

**CITY OF LAURINBURG  
CITY COUNCIL MEETING  
OCTOBER 18, 2016  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
7:00 p.m.**

**Minutes**

The City Council of the City of Laurinburg held its regular meeting on Tuesday, October 18, 2016 in the Council Chambers of the Municipal Building at 7:00 p.m. with the Honorable Matthew Block, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Dolores A. Hammond, Curtis B. Leak, Andrew G. Williamson, Jr. and J.D. Willis.

Also present were Charles D. Nichols III, City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney.

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

Councilmember Leak requested a moment of silence and then led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT PERIOD**

Mayor Block briefly reviewed procedures and decorum for the Public Comment Period and for the meeting.

Mr. Michael Edds, 1207 Blue Drive, expressed concern that the meetings were not opened with prayer. He also praised the City Manager and City crews for their work after the hurricane.

Ms. Francine McLaurin, 12560 Cypress Drive, discussed a problem with drainage on her property. She explained that the problem has existed for years because her property is below the streets (Blues Farm Road and Cypress Drive). She further explained that the water runs off both streets and is undermining her driveway. She added that she has spoken with the City Manager and the Street Department about this issue several times, and was advised to purchase longer tiles for her driveway. She further added that NC Department of Transportation came and put rocks on Blues Farm Road, and that helped, but she still has an issue from the water coming off Cypress Drive. She requested that the City devise a solution other than her buying more tiles for her driveway.

Ms. Mary Evans, 401 Sugar Road, expressed concern about drainage issues around the City and

instead of building a new building, Council should fix the infrastructure problems. She also expressed concern about lack of adequate entertainment and that the meetings were not opened with prayer.

Mr. Ken Nichols, 13420 Wesleyan Drive, commended Police Chief Williams and his staff for their work following Hurricane Matthew. He explained that Chief Williams ensured that officers were on site directing traffic at all of the gas stations in Laurinburg. He added that the lines at the gas pumps were longer than during the 1970's gas shortage. He further added that the City electric crews were out working when Duke Progress would not put its trucks on the road with winds in excess of 35 miles per hour. He also commended City staff out clearing roads and removing dangerous trees.

Ms. Connie Barber, 710 West Covington Street, asked Council why the employees were not relocated from the Municipal Building if the conditions in the building were so bad.

Mr. Charles Parker, Blue Woods Road, apologized to Council, and personally to Councilmember Leak, for his outburst earlier in the meeting.

Mayor Block explained that Council would discuss the issue of invocation or moment of silence later in the meeting.

Mr. Frank Evans, 1449-B Terrace Circle, explained that the compliments to City staff for work following the Hurricane provided previously were well earned; however, there were a lot of police vehicles parked at residential homes, one in particular where he lived, and also in lots that had not moved since the storm. He added that it was nice to see police presence at the convenience stores. He expressed concern that although the City did a good job of posting updates on the City's Facebook page, since many people do not follow traditional news media, he felt that the City should have provided warnings prior to the hurricane. He also discussed the flooding at Plaza Terrace Apartments and that his utility bill was for 41 days.

Councilmember Leak discussed the storm drainage issues around the City and the need for citizens and the City to work together during disaster times. He explained that he and Councilmembers Hammond, Adams and Willis were out in the community following Hurricane Matthew and were aware of what was going on.

Councilmember Willis commended Mr. Stacey McQuage and his staff for cleaning storm drains prior to the Hurricane. He explained that had that not occurred, the flooding could have been much worse.

Following discussion, it was consensus of Council for the City Manager and staff to look Ms. McLaurin's issue on Cypress Drive.

With regard to Ms. Barber's question to Council, Mayor Block asked Councilmember Hammond what her concerns were regarding the Municipal Building.

Councilmember Hammond explained that she was concerned about the safety of employees and citizens with no sprinkler system, asbestos floors and similar items in the Municipal Building.

