

**CITY OF LAURINBURG
CITY COUNCIL MEETING
AUGUST 20, 2019
CITY HALL AND POLICE DEPARTMENT
303 WEST CHURCH ST.
7:00 p.m.**

Minutes

The City Council of the City of Laurinburg held its regular meeting on Tuesday, August 20, 2019 in the Council Chambers of the City Hall and Police Department 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. Tippett, City Clerk; and William P. Floyd, Jr., City Attorney.

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

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

APPROVAL OF AGENDA

Councilmember Adams suggested that Item 8, Consider Resolution No. R-2019-08 Accepting and Adopting the Results of the Asset Management Plans for the City's Wastewater System and Drinking Water System, after Item 2, Recognition of Retiree-Randall M. Gibson, Jr., since the representatives of the Lumber River Council of Governments had been present since 6:00 p.m. and made a presentation.

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

RECOGNITION OF RETIREE

Mayor Pro Tem Adams presented the following plaque to retiring Fire Chief Randy Gibson:

IN SINCERE APPRECIATION

to

RANDALL M. GIBSON, JR.

FIRE CHIEF

SEPTEMBER 1990 – AUGUST 2019

In special tribute for 30 years of dedicated public service as an employee of the City of Laurinburg. Hired first on September 20, 1990 as a Telecommunicator in

the Police Department, he became a Fireman in the Fire Department on June 16, 1994. Randy moved up the ranks of the Fire Department until he was promoted to Fire Chief on March 7, 2013, where he remained until his retirement on August 31, 2019. As the first full-time Fire Chief in the City of Laurinburg, Randy dedicated his time and talents to developing the Fire Department and his staff in order to protect the citizens of Laurinburg and Scotland County.

The Mayor and the Laurinburg City Council express their sincere appreciation for his unselfish professional service to the citizens of Laurinburg and this community. His tenacity, strong work ethic, intense dedication, and attention to detail ensured that the citizens of Laurinburg were educated and protected from fire and other natural disasters. Widely respected by employees throughout the City and by citizens within the community, he is the epitome of a true public servant. He worked tirelessly and effectively to serve the citizens of this community and to make our City a better place to live for all the citizens of Laurinburg.

We wish him many more years of continued success in the next chapter of his life.

Presented this the 20th day of August, 2019.

Mayor and Council

Fire Chief Gibson thanked the Mayor and Council, and explained that it was a great honor and privilege to have served the citizens as Fire Chief. He explained that he had formed friendships that would be truly missed. He added that he had learned great humanity and humility in working with the public.

CONSIDER RESOLUTION NO. R-2019-08 ACCEPTING AND ADOPTING THE RESULTS OF THE ASSET MANAGEMENT PLANS FOR THE CITY'S WASTEWATER SYSTEM AND DRINKING WATER SYSTEM

Councilmember Williamson moved to approve Resolution No. R-2019-08 accepting and adopting the results of the Asset Management Plans for the City's Wastewater System and Drinking Water System. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Williamson, Garby, Leak, Adams, Evans
Nays: None
(Resolution No. R-2019-08 on file in city clerk's office)

PUBLIC COMMENT PERIOD

Mayor Block briefly reviewed public comment procedures.

Ms. Norma Negron, a resident of Fayetteville and a licensed professional counselor, expressed concern about the possibility of a facility being located in Laurinburg that has had its license revoked by the State. She requested that Council protect the children.

Ms. Carla Austin, President of Latinos United for Progress, explained that if the proposed home for immigrant children is opened in Laurinburg, there should be an organization to protect them and to provide for their needs.

Mayor Block explained that the City Attorney would provide an update on the proposed facility after Public Comment.

Ms. Linda Hopkins of Fayetteville, explained that she was a retired teacher. She expressed concern about the possible unlicensed facility opening in Laurinburg, and the need for the children to be protected.

Mr. Robert Currie, Scotland County resident, explained that it would be wonderful to have a facility for immigrant children if it were run properly.

