cost of implementing the Springsted Plan for all employees except the eight (8) who would be receiving larger pay adjustments due to increased duties was \$9,461.53.

Further discussion ensued concerning the Springsted Study.

Motion was made by Councilmember Spencer, seconded by Councilmember Williamson, and unanimously carried to approve the pay adjustments for the eight (8) employees as recommended in the Springsted Plan.

Following further discussion, motion was made by Councilmember Adams, seconded by Councilmember Rainer, and unanimously carried to adopt the minor increases recommended by the Springsted Plan for the remainder of the City's employees.

Following a lengthy discussion regarding a bonus for employees, motion was made by Councilmember Leak, seconded by Councilmember Rainer, and unanimously carried to provide a one-time bonus in the amount of \$800.00 for the City employees who received less than an \$800.00 pay increase from the adoption of the Springsted Pay and Classification Plan.

Mayor Parker proposed that one percent (1%) of the City's total budget be included for economic development for a total amount of \$77,500.00.

Motion was made by Councilmember Williamson, seconded by Councilmember Spencer, and unanimously carried to include \$77,500.00 in the budget for economic development.

Motion was made by Councilmember Spencer, seconded by Councilmember Rainer, and unanimously carried for the City Manager to develop a pay for performance pay system for implementation by 2013-2014.

A discussion ensued concerning the responsibility for developing a pay for performance system. Councilmember Spencer suggested that the primary responsibility would rest with the City Manager, and the Human Resources Director and each department head would also be responsible.

Mayor Parker then discussed a suggestion that the City designate 1% of its tax rate for economic development.

A lengthy discussion ensued concerning this suggestion, economic development and the Economic Development Summit. No action was taken on this matter.

RECESS

Motion was made by Councilmember Spencer, seconded by Councilmember Williamson, and unanimously carried to recess the meeting to June 21, 2012 at 5:45 p.m. in the council chambers of the Municipal Building located at 303 W. Church St. to continue budget discussions.

The meeting recessed at 9:49 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippett, City Clerk