## **CONSENT AGENDA**

Mayor Block presented the Consent Agenda as follows:

- a) Consider minutes of July 19, 2016 regular meeting
- b) Consider Ordinance No. O-2016-10 requesting closure of S. Main St. for Christmas On Main

Councilmember Williamson moved to approve the Consent Agenda. Councilmember Willis seconded the motion, and it was approved by the following vote:

Ayes: Williamson, Willis, Leak, Hammond, Adams

Nays: None

## **PUBLIC HEARING**

### **CONSIDER AMENDING ARTICLE 7 SUPPLEMENTAL REGULATIONS, SECTION 7.37 SOLAR FARMS (GROUND MOUNTED PHOTOVOLTAIC ARRAY) OF THE CITY'S UNIFIED DEVELOPMENT ORDINANCE**

Mr. Mac McInnis, City Zoning Officer, explained that at Council's request, staff researched amending the Unified Development Ordinance (UDO) to restrict clustering of solar arrays within the corporate limits and major entranceways. He then read the proposed amendment to Article 7.37 of the UDO as follows:

*Article 7, Supplemental Regulations, Section 7.37 Solar Farms (Ground Mounted – Photovoltaic Array) of the City of Laurinburg Unified Development Ordinance is hereby amended by adding Subsection 7.37.7 as follows:*

#### ***7.37.7. Prevention of Clustering.***

*7.37.7.1. No new solar arrays shall be allowed within one (1) geodesic mile of an existing or previously permitted solar array within the corporate limits of the City of Laurinburg or within the City's extraterritorial jurisdiction.*

*7.37.7.2. No new solar arrays shall be allowed on any parcel within the corporate limits of the City of Laurinburg or within the City's extraterritorial jurisdiction that abuts a main entrance corridor into the City of Laurinburg. For purposes of this subsection, the main entrance corridors are defined as Highway 15-401/McColl Road, US-401/Wagram Road, US 15-501/Aberdeen Road, US 15-501/Johns Road and Highway 74 Business and Bypass East and West.*

Mr. McInnis explained that Planning Board considered the amendment, and unanimously recommended approval.

Mayor Block opened the public hearing.

Mr. Charles Parker, Bluewoods Road, commended City Council for the proposed amendment on solar farms and the need for ordinances to provide for quality growth.

Mr. Bill Purcell, 1308 Dunbar Drive, explained that he was against the proposed change to the UDO. He cited the following as reasons for his opposition:

- It appears most people are indifferent to the amendment otherwise there would be more than one (1) person to speak in favor of the amendment.
- The availability in this area for high power connectivity.
- The need to take advantage of being “green” and the need for more green power to reduce the carbon footprint.
- Concern about coal ash piles and pits polluting waters.
- Solar farms provide benefits such as income from taxable personal property on the farms. According to the County Tax Administrator, the City received \$5 million in revenue from the existing solar farms in 2016.
- There are other ways to protect the main corridors such as distance from the main corridors.
- Approximately 100 Scotland County citizens now work for Strata Solar constructing solar farms across the state.

Mr. John Davis, Solar Development out of High Point, NC, explained that he was a contractor with Progress Energy for about 30 years, and worked in Scotland and Richmond Counties on the transmission system. He explained that the grid system in Scotland County is one of the most robust systems in North Carolina, and that is why it is so attractive to solar companies.

Mr. Rob Lease, Capital Solar Development, explained that during construction of a solar farm, between 85-100 local workers are hired for a three (3) to four (4) month period. He added that over 100 Scotland County citizens have permanent solar construction jobs and travel statewide. He also discussed the following benefits of solar farms:

- Tax benefit.
- Provides tax benefit even though 80% of taxes are abated. Over time, does provide income.
- Industry requires no infrastructure.
- In 2016, the solar farm near Scotland High School paid \$29,324.26 in business personal property tax and a little over \$1,600 in real property tax.
- The electricity that is produced is sold to Duke Progress Energy at same rate that it pays for electricity produced in non-renewable means; therefore it is at the wholesale rate. This rate is locked in for 15 years.
- Site location for solar farms determined by substation and existing infrastructure.

Mr. Lease proposed that the ordinance have a one-half (1/2) mile distance between solar farms, which matches Duke Energy's requirements. He suggested that perhaps the landscape buffering requirement be increased or make more use of more natural buffers. He explained that currently there are four (4) proposed new solar farms, and of those, two (2) would be rejected based upon the proposed amendment.

Upon question by Mayor Block, Mr. Lease explained that with the one-half (1/2) mile distance between solar farms, that one (1) of the two (2) solar farms could be built.