Mr. Willie Williams, President of the Community Awareness Alliance, explained that the proposed facility would be unlicensed and would not be good for children. He expressed concern that the \$4 million grant would be gone fast, and Scotland County would be responsible for the future bills for the children.

Mr. Chilleko Hurst, vice president of one of the oldest civil rights organization in America, expressed concern about the potential inhumane conditions that the immigrant children would face in the proposed facility.

Ms. Millie Skamperle, resident of Shadow Woods Subdivision, expressed concern about no one answering the City's phone lines.

Upon questions by Mayor Block, Ms. Skamperle explained that she called the main number for the City, and that there was no opportunity to leave a voicemail.

Upon question by Ms. Sallie McCoy, 922 McGirts Bridge Road, the City Manager explained that the scrap metal from the old municipal building was salvaged as part of the demolition contract.

Ms. Joyce Davis, 202 North Caledonia Road, inquired as to why a discussion about the North Fire Station was not on the agenda.

Mayor Block explained that a discussion about the North Fire Station was on the agenda.

Councilmember Williamson moved to revise the agenda to move Item 18, Update from City Attorney on Proposed Facility at Former Willow Place Nursing Home to be next on the agenda. The motion was seconded by Councilmember Garby, and carried unanimously.

UPDATE FROM CITY ATTORNEY ON PROPOSED FACILITY AT FORMER WILLOW PLACE

The City Attorney explained that New Horizon would not qualify for a Conditional Use Permit to operate the facility for immigrant children unless it is licensed by the North Carolina Department of Health and Human Services. He added that the Planning Board will hear New Horizon's request in September where it will make a recommendation to Council on the request. He further added that he had spoken with the owner of New Horizons to explain that without the agency being licensed, the Conditional Use Permit could not be considered. He concluded by stating that Council's main concern was the children.

At 7:30 p.m. Mayor Block called for a short break to allow the people from Fayetteville who attended because of the proposed immigrant children facility to leave.

The meeting resumed at 7:34 p.m.

CONSENT AGENDA

Mayor Block reviewed the Consent Agenda:

- a) Consider minutes of May 2, 2019 special meeting/budget workshop
- b) Consider amendments to the Beautification Committee Guidelines
- c) Consider Ordinance No. O-2019-20 Amending FY 19-20 Budget Appropriations Ordinance to receive \$10,000 grant from ElectriCities for the Downtown Parking Project
- d) Set Public Hearing to be held on September 17, 2019 to consider rezoning a 9.05 acre tract of land on US HWY 401 North (PIN ID 0203060100704) from Residential-20 Mobile Home to Industrial
- e) Consider Closing a Portion of Roper Street for a Fund Raiser (band) for Scotland County Arts Council on Saturday, September 7, 2019 from 4:00 p.m. to 10:00 p.m.

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

Ayes: Adams, Evans, Garby, Leak, Williamson

Nays: None

PUBLIC HEARING

CONSIDER AMENDING SECTIONS OF THE CITY'S UNIFIED DEVELOPMENT ORDINANCE

Mayor Block explained that this public hearing was to consider amending sections of the City's Unified Development Ordinance (UDO) because of changes in the General Statutes. He then opened the public hearing.

Mr. Mac McInnis, City Planner/Code Enforcement Officer, explained that the City's planning

consultant, Holland Planning Consultants, had prepared text amendments to the UDO in order to comply with recent changes to planning legislation. He added that Planning Board considered the amendments and unanimously recommended approval.

There being no one to speak, Mayor Block closed the public hearing.

