

**CITY OF LAURINBURG  
CITY COUNCIL MEETING  
APRIL 21, 2020  
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, April 21, 2020 in the Council Chambers of the City Hall and Police Department at 7:00 p.m. with the Honorable James T. Willis, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Mary Evans, James J. Garby, Jr., Donald Rainer, 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 (via teleconference).

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

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

**APPROVAL OF AGENDA**

Motion was made by Councilmember Rainer, seconded by Councilmember Adams, and the vote was as follows:

Ayes: Rainer, Adams, Garby, Evans, Williamson  
Nays: None

**PUBLIC COMMENT PERIOD**

No comments were submitted to the City Clerk.

**CONSENT AGENDA**

Mayor Willis reviewed the Consent Agenda:

- a) Consider minutes January 21, 2020 regular meeting; February 4, 2020 special meeting/retreat; February 18, 2020 regular meeting; and February 25, 2020 special meeting/citizen input session
- b) Consider Resolution No. R-2020-02 Amending Resolution No. R-2020-01 to add Parcel # 010037 01069 to "Attachment A" to Resolution No. R-2020-01 and to ratify execution of deed by Mayor and City Clerk
- c) Consider Ordinance No. O-2020-03 Amending the FY 19-20 Budget Appropriations Ordinance (Ordinance No. O-2019-17) to receive \$5,000.00 ElectriCities Grant
- d) Designate the City Manager as the Voting Delegate for the 2020 Virtual North

## Carolina League of Municipalities Summit

Upon question by Councilmember Evans, the City Manager explained that in January, one of the parcels of land was omitted from the resolution that declared tax foreclosure properties as surplus and authorized sale by auction was not included in the listing of the properties.

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

Ayes: Garby, Evans, Williamson, Adams, Rainer

Nays: None

### **CITY MANAGER REPORTS**

#### **CONSIDER AWARDING BID FOR PRODUCE MARKET ROAD AREA WASTEWATER COLLECTION SYSTEM CDBG-I**

The City Manager explained that bids were received for the Produce Market Road Area Wastewater Collection System Community Development Block Grant-Infrastructure, and the engineer recommend awarding the contract to Frank Horne Construction in the amount of \$1,216,398.40 for construction.

Councilmember Adams moved to award bid for Produce Market Road Area Wastewater Collection System CDBG-I Project #17-I-2966 to Frank Horne Construction in the amount of \$1,216,398.40. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Rainer, Evans, Williamson

Nays: None

Upon question by Councilmember Garby, the City Manager explained that there would be pre-construction meetings with the contractor, and that he would find out approximate project completion and report to Council.

#### **CONSIDER RESOLUTION SUPPORTING APPLICATION FOR BICYCLE PLANNING GRANT**

The City Manager explained that this resolution was to submit another application for a bicycle planning grant. The application has been improved from the previous grant application to better the City's chances of being awarded a grant.

Upon question by Councilmember Evans, the City Manager explained that if awarded the grant, the City would be able to develop a bicycle plan using basically the same process as the pedestrian plan that was developed several years ago. Once the City has a bicycle plan, funding for the City's bicycle plan would be easier to obtain when the North Carolina Department of

Transportation has funds available. This is just to prepare a plan and does not include any construction costs.

Upon question by Councilmember Evans, Councilmember Adams explained that the way the Bicycle Planning Grant would work is that the Community Development Director would have a committee of citizens and other stakeholders in the community that would work with representatives from the North Carolina Department of Transportation to develop the plan for bicycle trails.

Councilmember Garby moved to award approve Resolution No. R-2020-03 supporting application for bicycle planning grant. The motion was seconded by Councilmember Rainer, and the vote was as follows:

Ayes: Garby, Rainer, Williamson, Adams, Evans

Nays: None

(Resolution No. R-2020-03 on file in city clerk's office)

### **CONSIDER APPROVAL OF DESIGN-BUILD CRITERIA**

The City Manager explained that staff was requesting that Council approve the design-build criteria so that the City could utilize this process for the raw water will project in the Water/Sewer Capital Project Fund. The Request for Qualifications was utilized and according to the design-build criteria, Charles R. Underwood, Inc. was selected as the best firm for the project. Charles R. Underwood, Inc. has handled much of the City's well work over the years.