Mr. Davis explained that Duke Progress Energy requires a one-half (1/2) mile distance between solar farms. He discussed the distribution and transmission capabilities in Scotland and Richmond Counties. He also discussed that in most communities, the main complaint with solar farms is the way they look; however, most communities have abandoned buildings that do not look good. He discussed the uniqueness of Richmond and Scotland Counties with regard to the potential for solar growth. He requested that Council stay with the current process for solar farms – with a Conditional Use Permit which includes site plan review.

Councilmember Leak expressed concern about the location of solar farms at the entranceways to cities. He cited the solar farms at the entrance to Red Springs as an example. He discussed the need to develop the industrial site on US 401 North.

Mr. Davis discussed the diversification of land use for farmers and the income that solar farms provides for farmers.

Mr. Lease explained that he believed that there is already enough protection on how many solar farms that can be built in this area due to the capacity and size of the substations, the line size and the loads that are already connected. He added that the distance between solar farms requirement by Duke Progress of one-half (1/2) mile also provides enough protection.

Upon question by Mayor Block, Mr. Davis explained that the buffer for the solar farm beside Scotland High School would never hide the solar farm from the elevated bypass and that the buffer could never grow higher than the solar panels.

Discussion ensued concerning the distance from the substation and where solar farms are located. Mr. Davis explained that his company is going out of its way to place the solar farms so that they are somewhat hidden from view to address the issue that some people do not like the way solar farms look. He explained that industries want to locate where the infrastructure such as electricity exists, so solar farms are good for industrial development.

Ms. Loretta Rene McNeill explained that she was opposed to the amendment to the UDO because different sources of energy need to be developed. She added that environmental issues are one of the main topics for the National Association for the Advancement of Colored People (NAACP) Youth.

Mayor Block closed the public hearing.

Upon question by Mayor Block, Mr. McInnis explained that chicken farms and mobile homes are allowed in the R-20MH and R-6MH zoning districts.

Mayor Block explained that because there is a limit on how many solar farms can be developed, he felt that property owners have a right to use their property; therefore he thought that the one-half (1/2) mile distance between solar farms would be sufficient.

Councilmember Willis explained that Council gave staff direction on the proposed amendment and Planning Board had recommended approval of the amendment. He added that if Council is considering rethinking the amendment, then Council could vote for the amendment or table it for further discussion by staff and the Planning Board.

The City Manager explained that the issue is the moratorium and having another public hearing for a moratorium.

Upon question by Councilmember Williamson, the City Attorney explained that Council could extend the moratorium on solar farm development; however he did not believe that was a good idea.

Councilmember Leak explained that the mile limit between solar farms was to protect citizens and future growth of the City. He then moved to approve Ordinance No. O-2016-11 amending Article 7 Supplemental Regulations Section 7.37 Solar Farms (Ground-Mounted Photovoltaic Array) of the City's Unified Development Ordinance and to adopt the following Consistency Statements and Reasonableness Statement as read by the City Attorney:

- a. The proposed amendment to the UDO advances the public health, safety and general welfare.
- b. Ground-Mounted Solar Arrays have impacts on surrounding residential uses that are similar to agricultural uses. The amendment allows the City to control clustering of these arrays within the city limits and along entrance corridors to the City by limiting the proximity of new arrays to existing arrays and preventing new solar arrays from being installed along parcels that abut major entrance corridors coming into the City in the ETJ.
- c. The amendment will assist in maintenance of the rural character of property zoned R-20 and R-20MH in the city limits and the ETJ since solar arrays require significant amounts of open land for development.
- d. Control over-clustering of solar arrays will be consistent with the planning goals of the Land Use Plan 2035 in that it will help to maintain the appearances of properties abutting major thoroughfares and properties abutting existing residential developments within the city limits.

#### REASONABLENESS STATEMENT

- e. The proposed amendment is reasonable and in the public interest in that it allows the development of Ground-Mounted Solar Arrays while giving the City oversight in the development process to assure minimum impacts on adjacent landowners.

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

Ayes: Leak, Willis, Adams, Williamson, Hammond  
Nays: None  
(Ordinance No. O-2016-11 on file in City Clerk's office)

*At 8:20 p.m., Mayor Block called for a short break.*

*The meeting resumed at 8:26 p.m.*

## **DELEGATIONS**

### **INTEGRATED DEVELOPMENT GROUP – DOWNTOWN UPDATE – JED HOHL**

Mr. Jed Hohl of Integrated Development Group explained that his firm was a private development company from Greensboro that had recently purchased the McDougald Building, also known as the Market Furniture Building. He explained that plans for restoring the McDougald Building include mixed use with retail on the first floor (possibly a restaurant or brew pub) and apartments on the upper floors. He explained that he would keep the brick work intact and do a complete restoration, and hoped to start in January, 2017.