Councilmember Adams moved to approve/deny Ordinance No. O-2019-21 amending the City of Laurinburg Unified Development Ordinance and adopt the following Consistency and Reasonableness Statements:

- a) The proposed amendments to the UDO advance the public health, safety and general welfare.
- b) The proposed amendments are consistent with the comprehensive plan and any other adopted plan that is applicable because they reflect technical and substantive amendments to the Laurinburg Unified Development Ordinance required by changes to statutes or other governing laws in North Carolina and are in accordance with recommendations from consultants and legal counsel assisting the City in maintaining an updated UDO that will assist all citizens with beneficial use and development of property within the City's planning jurisdiction.
- c) The proposed amendments to the UDO are reasonable and in the public interest because the amendments promote the public health and safety by providing the citizens with an updated UDO consistent with current statutes and other governing laws in the State of North Carolina thereby promoting the beneficial use and development of property within the City's planning jurisdiction.

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

Ayes: Adams, Garby, Williamson, Leak, Evans

Nays: None

(Ordinance No. O-2019-21 on file in City Clerk's office)

DELEGATIONS

MICHAEL EDDS AND BECKY WILCOXEN – FLOODING ON BLUE DRIVE

Mr. Michael Edds, 1207 Blue Drive, explained that he had expressed concern about the flooding that has occurred on Blue Drive for three (3) years. He added that the problem was that the ditch which drains in the area was blocked. He further added that the drain was blocked by sand and mud, and City crews cleaned it out earlier in the day. He added that the City Manager had informed him that the ditches were cleaned on a regular basis and drains are checked periodically, and that the City crews told him that the ditch had not been cleaned out. He added the ditch needed to be cleaned out with heavy equipment.

Upon question by Mayor Block, Mr. Edds stated that the ditch was a City ditch. He expressed

frustration with comments made by Councilmember Adams that Blue Drive always flooded, by the City Manager that the area was in a Carolina Bay.

Mr. Richard Wilcoxon explained that he had lived on Blue Drive for almost 12 years, and that even in normal rainfalls, the street floods. He added that he has complained previously and the City would respond by cleaning the drains on the street. He further added that two (2) of the six (6) family members that live in his home have medical issues. He further explained that multiple times he and his wife have had to call off work and/or kept their children out of school because he could not get out of the driveway due to the flooding. He requested that Council find permanent solutions to the damaged storm drainage infrastructure on Blue Drive.

Upon question by Mayor Block, Mr. Wilcoxon explained that the flooding issue on Blue Drive was due to the storm drainage infrastructure.

Councilmember Adams explained that she had told Mr. Edds that she had lived in the neighborhood for 58 years and that there had been flooding issues every time there was a heavy rain, not only on Blue Drive, but throughout the neighborhood. She added that she had also stated that the neighborhood was in a swamp because it is in a Carolina Bay.

Discussion ensued between Councilmember Adams and Mr. Edds. He explained that the ditch needed to be cleaned and it was the City's responsibility. He added that perhaps no one else in the area complained because of the way they were treated by Council.

Councilmember Adams explained that the City's stormwater engineers would provide information on the storm drainage projects.

Further discussion ensued concerning the ditch and stormwater problems on Blue Drive.

The City Manager explained that the next item on the agenda was the stormwater engineer who is the expert.

CITY MANAGER REPORTS

CAPE FEAR ENGINEERING – UPDATE ON STORMWATER PROJECTS

Mayor Block explained that because of the stormwater issues in the community, Council hired a stormwater engineer, Cape Fear Engineering out of Fayetteville.

Mr. Matt Haley explained that he and Mr. Perry Davis, Cape Fear Engineering from Wilmington, would present an update on the stormwater projects. He added that Cape Fear had been looking at seven locations for approximately a month concerning stormwater issues, but were still conducting surveys and evaluations. He presented a PowerPoint with highlights as follows:

- Multiple site visits to the seven sites identified as problem areas.

- Still conducting conditions survey.
- Evaluation potential remediation/repair options.

- First site is Hasty Road and Barnes Bridge Road
 - The culvert crossing Barnes Bridge Road and ditches leading up to it are overgrown and full of debris. The stormwater system is not functioning as it should and that causes standing water and flooding at the end of Azalea Drive.

