

**CITY OF LAURINBURG
CITY COUNCIL MEETING
AUGUST 28, 2018
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, August 28, 2018 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, Mary Evans, James J. Garby, Jr., Curtis B. Leak, and Andrew G. Williamson, Jr.

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 6:58 p.m.

Councilmember Garby gave the Invocation and then led the Pledge of Allegiance.

APPROVAL OF AGENDA

The City Manager requested that the agenda be amended to add Brian Graham and Chris English as Item 8 to discuss a request for closing a street for an event, and to move the Closed Session up to be Item 9 because there were individuals from out of town that would be included in the Closed Session.

Motion was made by Councilmember Adams, seconded by Councilmember Garby, and unanimously carried to approve the agenda with requested amendments.

PUBLIC COMMENT PERIOD

Mayor Block reviewed public comment procedures.

Mr. Michael Edds, 1207 Blue Drive, explained that he hoped Council and other entities were willing to partner with the Scotland County Board of Education and Scotland County Parks and Recreation Department to use vacated school buildings for community centers for youth. He discussed the youth program that Crosspoint Church and two (2) other area churches began several weeks ago. He added that the Church is partnering with the Scotland County Sheriff and that the Laurinburg Police Chief has donated some items and sent a police officer the previous week.

ADVANCED LAW ENFORCEMENT CERTIFICATION

Mayor Block presented the Advanced Law Enforcement Certification to School Resource Officer (SRO) Richard Tavai.

Police Chief Darwin Williams explained that the Advanced law Enforcement Certification is the highest certification for law enforcement in North Carolina and requires a lot of training and schools. He further added that SRO Tavai had previously served in the military for 20 years.

CONSENT AGENDA

Mayor Block reviewed the Consent Agenda:

- a) Consider minutes of May 1, 2018 special meeting/budget workshop; May 31, 2018 emergency meeting; June 19, 2018 regular meeting; July 17, 2018 regular meeting
- b) Consider Closing Portion of Roper Street between Main Street and Atkinson Street on Saturday, October 20, 2018 between the hours of 7:30 a.m. and 5:00 p.m. for the Storytelling Festival of Carolina
- c) Consider Ordinance No. O-2018-10 closing Main Street for Christmas on Main
- d) Consider setting public hearing on September 18, 2018 at 7:00 p.m. to consider request to rezone from Residential-15 to Office/Institutional property located at 308 Prince Street

Councilmember Adams moved to approve the Consent Agenda. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Adams, Williamson, Garby, Leak, Evans

Nays: None

DELEGATION

REV. TONY FAIRLY – RESISTANCE AGAINST PRESSURE, INC.

Mayor Block explained that Mr. Fairly could not attend the meeting, and would most likely reschedule for another meeting.

CITY MANAGER REPORTS

STORM WATER POLICY UPDATE – CHUCK WILLIS

Mr. Chuck Willis of Willis Engineering explained that he and City staff had been working on a Storm Water Policy concerning the City's responsibilities and obligations concerning storm water. He added that he would provide a brief review and then present Council with a draft Storm Water Policy for review. He presented a PowerPoint presentation with highlights as follows:

- Brief review:
 - City maintains storm drains in City streets, City-owned property and limited

- other locations.
- Confusion over who maintains drainage facilities on private property. Misconception by some in the public that all storm water issues are responsibility of the City.
- Previous policy very outdated. Storm drainage not addressed in current Uniform Development Ordinance.
- When City receives concern/complaint there is no clear mechanism for response.
- Recommendations:
 - Establish a written policy.
 - Consider when the City should help pay for improvement projects.
 - Create an orderly program to facilitate improvements.
 - Inventory, assess, and prioritize.
 - Funding mechanism.
 - Policies and procedures.
- Policy Challenges:
 - Public education-Staff wants to share information with the public.
 - Priority ranking of improvements.
 - Funding Limitations.
- Policy Recommendations:
 - Public Education – Communication and transparency, information on City web page.
 - Priority Ranking – Advisory Board, diverse group, not just City staff.
 - Funding Limitations – City Council has better information to make funding decisions.
- Policy Highlights:
 - Clarify responsibilities of the City.
 - Establish a Storm Water Management Advisory Board that will meet one (1) or two (2) times per year.
 - Create a prioritized list of improvement projects and maintain list.
 - Make recommendations to City Manager/Council.
- City Responsibilities:
 - City maintained street drains, including driveway culverts in support of drainage system.
 - City-owned storm water easements.
 - City-owned property and City-owned facilities.
 - Historically maintained canals and ditches on private property without having easements. Some of these are not critical, some are aesthetic and should be removed from the City’s maintenance list. Those that are critical should be dedicated easements.
- Storm Water Management Advisory Board:
 - Diverse membership – staff, elected officials, public members.
 - Appointed by the City Manager according to the draft Storm Water Policy.
 - Maintain prioritized list of improvement needs.
 - Advise the City Manager in support of annual budget preparation on an annual basis. Staff would prepare the estimates for improvements.