Mr. Hohl explained that his firm had also purchased the former State Bank Building and planned to renovate it for office space, and would build to suit tenants. He added that the exterior architecture would be redone to fit the downtown area.

Upon question by Councilmember Leak, Mr. Hohl explained that the clock would be saved, and that it worked and would be used.

Mayor Block explained that for years the Market Furniture Building (McDougald Building) sat vacant with the cost of rehabilitation prohibitive. He then asked Mr. Hohl how this was viable.

Mr. Hohl explained that the location of Laurinburg is excellent, being two (2) hours from the beach, from Charlotte and with an interstate running through it. He added that in terms of the rehabilitation cost, a developer must have vision.

Upon question by Mayor Block, Mr. Hohl explained that using tax credits is a long process. He added that he has filed for tax credits for the State Bank Building and the application has gotten through Phase I. He further added that with the building and downtown being on the Historic National Register and with the City's participation in the Downtown Community Associate program leading to participation in the NC Main Street Program will assist in obtaining tax credits. He cited recent improvements in the downtown area such as the trash cans and benches as positives for Laurinburg's downtown. He added that he noticed the sidewalks were being power-washed and that shows pride.

Upon question by Mayor Block, Mr. Hohl explained that the cost to rehabilitate the Wachovia Building will depend upon the leasee since it will be built to suit.

Mayor Block thanked Mr. Hohl and stated that his plans were great news.

## **CONSIDERATION OF SCOTLAND COUNTY COMPREHENSIVE TRANSPORTATION PLAN**

Mr. Michael Abuya with the North Carolina Department of Transportation (DOT) discussed the proposed Scotland County Comprehensive Transportation Plan (CTP) and presented a PowerPoint with highlights as follows:

- Purpose of the study is to identify deficiencies in the transportation system and recommend improvements, identify multi-modal elements (highway, public transportation, rail, bicycle and pedestrian), and to provide information and data to guide future transportation decisions.
- The recommended CTIP is a “needs list” through 2040 and there is no funding tied to the plan.
- Benefits of the CTP are: common long-range vision, better integration of different plans and stronger ties between DOT and local priorities.
- Transportation modes included in the CTP are highway, public transportation and rail, bicycle and pedestrian.
- Recommendations in the CTP are based on congestion (volume/capacity), safety and mobility.
- Existing congestion analysis showed that most facilities are below capacity in Laurinburg, except a segment of US 15-501 which is near capacity and a segment of US 74 Business (Church Street) is near capacity.
- Future congestion analysis showed that most facilities are below capacity in Laurinburg, except several segments of US 15-501 are near or above capacity, segments of US 74 Business are over capacity, and segments of Main Street, West Blvd/X-Way Road and Lauchwood Drive are near capacity.
- The CTP identified three (3) areas with 30-39 crashes: US 74 between US 74 Business split and US 15-401, US 15-401 and US 74 west bound exit ramp and US 15-501 and NC 144 intersection.
- Highway recommendations are:
  - US 74 is future interstate and should be upgraded to interstate standards.
  - US 401 should be upgraded to a multi-lane facility from the South Carolina line to US 401 Business northeast of Raeford, Hoke County, NC
  - US 15 Business (Main Street) – To ease congestion on Main Street, modify Atkinson and Biggs Street to serve as one-way pair from Armory Street to Church Street, with Biggs running north and Atkinson running south.
  - US 74 Business (Church St.) – Widen to a three-lane major thoroughfare from US 15 (McColl Rd.) to Caledonia Rd.
  - Lauchwood Drive – Widen to a four-lane divided highway from US 15-401 (McColl Rd.) to US 501 Business (Johns Rd.)
  - X-Way Road/West Boulevard – Widen to three lanes from Turnpike Road to US 15 (McColl Road)
- Public Transportation and Rail Recommendations are to continue utilizing Scotland County Area Transit System (SCATS).
- Bicycle recommendation include multi-use path as identified in the 2015 Laurinburg Walks Comprehensive Pedestrian Plan.