- Second site is Cypress Drive, in two (2) parts, northern and southern.
 - The ditch is full of sediment with some areas worse than others.
 - Some culverts are higher than they should be.
 - Potential solution is cleaning out ditch and reworking some of the culverts
 - Tricky part is along Appin Drive to the east of Cypress Drive, and is the critical piece of the Cypress Drive drainage. Appin drains toward Cypress and there is significant baseline flow.

- Third site is Wesleyan Drive
 - There is a large drainage area that drains through a ditch that is behind the lots that front Wesleyan Drive. The ditches are full and very little water passes. Recommend cleaning ditches including trees in the middle of the ditches. Also resize three (3) driveway culverts.

- Fourth site is North Main Street and Carver Street
 - Leith Creek runs from Gill Street, across Main Street to Carver Street.
 - Reviewed all three (3) road crossings, the one that causes most concern is the crossing on North Main Street. Hurricane Florence caused significant erosion along the bank. Also gravity sewer manhole and sewer are compromised at that crossing. Erosion needs to be fixed and the sewer line needs to be stabilized.

- Fifth site is Lloyd's Barbershop.
 - The low point takes a significant amount of drainage.
 - The drain is full of debris.
 - Hurricane Florence caused the drains to clog up, water filled the street, and overflowed the curb, which caused erosion of the box drain.
 - Challenge will be to provide more inlet capacity for more water off the road to flow into the ditch in a protected manner.

- Sixth site is Isabelle Street.
 - Drains to two (2) boxes in front of 906 Isabelle Street, Mr. Don Rainer's residence.
 - Mr. Rainer walked Cape Fear around the area and pointed out historic flooding issues.
 - The boxes drain through a pipe into an open ditch area, then goes through another pipe into a pipe that crosses Geneva Street through a short run of pipe before discharging into a ditch that crosses McGirts Bridge Road.

- The pipe from Isabelle Street is approximately one (1) foot lower than the pipe it connects with.
 - Appears that the pipe from Isabelle Street could be lowered to allow continuous gravity flow. There is a water line on Geneva Street and that water line would probably be in the way of the proposed pipe lowering, so the water line pipe would have to be lowered to avoid the conflict.
 - Potential solutions include a combination of lowering the stormwater pipe, cleaning and maintaining ditches, and possibly adding a drainage structure to aid the water flow. Also clean ditch on McGirts Bridge Road.
- Seventh site is Blue Drive.
 - Noted high water rack lines in yards.
 - Getting survey of ditch to get elevation of the ditch bottom relative to the drains in the road.
 - There is sedimentation and material in the ditch that if removed would improve and facilitate flow.

Mr. Haley explained that the next steps would be to complete the survey work and finalize repair and remediation plans in order to develop preliminary cost estimates. Reports will be delivered to staff for comment prior to final presentation to Council which is estimated to be the October 22, 2019 meeting.

The City Manager explained that most of the ditches are outside the city limits or are on private property which would necessitate purchasing easements.

Mr. Haley explained that Cape Fear was researching recorded easements and identifying properties where additional easements would be needed.

Upon question by Councilmember Evans, Mr. Haley explained that the plan would be to work on all seven (7) sites unless Council wanted the sites split into smaller groups.

Upon questions by Councilmember Garby, Mr. Haley explained that the ditch on Blue Drive would drain better if dug out, and further analysis may reveal that larger drain pipes might be necessary. He added that there is an easement for the ditch.

Mr. Davis explained that access to the easement is not easy as private property would have to be crossed. He added that perhaps the quickest way would be to obtain temporary easements.

A discussion ensued concerning ownership of the property that would have to be crossed to get to the ditch. Mr. Michael Edds pointed out a female in the audience that owned property, and added that she would not have a problem with the City crossing her property in order to clean out the ditch.

Upon questions by Mayor Block, Mr. Rainer explained that he believed that the engineers had properly assessed the issues on Isabelle Street. He added that Cape Fear's analysis of Cypress

Drive and Isabelle Street was very similar at this point to the reports prepared by Willis Engineering several years ago.