- Priority Criteria for ranking projects:
 - Potential for loss of life.
 - Reduction in public safety – major flooding of primary roadways.
 - Significant damage to City property.
 - Significant damage to private property (structural).
 - Temporary flooding of minor roadways.
 - Minor nuisance flooding that does not cause problems.
- Example of Priority List based on investigation thus far:

Improvements for street drainage and City-Maintained Facilities					
Rank	Name	Code	Problem	Improvement	Estimated Cost
1	College Drive		Road flooding primarily due to insufficient curb inlet capacity	New Street Piping and larger curb inlets	
2	McLean Street		Road flooding	Replace portions of piping in street	
3	Blue Drive		Open ditch between Blue Drive and Woodburn Road collects debris and prevents drainage of upstream street piping	Install piping and enclose drainage system	
Codes					
1	Potential for loss of life				
2	Reduction in public safety, flooding of primary roadways				
3	Significant damage to City property				
4	Significant damage to private property, structural flooding				
5	Temporary flooding of minor roadways				
6	Minor nuisance flooding				

Mr. Willis explained that the above list was simply a framework on how the different storm water projects would be evaluated and listed, and that this was not a definitive list.

Upon question by Councilmember Leak, Mr. Willis explained that College Drive has curb and gutter. He added that because of repaving, there is a buildup of paving that affects the storm water drainage.

Mr. Willis explained that the storm water problems on Blue Drive are not within the street, but are caused by blockage of canals downstream. He added that correction of the problem would involve going downstream and would have significant impacts on downstream properties with tree removal and improvement of storm drainage and piping, which would result in a lot more cost. He added that the cost of a project would probably be considered by Council when it budgets for improvements.

- Other Policy Components:
 - Corrective actions if a landowner has property that has a storm drainage deficiency that causes problems for the City.
 - Cost-sharing arrangements for when a landowner wants to improve storm drainage beyond what the City requires, so that there is some method for cost-sharing mechanisms.
- Next Steps:
 - Review/Edit/Adopt a Written Policy.
 - Appoint an Advisory Board.
 - Evaluate problem areas and prioritize.
 - Make recommendations for the next budget.

Upon question by Councilmember Williamson, Mr. Willis explained that most municipalities have a written Storm Water Policy. He added that larger municipalities had started with a similar Storm Water Policy but soon realized that they did not have funding mechanisms in place to pay for necessary improvements; therefore the municipalities developed storm water assessments to pay for the improvements.

A discussion ensued concerning the number of open ditches that the City maintains. Mr. Willis explained that in some instances, cleaning the ditches was sufficient to keep the storm water flowing; however, in other instances, it was insufficient.

Councilmember Leak expressed concern with the impact of Leith Creek on the north side of the City when there is a lot of rain.

Mr. Willis explained that the topography of Laurinburg was very flat which makes storm drainage challenging and potentially very expensive to fix.

Upon question by Councilmember Evans, Mr. Willis explained that the federal Flood Insurance Program only addresses drainage areas that are larger than one (1) square mile. He added that the flood areas are shown on the FEMA flood maps.

Councilmember Evans discussed the flooding issue she experiences at her home when it rains.

Mr. Willis discussed the topography of Laurinburg and how flat the topography is.

Mayor Block thanked Mr. Willis. He explained that he did not see the need for an Advisory Board as it would slow down the process. He added that he believed that Mr. Stacey McQuage, Public Utilities Director, was aware of the areas that flood. He further added that the only citizens that would agree to be on the advisory board would be citizens that have an issue with their property, and those citizens would feel uncomfortable pushing for improvement of their issue over others on the list.

The City Manager explained that the Storm Water Policy would be brought back for Council's consideration once the members have an opportunity to study.