- Pedestrian recommendations include sidewalks as identified in the 2015 Laurinburg Walks Comprehensive Pedestrian Plan.

Upon question by Mayor Block, the City Manager explained that the Steering Committee recommended that Atkinson and Biggs Streets be one-way beginning at Church Street and running south in order to not create a bypass of downtown given the recent efforts to revitalize downtown. Upon question by Councilmember Adams, Mr. Abuya explained that in order to upgrade US 74 to interstate standards, the shoulders would have to be widened, and west of Laurinburg it would need to be limited access.

Following discussion, Councilmember Willis moved to approve Resolution No. R-2016-14 Approving the Scotland County Comprehensive Transportation Plan. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Willis, Adams, Leak, Hammond, Williamson

Nays: None

(Resolution No. R-2016-14 on file in City Clerk's office)

## **CITY MANAGER REPORTS**

### **COMMUNITY DEVELOPMENT UPDATE**

Mr. Michael Mandeville, Community Development Director, provided an update on the pass through project at 115 Main Street. Staff put aside \$65,000.00 of the \$94,000.00 grant received, and budgeted an additional \$30,000.00 for the project. Two (2) bids were received and only one (1) of the bids proposed actual work and the other was a comprehensive plan. Staff reached out to four (4) local construction companies but none were interested in the project. Before moving forward with this project, staff needs council's commitment for the next phase of the parking lot behind the pass-through to make it safe and useable.

The City Manager explained that the \$94,000.00 grant funds must be expended by the end of March, 2017. He added that with some of the grant money and the \$30,000.00 budgeted, staff thought that something could be done with the walk-through property. The property is in worse shape and will take more money to keep the structure stable so that it is safe to use. Staff wants direction from Council although funds are available to complete this project, staff does not want to complete the project making the parking lot behind the pass-through project accessible with the current state of the parking lot.

Upon question by Councilmember Williamson, the City Manager explained that the parking lot is divided into different pieces with different owners.

Mr. Mandeville explained that ultimately staff would like to put the utilities underground in the parking lot. He added that at some point staff would also like to have a green space behind the pass-through in connection with the parking lot.

Councilmember Williamson suggested that Mr. Mandeville talk with Jim Willis about the parking lot.

The City Manager explained that staff needed to start projects to expend the grant funding by the end of March 2017. He added that if the pass-through project is not a priority for Council, then staff can look at improving downtown lighting.

Following further discussion, motion was made by Councilmember Williamson for staff to move forward with the pass-through, and to begin looking into the parking lot behind the pass-through project property. The motion was seconded by Councilmember Adams and carried unanimously.

Mr. Mandeville encouraged everyone to notice the pressure-washed areas downtown.

### **CONSIDER AMENDING BEAUTIFICATION COMMITTEE GUIDELINES**

The City Manager explained that the amendments to the Beautification Committee Guidelines were recommended by the Beautification Committee. He briefly reviewed the amendments.

Following a brief discussion, motion was made by Councilmember Hammond, seconded by Councilmember Adams, and unanimously carried to approve the amended Beautification Guidelines.

### **UPDATE ON CITIZENS' ACADEMY**

Mrs. Betty Galloway, Human Resources/Risk Management Director, explained that she had been putting together information on the Citizens' Academy which included an information sheet, online and paper application, flyers and advertising. She added that the first session would begin January 12, 2017 and would meet on Thursday evenings. She further added that staff is working on content with the intent to make it informative and engaging.

Upon question by Councilmember Hammond, Mrs. Galloway explained that the minimum number of participants was 10 and the maximum 20.

Upon request by Councilmember Adams, Mrs. Galloway stated that she would email the information sheet to Council.

The City Manager explained that some of the sessions will be filmed and that some of the information will be tied into the new orientation program for employees.

### **COMMONWEALTH BRIDGE UPDATE/DIRECTION**

The City Manager explained that direction was needed from Council concerning the Commonwealth Bridge Replacement Project. He explained that this project has been ongoing since 2011 and that the bids for replacing the bridge were more than double the original estimate.