Upon question by Councilmember Williamson, Mr. Stacey McQuage, Public Utilities Director, explained that Debra Drive was not on the list presented by Cape Fear because it was believed that by fixing the issues with Wesleyan Drive the issues on Debra Drive would also be fixed.

Upon question by the City Manager, Mr. McQuage explained that staff could not get a mini excavator to the ditch along Blue Drive, but could not be done because the distance between the trees is too small. He added that if the City had an easement and trees could be removed, staff could get equipment back to the ditch.

Upon questions by Mayor Block, Mr. McQuage explained that the reason the North Fire Station flooded and the Nic's Pic Kwick across the street did not flood because the culvert at North Main Street was not large enough so the water backed up on the fire station side of the road. He added that the Army Corps of Engineers, who own Leith Creek, indicated it might be two (2) years before the culvert was restored. If the City restored the culvert, the City would not be reimbursed.

Upon question by Mayor Block, Mr. McQuage explained that the budget for storm water was increased this fiscal year with \$150,000 for maintenance. The City is applying for grants and has worked with the Environmental Protection Agency and the Army Corps of Engineers for the large projects.

A discussion ensued concerning tree removal and cleaning in ditches throughout the City. Mr. Haley explained that ditch cleaning and maintenance are part of the solution, however, there could be infrastructure improvements necessary, and that would be revealed in the hydraulic analysis.

UPDATE ON NORTH FIRE STATION

The City Manager explained that staff had looked at two (2) different options for the North Fire Station. Mold and air quality tests have started coming in, but staff is still waiting on the final report. A structural engineer is inspecting the fire station. The current estimated costs to rehab include \$350,000.00 with additional areas that need to be improved. More concrete numbers on rehabbing the fire station to include structural, air quality and mold remediation would be presented at the September Council meeting. Staff has met with the North Carolina Economic Development Agency (EDA), and by the end of the week, staff will submit a \$3.5 million grant from The Golden Leaf Foundation for relocation at a new site. The Golden Leaf Foundation normally will not fund the whole project and requires that there are local matches to its funding. Next month staff will provide better cost estimates which may be more than \$350,000.00, and hopefully know more about grant funding through The Golden Leaf Foundation.

Upon question by Councilmember Garby, the City Manager explained that the match amount requirement from The Golden Leaf Foundation varies. The Golden Leaf Foundation ends its current grant cycle in August.

Upon question by Councilmember Williamson, the City Manager stated that the current fire station was located in the flood zone, but was not when it was built. Councilmember Williamson explained that part of his analysis of rehabbing or relocating the fire station would need to include the cost of flood insurance over the life of the building.

The City Manager explained that at the September meeting, staff would have more concrete figures on the cost to get the fire station back up and running at the September meeting.

CONSIDER AMENDING THE COUNCIL RULES OF PROCEDURE CONCERNING PUBLIC COMMENT PERIOD

Councilmember Leak explained that he had requested this item on the agenda in order to discuss the location of the public comment period on the agenda. He has noticed that some citizens come and speak at the public comment period, then leave the meeting and do not hear the reports listed later on the agenda. He would like for Council to find a way to make the agenda more professionally run.

Councilmember Adams explained that when she came on Council in 2011, the public comment period was at the end of the meeting, and the Mayor and Council noticed citizens sitting through long meetings in order to participate in the public comment period. In January 2012, the public comment period was moved to the beginning of the meeting; however it seems to get bogged down. She expressed concern about citizens speaking at the public comment period, but when they leave, the citizens do not hear the rest of the meeting. At one time Council discussed having the public comment period in the middle of the meeting to try to keep citizens at the meeting to hear what good things are happening in Laurinburg.

Councilmember Williamson explained that Council needs to hear from the citizens and he thought that the public comment was that forum. He would like to see the meetings more efficient to ensure that Council was conducting the business of the City. He suggested that one possibility was to remove the "Delegations" item and encourage citizens to come to speak at the public comment period. His intent is not to stifle free speech. He agreed with Councilmembers Leak and items that Council should look at ways to improve meetings.