MR. BRYAN GRAHAM – MUL TI-GENERATIONAL CENTER

Mr. Bryan Graham, Scotland County Parks and Recreation Director, presented a PowerPoint Presentation concerning the proposed Multi-Generational Center which included a site plan and proposed program elements. He explained that the referendum on the November 2018 ballot is for a one-quarter (1/4) cent sales tax increase, which generates approximately \$750,000.00 annually, would be used for annual operating costs for the Multi-Generational Center. He added that the cost to build the proposed Multi-Generational Center, which would include a gymnasium, outdoor pool, indoor aquatics feature, classrooms and multi-purpose rooms, would be between \$8-12 million.

Councilmember Williamson explained that he represents the City on the Parks and Recreation Advisory Board, and has expressed to that Board that Council does support the concept of a recreation center. He added that he anticipated that the City and other groups would be expected to contribute in some way. He asked Mr. Graham to explain how he foresaw the Multi-Generational Center happening.

Mr. Graham explained that over the next several months, there were different plans of attack for the project. One is community awareness, particularly informing the public that the sales tax referendum is tied into the Multi-Generational Center, hosting public forums, getting information out in the mail. Let them know what plans are for the facility, let them know it will not affect property tax, If we were to build this facility, annual operation would be about a .02 cent increase on property tax. Not what we want to do. That's why creative in plan with sales tax increase. He will meet with several stakeholders in the community since Scotland County cannot build this facility by itself.

Councilmember Leak explained that he was 100% behind the Multi-Generational Center. He discussed the current use of Scotland Place as office for the Scotland County Parks and Recreation Department. He further explained that Scotland Place was built for senior citizen programs.

Mr. Graham explained that the proposed Multi-Generational Center contained administrative space for the Parks and Recreation Department. He added that Scotland Place would still be used in some capacity by the Parks and Recreation Department.

Discussion ensued concerning the sales tax rate and the items upon which the proposed sales tax increase would be imposed.

Upon question by Councilmember Evans, Mr. Graham explained that the proposed sales tax increase would be strictly dedicated to the Multi-Generational Center.

Councilmember Williamson explained that by law, the proposed use of the sales tax increase could not be stated on the ballot. He added that Mr. Kevin Patterson, Scotland County Manager, had made it clear that the funds from the proposed sales tax increase would only be expended for operating funds for the Multi-Generational Center.

Mayor Block explained that there is standard wording for a referendum on the ballot. He added that the Scotland County Commissioners could pass a resolution concerning use of the proposed sales tax increase; however, it would not be legally bound to use the funds in that way.

Upon question by Councilmember Evans, Mr. Graham explained that there would be no user fee for use of the Multi-Generational Center, but there would be fees for specific programs.

Mayor Block discussed the water park built in Hartsville, South Carolina with a \$10 million bond paid for by the Water Department. He explained that even with revenues from tourism and development taxes, Hartsville has increased water rates and charges substantial user fees. He explained that citizens are concerned with the fact that youth have nothing to do in the City and get into trouble. He further explained that one concern would be that a center that charges substantial user fees and is not walkable would not address the needs of the inner-city children most at risk.

Mr. Graham explained that he had discussed with Mr. Roylin Hammond about establishing new routes for the Scotland County Area Transit System (SCATS).

Mayor Block stated that in Hartsville there has been a difference in the racial makeup of the kids who went to the water park versus when it was just a splash pad and increased the fee.

Mr. Graham explained that the Parks and Recreation Department is colorblind, and that the center would be for everyone.

Upon question by Mayor Block, Mr. Graham explained that he has been looking for grants for construction costs, that he has reached out to the Golden Leaf Foundation, and that he would be meeting with major stakeholders in the community to also provide funds for this project.

Mayor Block thanked Mr. Graham for spearheading efforts for this project.

REQUEST TO CLOSE ROPER STREET

Mr. Bryan Graham explained that the Halloween haunted house would be moving to downtown this year and it would be called “Nightmare on Main Street”. He added that he was requesting that Roper Street be closed the nights of October 20, 21, 26 and 27, 2018 beginning at 5:00 p.m. He further added that the event would include a band playing each night. He further explained that security would be provided.

Councilmember Garby moved to close Roper Street beginning at 5:00 p.m. on October 20, 21, 26 and 27, 2018 for “Nightmare on Main Street”. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Garby, Evans, Leak, Adams, Williamson

Nays: None

CLOSED SESSION

At 8:09 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. The motion was seconded by Councilmember Garby, and carried unanimously.

At 8:32 p.m. Councilmember Williamson moved to adjourn the closed session and return to the regular meeting. The motion was seconded by Councilmember Adams, and carried unanimously.

CONSIDER RESOLUTION SUPPORTING ADDITION OF WALLACE WAY TO THE NORTH CAROLINA ROAD SYSTEM

The City Manager explained that this resolution supports the addition of the naming of the State road between the Small Business Innovation Center and FCC (North Carolina), LLC as Wallace Way.