Mr. Stacey McQuage explained that the original estimate to build the bridge was \$300,000.00 with design fees of \$130,000.00, with the City being responsible for 20% of those costs and NC Department of Transportation (DOT) reimbursing the City of the remaining 80%. He further

explained that the total costs for the bridge replacement were now over \$1 million. He added that one of the biggest issues in this project was dealing with CSX Railroad which required \$14,000.00 from the City for reviewing the plans and \$124,000.00 for overseeing construction and flagging during construction. He explained that in order to meet CSX requirements, one (1) option would be to redesign the bridge as a flat bridge which would eliminate some of the shoring and groundwork; however, there would be additional engineering fees of \$75,000.00.

The City Manager explained that there had been conversations with DOT about stopping the bridge replacement project; however, DOT will more than likely not reimburse the City for what has been spent thus far on the project. He added that Mr. McQuage has indicated that the bridge has 5-10 more years of useful life, so it seemed cost effective to stop the project now. He further added that the City could submit a waiver from DOT to reimburse the City 80% of what had been spent thus far on this project, if Council so desired.

Upon questions by Councilmembers Adams and Leak, Mr. McQuage explained that Commonwealth Road is located off North Caledonia Road and is on the edge of the City limits with East Laurinburg. He added that the bridge is located within the CSX Railroad right-of-way.

Discussion ensued concerning the condition of Commonwealth Road and the bridge. Mr. McQuage explained that on the East Laurinburg side of Commonwealth Road the bridge is in bad shape.

Following further discussion, motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to stop the Commonwealth Bridge Project and request a waiver from NC Department of Transportation in order to be reimbursed for 80% of the City's expenditures thus far on the project.

### **DISCUSSION ABOUT INVOCATION/MOMENT OF SILENCE – FOLLOW UP FROM PUBLIC COMMENT AUGUST 16, 2016 AND CONTINUED FROM SEPTEMBER 20, 2016**

The City Attorney explained that at a previous Council meeting, a citizen asked for clarification on the City's "moment of silence" observance that Council has been following recently in lieu of a spoken prayer. He added that the day prior to the September meeting during which he planned to share the current status on the legality of local government prayer, the Fourth Circuit Court of Appeals published an opinion by a three (3) judge panel upholding the prayer policies of the County Commissioners of Rowan County. There has been a petition filed by the losing parties in that case for what is known as an "en banc" review of the case. This means that if a certain number of judges on the Fourth Circuit Court of Appeals grants the petition, all fifteen appellate judges in the Fourth Circuit will rehear the case and decide whether to uphold the three judge decision. The Rowan County case was surprising given the reliance by the County Commissioners solely on Christian prayer delivered by the County Commissioners themselves on a rotating basis.

The City Attorney explained that with the outcome of the Rowan County case pending and the previous case law on this subject, he offered the following conclusions:

1. It is clearly permissible under current law for Councilmembers to offer non-sectarian prayers at the beginning of a meeting. For example, it is perfectly acceptable for a Councilmember to pray to “God” in a generic manner so long as the Councilmember does not invoke a particular deity. On the other hand, prayers to “Jesus” or “Allah” or prayers that close with “in Jesus name” or “Allah Akbar” may be subject to legal challenge. Councilmembers have offered non-sectarian prayers for years without incident and they are clearly appropriate under current law.
2. It is clearly permissible under current law for Councilmembers to request a “moment of silence” at the start of the meetings. By choice, all of the Councilmembers have chosen to adopt this practice. The moment of silence is designed to give everyone an opportunity to pray or not pray as they choose. As demonstrated by a citizen at last month’s meetings, some individuals do not understand the moment of silence or feel somehow “God” is being taken out of the meetings if there is not a verbal prayer.
3. It is clearly permissible for Council to adopt a policy that permits individuals to sign up to present whatever kind of prayer they wish to offer to start the meetings. He cautioned Council about this policy. If Council allows anyone from the public to offer sectarian prayers, it must afford the same opportunity to all religious groups and atheists as well. He advised Council against this policy for a couple of reasons. First, the individuals who sign up to pray may take the prayer time as an opportunity to preach, demean, or proselytize and Council will have no ability to regulate the content of the prayers. Second, by allowing any “religion” to offer the prayer, Council would be forced to allow atheists, Wiccans, etc. to offer prayers as well.
4. It is **CURRENTLY** legal under the Rowan County decision for Councilmembers to offer sectarian prayers and invoke a particular deity as long as the prayer is not considered exclusionary or proselytizing. In other words, under current law, you could pray to Jesus and end a prayer “in Jesus name” as long as the prayer is not used to exclude other people or be designed to convert others to a particular religious viewpoint. As stated earlier, the allowance of these types of prayers is on shaky legal footing and he believed that that the en banc panel of the Fourth Circuit will reverse the three (3) judge panel if it decides to hear the appeal. Ultimately, the case could end up with the United States Supreme Court.