Mayor Block explained that he was in favor of leaving the public comment period in its location. Moving the public comment period was not a good way to shorten the meetings.

Councilmember Garby stated that he did not care about the length of the meetings.

There was no action on this matter.

CONSIDER ACQUISITION OF MR. CHUCK NO'S PROPERTY ON SOUTH MAIN STREET

The City Manager explained that the property owned by Mr. Chuck No (the former Fire Stone building) was damaged when the former Market Furniture Building collapsed in Hurricane

Florence. In order to get the property cleaned up and to protect the public's safety, the City condemned Mr. No's property, resulting in the City incurring \$30,131.87 including personnel costs and tipping fees. Mr. No tried to work with the owner of the former Market Furniture building without success. Mr. No has talked with staff about the City taking ownership of his property for the amount of the lien that is now on the property. The City Attorney has been involved and performed a title search to ensure that there were no other liens attached to the property. Once the City acquires ownership, it can be further cleaned up. Staff would come back to Council with options for repairing the existing building that is still standing, including roof repairs or a new roof, and one (1) side of the building would need to be shored up. The back piece is cinderblock/slab two-story with the American flag painted on it.

Upon question by Councilmember Williamson, the City Manager explained that the current building standing can be preserved, but will need exterior work to close up the wall adjacent to the former Market Furniture building, and the roof needs to be either repaired or replaced.

Following a brief discussion, motion was made by Councilmember Garby, seconded by Councilmember Evans, and unanimously carried to acquire Mr. No's property identified as Parcel ID #01 0001 01002 and Parcel ID #01 0001 01003 for the lien amount of \$30,131.87.

UPDATE ON URBAN PARKING PROJECT

The City Manager explained that the City has a verbal agreement with Ms. Dicie Patterson that the City will pay off her mortgage and she would receive tax value for her property on Gill Street that abuts the Urban Parking Project. Mr. Floyd assisted in obtaining the mortgage payoff of \$21,896.40; therefore the total amount for the City to acquire Ms. Patterson's property would be \$45,846.46 with the payoff amount good only through September 15, 2019. Because Ms. Patterson would need time to find another home and remove all of her belongings, the City would give her sufficient time after closing to do so.

CONSIDER LEASE WITH SCOTLAND COUNTY PARTNERSHIP FOR CHILDREN AND FAMILIES FOR THE SANFORD BUILDING AND AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE ONE-YEAR LEASE

The City Manager explained that the Scotland County Partnership for Children and Families (Smart Start) wanted to lease the Sanford Building Sanford building, and had originally proposed a 5-year lease at \$2,500.00 per month. Because of the requirements for a lease of five (5) years, Council was to consider a one-year lease at this time, and after proper notice had been given, Council would consider a four (4) year lease in September. After consideration, the Smart Start Board had requested that the lease be \$2,000 per month, and that a clause be added that if the State cut Smart Starts budget more than a certain percentage, then they could be excused from the lease early without penalty.

Following further discussion, motion was made by Councilmember Adams, seconded by Councilmember Garby, and unanimously carried to approve a one-year lease with Scotland County Partnership for Children and Families for the Sanford Building with a monthly lease of

\$2,000.00, with the lease beginning on September 1, 2019 and the first lease payment due on October 1, 2019, and authorize the Mayor and City Clerk to execute said lease.

CONSIDER AUTHORIZING THE MAYOR PRO TEM TO EXECUTE ALL OFFICIAL CITY DOCUMENTS UNTIL DECEMBER 17, 2019

The City Manager explained that as Council had observed in emails over the last several weeks, staff was requesting that Council authorize the Mayor Pro Tem to execute all official City documents, including items approved at this meeting, until December 17, 2019 in order to keep operations going and to get necessary documents executed.