Councilmember Adams moved to approve Resolution No. R-2018-17 supporting the addition of Wallace Way to the North Carolina road system. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Williamson, Evans, Leak
Nays: None
(Resolution No. R-2018-17 on file in City Clerk's office)

CONSIDER ORDINANCE AMENDING FISCAL YEAR 2018-2019 BUDGET APPROPRIATIONS ORDINANCE

The City Manager explained that this budget amendment accounts for insurance proceeds for the fire truck that was in an accident several months ago. He added that these funds would replace equipment that was damaged.

Councilmember Leak moved to approve Ordinance No. O-2018-11 Amending FY 18-19 Budget Appropriations Ordinance (Ordinance No. O-2018-07) by allocating \$38,963 as an increase to General Fund-Fund Balance Appropriated (10-439900) and by allocating \$38,963 for Equipment Replacement as an increase to General Fund-Fire Department (530-703400). The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Leak, Garby, Adams, Evans, Williamson
Nays: None
(Ordinance No. O-2018-11 on file in City Clerk's office)

CONSIDER AUTHORIZING MAYOR TO EXECUTE ORDER TO COLLECT TAXES

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and

unanimously carried to authorize the Mayor to execute the Order to Collect Taxes.

DESIGNATE VOTING AND ALTERNATE VOTING DELEGATE FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONFERENCE

Following discussion, motion was made by Councilmember Williamson, seconded by Councilmember Evans, and unanimously carried to designate the City Manager as the voting delegate and Councilmember Adams as the alternate voting delegate to the North Carolina League of Municipalities Annual Conference.

UPDATE AND DISCUSSION ON PANHANDLING AND LOITERING

The City Manager explained that Councilmember Leak requested that staff research issues with panhandling and loitering on South Main Street. He added that meetings with members of the Police Department, Mr. Mac McInnis, Planner/Code Enforcement Officer, and he were held before discussing with the City Attorney for guidance to address the issues.

The City Attorney explained that the City's current ordinance concerning loitering and solicitation are not enforceable as panhandling has protection under the First Amendment. He added that many municipalities are struggling to deal with this issue in a manner that will not violate the United States Constitution but will afford protection for citizens who are in an area who feel threatened or intimidated by someone who is soliciting donations. He further explained that the first issue for Council to consider was where the problems were occurring, on private property or public property, and what exactly the problem is that needs to be addressed. The North Carolina law allows municipalities to pass ordinances that address someone badgering or threatening someone for money. The ordinances must be tailored so that they are not overly broad and they do not infringe on someone's Constitutional rights.

Upon question by Councilmember Evans, the City Attorney explained that complaints about citizens sleeping outside of businesses or are bothering customers which make the customers feel intimidated. He added that Council must decide if there is a problem, where the problem is, and how Council wants to address the problem.

Following further discussion, the City Attorney explained that there is a solution for private property owners that will prohibit individuals from soliciting on their property. He added that the property owners, particularly at the fast food restaurants, need to be educated about their rights and responsibilities.

Following further discussion, it was consensus of Council for the City Manager and Police Chief to develop a plan to address the problem and to educate the merchants, and to report back to Council.

UPDATE AND DIRECTION ON URBAN/PARKING DESIGN PROJECT

The City Manager explained that he had met with the property owners of the tracts that the City is interested in for the Urban Design Project to see if they were interested in donating the

property to the City. He added that one of the property owners owns a building and the alley behind the building is interested in donating the property to the City; therefore the City Attorney has begun that process. He further added that the property must be surveyed. He further explained that the other property owners want some monetary payment for their properties. He added that staff's recommendation since there were funds in this fiscal year's budget to put the electric underground was to get appraisals prepared on the properties. He added that Council could also direct staff that once the appraisals were completed to talk with the property owners and offer the appraised value for the properties.

Upon question by Councilmember Garby, the City Manager explained that the property owners were shown the proposed design for the area.

Discussion ensued concerning the use of the former Popes property as it could be used for civic space. The City Manager explained that Integrated Development owns the former Pope property, and that he could ask if they were interested in donating or selling the property to the City.

Following further discussion, it was consensus of Council for appraisals be prepared of the properties and for staff to offer to the property owners up to the appraised value for the properties.