The City Attorney stated that he suggested that Councilmembers either observe a moment of silence or offer a non-sectarian prayer when it is their turn to start the meeting. It would be perfectly appropriate for some Councilmembers to observe a moment of silence while others may choose to offer a verbal, non-sectarian prayer. He added that given the tenuous legal authority that currently permits sectarian prayer, he would not advise Council to offer sectarian prayers.

Upon question by Councilmember Willis, the City Attorney explained that he had never advised Council to not offer prayer at meetings. He added that the meetings are Council’s meetings and it has the obligation to set the agenda and how the meeting will be opened.

Councilmember Adams explained that until approximately a year ago, Council was offering a prayer on a rotating basis and then it was up to the individual Councilmember as to whether to offer a prayer or a moment of silence. She added that Council also added the Pledge of Allegiance.

The City Attorney explained that there was no ill motive from Council. He added that with the diverse society of today, Council is mindful of that and has an obligation to all citizens to honor different views in society.

## **UPDATE ON UTILITY BILLING**

The City Manager explained that Mayor Block had requested staff provide an explanation as to why some customers' utility bills were for reads up to 41 days. He added that he wanted to clarify that the City has two (2) meter reading systems – one for electric and another for water and sewer, and the customers who received bills for greater than 30-33 days were for water and sewer meter reads only. He further added that water meters are read manually and also includes the County System water meters. He further added that approximately a year ago, Council held a discussion concerning electric meter reads with the result being that staff was to keep electric meter reads under 33 days. He further explained that Ms. Simmons had researched a list of customers that Mayor Block had provided, and that based upon her review of the past three (3) months' bills for those customers, only one (1) customer had any increase in the bill due to the higher number of days, and that increase was \$3.50. He added that Mrs. Carrie Neal, Finance Director, Ms. Tammie Simmons, Customer Services Manager, and Harry Gale, Meter Read Supervisor, were present to answer any questions.

Mrs. Neal explained that she came aboard full-time in July and prior to that time was working part-time. She added that she initially focused her attention on getting the financial areas up to speed, and getting ready for and obtaining a good audit. She further added that since she started full-time, the City has had its second audit and during that time she reviewed all of the business processes and internal controls with the auditor. She further explained that she also monitors revenues and total billings for all billing cycles to ensure there is no huge discrepancy from month to month that would indicate there was a problem, and to date, she has not seen any issues. She further added that there are certain things that are out of the City's control such as a weekend, a holiday or the cut-off process that can impact meter reading cycles. She further explained that it is important to remember that water and sewer are billed on usage and it is per 1,000 gallons. She added that a customer that had a 40 day billing cycle one month would have a 20-21 day billing cycle the next month. She concluded by stating that having just completed the audit, now was the perfect time if Council chooses, to direct her to do something further that she is not doing at this time.

Upon question by Councilmember Willis, Mrs. Neal explained that the impact of excess day billing cycles is much more noticeable on the electric side than on the water and sewer side.

Upon question by Councilmember Leak, Ms. Simmons explained that the flat rate for the first 2,000 gallons of water is \$13.18, and the tiers on up are from 3,000 to 10,000 gallons and from 11,000 to 40,000 gallons.

Ms. Simmons discussed explained that in August, there were five (5) days for the meter readers to obtain water reads because the first was on a Monday. She added that in September, the first fell on a Thursday and that gave only two (2) days to read water meters before the Labor Day holiday and then cut-off day of the 5<sup>th</sup> which was a Tuesday. She further added that there were only two (2) routes affected with excess billing days.

Upon question by Mayor Block, Ms. Simmons explained that ordinarily if there is an issue with excess billing days, a notice is sent along with the bills affected; however she did not catch this excess billing days because she was concentrating on abnormal usage and not billing days.