Motion was made by Councilmember Williamson, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor Pro Tem to execute all official City documents including items approved at this meeting until December 17, 2019.

CONSIDER OPTIONS FOR LLOYD'S BARBERSHOP PROPERTY

The City Manager explained that staff had been working with Mr. Lloyd about his property on North Main Street that was damaged in Hurricane Floyd. Two (2) contractors provided quotes to demolish the building and backfill it, and repair the ditch with riprap. Hudson Paving submitted a quote of \$97,500.00 and Edge Grading submitted a quote of \$67,000.00 to complete the work. If staff did this work, the estimate would be \$42,000.00 with employee labor, rental of equipment, supplies, and tipping fees. The only cost that the City would actually incur would be the estimated \$32,000.00 tipping fees. At this time no budget amendment is necessary because \$35,000.00 was budgeted for housing demolition, but at some point before year end, Council may be presented a budget amendment. Once the property is cleaned up, the cost will be a lien on the property. Mr. Lloyd has no further use of the property, so at some point Scotland County may foreclose for taxes, so the City's lien would be on the property until it is sold at foreclosure by the County.

Following discussion, motion was made by Councilmember Williamson, seconded by Councilmember Garby, and unanimously carried to authorize the City Manager to proceed with City staff to demolish the building and clean up the property and ditch owned by Mr. Henry Lloyd and identified as Parcel ID # 01 0050 01012.

UPDATE ON AGREEMENT WITH SCOTLAND COUNTY CONCERNING THE WATER SYSTEM

The City Manager provided an update on the agreement with Scotland County for the City to operate and own the County Water System, as requested by Scotland County. The City Attorney has been working on this, and the next step was for himself, the City Attorney, the County Manager and County Attorney meet to get assistance from the County since the City has been working on this since both governing boards gave approval to begin working on the agreement.

The City Attorney explained that several ideas have been explored as to how to proceed. One was for the City to acquire the assets upon the completion of the payment back to the County for

its obligations on the existing water bonds. The County Water Districts issued the bonds, and the bonds must be paid back by the water districts, and one of the issues is whether the County can give the water districts to the City before the bonds are paid off. There are other issues that are fundamental issues about the City's ability to acquire a water system that not only covers the municipality but all of the County. Assistance from the County is necessary on these issues since this is an interlocal attempt to help the County from having to have seven (7) water systems instead of two (2).

Upon question by Councilmember Williamson, the City Attorney stated that it was incumbent upon the County to drive this agreement; however, he and staff are working to structure this agreement completed and ensure that the structure benefits the citizens of Laurinburg and that the City's interests are protected.

The City Attorney explained that the County needs to provide more information from its bond counsel and he was obtaining more information from the UNC School of Government on whether the City could operate a water system outside of its jurisdictional boundaries. He added that the preference is to have an asset purchase agreement so that the City acquires all water assets at one time. It is believed that the City can do so, because the bonds are general obligation bonds and not limited obligation bonds (the bonds are not secured by the income stream generated by the customers' monthly payments or by the infrastructure. If the bonds are general obligation bonds, then the assets could be acquired. If acquisition of the assets has to be delayed until the term of the bonds, that is 2042, and during that time the City would not have ownership of the assets.

Upon question by Councilmember Adams, the City Manager explained that the County Water Districts' assets were not included in the recently completed Asset Inventory Assessments of the City's water system.

Discussion ensued concerning the age of the County Water System and potential liability. The City Attorney explained that the City currently performs all maintenance on the water system and bills the County.

The City Manager explained that the bonds were completed in 1995, so the infrastructure is not as old as the City's. He added that staff would prefer to take the assets up front rather than in 2042.

The City Attorney explained that once the City takes over the system, preferably before 2042, the City would set the water rates.

Discussion ensued concerning the financial benefit to the City. The City Manager explained that Mr. Chuck Willis of Willis Engineering, has run cost analysis and reviewed the existing agreement with Scotland County that locks the City on the amount the County pays the City for the life of the system. He added that the City and the community would benefit as a whole. If the City does not take over the County Water System, because of the increased costs for required testing, the County would have to raise its water rates.