CONSIDER SELECTION OF ENGINEERING FIRM FOR ENGINEERING SERVICES FOR CDBG-I PRODUCE MARKET AREA SEWER PROJECT

The City Manager explained that The City of Laurinburg was awarded a CDBG-I grant in the amount of \$2,000,000 for the rehabilitation and replacement of gravity sewer lines and a lift station in the Produce Market Road area. Upon the execution of the grant contract, the City began the selection process for the selection of a firm to provide grant administration services in accordance with N.C. General Statutes and Federal CDBG-I grant requirements. The Request for Proposals was announced and posted on the City's website, in the local newspaper, and on the NC HUB website on August 1, 2018. Also, direct solicitation notices were sent out to firms on the City's bid list, firms located from the NC HUB vendor listing, and firms located on the federal HUD Section 3 Businesses listing in accordance with the grant requirements.

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to select McGill Associates, PA to perform engineering services for the CDBG-I for the Produce Market Area Sewer Project and to authorize staff to begin negotiation of contract for engineering services.

CONSIDER SELECTION OF FIRM FOR GRANT ADMINISTRATION SERVICES FOR CDBG-I PRODUCE MARKET AREA SEWER PROJECT

The City Manager explained that staff was requesting that Council award the Grant Administration Services contract to McGill Associates, PA for the \$2 million CDBG-I Produce Market Area Sewer project.

Mr. Stacey McQuage, Public Utilities Director, explained that McGill Associates, PA provided estimated costs for the project and has experience with grant administration.

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to select McGill Associates, PA to perform grant administration services for the CDBG-I for the Produce Market Area Sewer Project and to authorize staff to begin negotiation of contract for grant administration services.

UPDATE ON CITY HALL CONSTRUCTION

The City Manager explained that expenditures thus far on the City Hall and Police Department total \$4,424,000.00. He added that the HVAC system should be installed by September 19, 2018, brickwork should be completed by October 19, 2018, paving completed by October 31, 2018, and landscaping completed by November 15, 2018, all depending upon the weather. He further added that the contractor expects substantial completion by November 23, 2018, and then staff could begin moving into the building. He further explained that Edifice, the contractor, would go offsite for several months to allow for the holiday season and for staff to move into the building, and then would return to demolish the Municipal Building. He added that there is a lot of asbestos in the Municipal Building, so demolition will take some time to ensure that the asbestos is properly removed.

Upon question by Mayor Block, the City Manager explained that complete occupation was anticipated after January, 2019 because of the holiday being such a busy time for the Police Department.

UPDATE ON STREET RESURFACING

The City Manager explained that in 2017 the City had a pavement study conducted that reviewed the condition of City streets and then prioritized the streets on the need for resurfacing. He added that last year and this current fiscal year, Council budgeted \$200,000.00 for resurfacing.

Mr. Stacey McQuage, Public Utilities Director, explained that in the spring, Bundy Lane, Carver Street, East Vance Street, Hall Street and King Street were resurfaced as they were the worst streets according the rankings. He added that the cost was approximately \$194,000.00.

Upon question by Mayor Block, Mr. McQuage explained that Hudson Paving Company completed the resurfacing project.

Mr. McQuage explained that the streets to be resurfaced in this fiscal year would be Produce Market Road, King Street, Wilkinson Drive, Spring Branch Drive, Wagram Street and Douglas Street.

Upon question by Mayor Block, the City Manager explained that the City is required to bid the resurfacing project each year.

Councilmember Leak expressed concern about the lack of pavement on a portion of Deluca Street.

Mr. McQuage explained that the property owners could submit a petition for street improvements whereby the City would pave the street; however, the residents would be assessed the cost of curb and gutter.

CONSIDER RESOLUTION APPROVING EASEMENT TO DUKE ENERGY PROGRESS AT LAURINBURG-MAXTON AIRPORT

The City Manager explained that the City of Laurinburg and the Town of Maxton must consider approval of any easement at Laurinburg-Maxton Airport. He added that this easement is for communication equipment for Duke Energy Progress.

Councilmember Adams explained that the Laurinburg-Maxton Airport Commission had approved the easement.

Councilmember Evans moved to approve Resolution No. R-2018-18 Resolution for Easement for Construction of Electric and/or Communication facilities to Duke Energy Progress, LLC. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Evans, Williamson, Leak, Garby, Adams
Nays: None
(Resolution No. R-2018-18 on file in City Clerk's office)

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Leak explained that he attended the NAACP Back to School event. He reminded everyone that school began that week and for everyone to be careful.

ADJOURN

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

The meeting adjourned at 9:18 p.m.

Matthew Block, MD, Mayor

Jennifer A. Tippet, City Clerk