The City Manager reiterated that electric meters are read drive by and water meters are read manually. He added that Council had previously given direction to staff for electric bills not to exceed 33 days, and staff wanted to know if Council had any type of direction to give on billing day limits for water and sewer bills.

Discussion ensued concerning the manpower needs and the use of overtime to ensure that this does not happen in the future as well as to ensure that a note is sent if there is an abnormality with billing days.

Councilmember Leak suggested that the bills be for no more than 31 days for water reads.

*There was no consensus by Council on the number of days for billing cycle for water reads and there was no consensus direction for staff concerning this matter.*

## **DISCUSSION OF HURRICANE MATTHEW CLEAN-UP**

Police Chief Williams explained that every single officer was out during the storm directing traffic and/or assisting in any way as needed. He added that Mr. Frank Evans' previous comment about police cars that had not moved during the storm was not about a City of Laurinburg police car; that the vehicle was from another municipality. He discussed the different neighborhoods that experienced a lot of flooding and that one of his main concerns was the elderly. He also discussed that some female students from UNC Wilmington had parked in the Municipal Building's parking lot who could not complete the trip back to Wilmington, and his officers checked on them throughout the night. He added that an article was written and one of the girls' fathers expressed gratitude for the care given to the students.

The City Manager explained that he had received an email from the UNC Wilmington Director of Security concerning the two (2) young women and the university's appreciation for what the Police Department did. He added that the first night that power was off, Chief Williams pulled all officers in to work in order to protect businesses and residences because alarms were not working. He further added that six (6) electric crewmembers from the City of Gastonia came to assist the City's electric crews in restoring power, and that once the City's power was restored,

some of our crews assisted Red Springs and Lumberton. He commended staff for its hard work in keeping the City running, bringing power back up so quickly and the streets cleared. He added that citizens needed to be aware that extra resources were pulled in to help with the cleanup; however the hurricane caused much greater damage than the winter ice storm and it will be a tremendous task to get all of the debris picked up.

Upon question by Councilmember Hammond, the City Manager explained that because there had been federal and state declarations of emergency, the City would be reimbursed for costs directly related to the storm by the Federal Emergency Management Agency (FEMA). He added that staff has been documenting expenditures; however, it will take some time for FEMA to reimburse the City.

Councilmember Adams thanked everyone in the community who helped out when employees were out working in the field including purchasing lunch and water. She added that Councilmember Hammond delivered water and snacks to the electric crews. She further added that the community really came through in this situation.

#### **UPDATE ON RESCHEDULING CITIZEN INPUT ON PROPOSED NEW CITY HALL AND POLICE STATION**

The City Manager explained that the Citizen Input on the proposed new City Hall and Police Station had been rescheduled for November 1, 2016 at 6:00 p.m. at the A. B. Gibson Center.

#### **HALLOWEEN**

The City Manager explained that Halloween will be observed on Monday, October 31, 2016 from 6:00 p.m. to 8:00 p.m. for children 12 and under. He added that Police Chief Williams would have his officers out to keep everyone safe.

#### **APPOINTMENT**

#### **CRIME AND DRUG COMMITTEE**

Upon question by Councilmember Hammond, Mr. Garby stated that he has approval from his manager to attend the Crime and Drug Committee meetings.

Motion was made by Councilmember Hammond, seconded by Councilmember Leak, and unanimously carried to appoint James Garby, Jr. to the Laurinburg/Scotland County Crime & Drug Committee.

#### **MAYOR'S REPORTS**

#### **SCOTLAND COUNTY PARKS & RECREATION ADVISORY COMMITTEE**

Mayor Block explained that he had nothing to report since the Scotland County Parks & Recreation Advisory Committee meeting was cancelled.

**COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS**

Councilmember Hammond commended staff for all of their hard work in dealing with Hurricane Matthew.

The City Manager Charles explained that he and members of Council would be attending the North Carolina League of Municipalities Conference in Raleigh from October 23-26, 2016.

**CLOSED SESSION**

At 9:58 p.m., Councilmember Adams moved to go into closed session pursuant to NC 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 Hammond, and carried unanimously.

At 10:08 p.m., Councilmember Adams moved to adjourn the closed session and resume the open meeting. The motion was seconded by Councilmember Willis, and carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 10:08 p.m.

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Matthew Block, MD, Mayor

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Jennifer A. Tippett, City Clerk