The City Attorney explained that another issue involves the Laurinburg-Maxton Airport Commission (LMAC) since it supplies water to Deercroft, and that is a big source of revenue for LMAC. The City could either buy water from LMAC to serve Deercroft, or since the City already has a connection, supply the water from the City water system. It is less expensive for the City to treat its own water than to buy from LMAC.

Following further discussion, it was consensus of Council for the City Manager and City Attorney to meet with the County Manager and County Attorney for assistance on this matter.

CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NORTH CAROLINA STATEWIDE EMERGENCY MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT

The City Manager explained that he was requesting authorization to execute the North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement. This agreement allows mutual aid by other local governments.

Motion was made by Councilmember Garby, seconded by Councilmember Evans, and unanimously carried to authorize the City Manager to execute the North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement.

CONSIDER DECLARING CERTAIN REAL PROPERTY SURPLUS

The City Manager explained the Scotland County had completed tax foreclosure on certain properties and was requesting that the City declare the properties as surplus so that they can be sold at auction.

Motion was made by Councilmember Adams, seconded by Councilmember Garby, and unanimously carried to declare the real property shown on Attachment A, incorporated herein, as surplus property and authorize its sale.

MAYOR'S REPORT

CODE ENFORCEMENT – RESEARCH ON OTHER MUNICIPALITIES AND RECOMMENDATIONS

Mayor Block explained that he spoke with representatives from four (4) neighboring communities, Southern Pines, Rockingham, Raeford and Aberdeen, concerning how the municipalities handle code enforcement. All four (4) have a three-pronged approach. The code compliance officer reports code violations. The code compliance officer in Southern Pines visits every neighborhood at least once every week looking for violations along with other duties. All of the municipalities have an employee that proactively goes around inspecting for code violations. The municipalities also use other department employees such as street department and sanitation to report code violations. The municipalities respond to citizen complaints. All four (4) municipalities are more proactive. None of the municipalities had a dedicated code enforcement officer.

Mr. Michael Mandeville, Community Development Officer, stated that he spoke with the Raeford code enforcement officer Felicia Locklear; Rockingham's code inspection superintendent, Tim Combs; the planning director Aberdeen, and also code enforcement personnel from Hope Mills and Sanford. He summarized the conversations as follows:

- Raeford – Primarily reactive code enforcement, but summer is a little more proactive with grass cutting. Primary reasons for being proactive are time and staff. No restrictions on number of vehicles or where they can be parked in a yard.
- Rockingham – Reactive, but will scan the whole street when complaint is received and will take action if warranted. Primary reasons for being proactive are time and staff. Also no restrictions on number of vehicles or where they can be parked in a yard.
- Aberdeen – Spoke with Justin Westbrook, the planning director. Reactive code enforcement due to staffing. No dedicated code enforcement officer on staff and no plans for one in the future. No restriction on number of vehicles and where they can be parked in a yard. Hoping to revise code to require that vehicles be parked on a hard surface; however not optimistic this would be adopted.

The City Manager explained that Mr. Mandeville's research contradicted the Mayor's research. He requested the names of the individuals the Mayor spoke with so that staff could contact them and clarify.

There was no action on this item.

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Adams explained that she had provided information to Council about the Lumber River Council of Governments University.

CLOSED SESSION

At 9:34 p.m. motion was made by Councilmember Adams to go into closed session to consult with the attorney. The motion was seconded by Councilmember Garby, and carried unanimously.

At 9:45 p.m. motion was made by Councilmember Adams, seconded by Councilmember Garby, and unanimously carried to adjourn the closed session and resume the regular meeting.

ADJOURN

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

The meeting adjourned at 9:46 p.m.

APPROVED

James T. Willis, Mayor

Jennifer A. Tippett, City Clerk