Upon question by Councilmember Williamson, Mayor Willis read the following from the agenda action form to explain what the design-build process is:

“Design Build is an integrated approach that delivers both design (architectural and engineering) and construction services under one contract with a single point of responsibility. Under design-build, the public owner is provided the benefit of the design team and contractor working together to achieve the public owner's objectives under a single contract. The design builder is selected using a qualification-based selection process.

NC GS 143-128.1A requires the government entity to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project and such criteria shall at a minimum address the six items in the Statute. This requirement must be met on a project by project basis.”

Following a brief discussion, Councilmember Adams moved to approve Design-Build Criteria. The motion was seconded by Councilmember Williamson.

Upon question by Councilmember Evans, the City Manager explained that the cost for this project would come from the Water/Sewer Capital Project Fund which was established at \$3.5 million to get six (6) water/sewer projects begun. At the time the Water/Sewer Capital Project

Fund was approved, staff informed Council that once the projects began, additional funding would probably be necessary once the design work was completed and there were better estimated costs for the different projects.

The vote to approve the design-build criteria was as follows:

Ayes: Adams, Williamson, Evans, Rainer, Garby

Nays: None

**CONSIDER APPROVING CHARLES R. UNDERWOOD, INC. FOR DESIGN-BUILD OF THE RAW WATER WELLS CAPITAL PROJECT**

Councilmember Williamson moved to approve Charles R. Underwood, Inc. as the best firm for the Design-Build of the Raw Water Wells Capital Project. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Williamson, Garby, Rainer, Evans, Adams

Nays: None

**CONSIDER AWARDING BID TO CHARLES R. UNDERWOOD, INC. FOR PUMP STATION RENOVATIONS**

The City Manager explained that this was also a Water/Sewer Capital Project. The City has three (3) pump stations that need to be renovated. When the City annexed in 1994, 18 pump stations were added, and they all need to be renovated due to age. Staff has been trying to renovate a few at a time.

Councilmember Garby moved to award bid to Charles R. Underwood, Inc. for pump station renovations (PS #8, #12 and #13) in the amount of \$714,500.00. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Garby, Adams, Evans, Rainer, Williamson

Nays: None

**NOTIFICATION OF POSITION RECLASSIFICATIONS**

The City Manager explained that according to the City's Personnel Policy, Council must be notified whenever there is a reclassification of a position. The purpose of the three (3) job reclassifications is to make the department more efficient, to comply with the Federal Labor Standards Act (FLSA), and to set up a succession plan for Consumer Billing Department. There was a small increase for one (1) of the three (3) positions, but it was within the budget parameters.

**CONSIDER RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION FOR CLEAN WATER SRF AND ASADRA FUNDING**

The City Manager explained that there is grant funding that has become available that the City's engineer believes would be a good candidate for Clean Water SRF and ASADRA funding for the Leith Creek Wastewater Treatment Plant. Willis Engineering is wrapping up the preliminary design for the new Headworks and Influent Pump Station which is included in the Wastewater Capital Improvement Plan.

Councilmember Adams moved to approve Resolution No. R-2020-04 authorizing the submittal of application for Clean Water SRF and ASADRA Funding for Leith Creek Wastewater Treatment Plan Influent Pump Station and to authorizing the City Manager to execute the grant application. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Williamson, Rainer, Evans

Nays: None

(Resolution No. R-2020-04 on file in city clerk's office)

### **CONSIDER ADOPTION OF 10-YEAR CAPITAL IMPROVEMENT PLAN FOR WASTEWATER PROJECTS**

The City Manager explained that in order to improve the City's application for Clean Water SRF and ASADRA Funding for Leith Creek Wastewater Treatment Plan Influent Pump Station, a 10-Year Capital Improvement Plan for wastewater projects was recommended. The City has a Five-Year Capital Improvement Plan for all capital improvements. This 10-Year Plan for Wastewater Projects took information from the Asset Inventory Assessments completed last year to develop the 10-Year CIP for wastewater projects.

Councilmember Williamson moved to adopt the 10-Year Capital Improvement Plan for Wastewater Projects. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Williamson, Evans, Adams, Garby, Rainer

Nays: None

### **UPDATE ON NORTH FIRE STATION**

The City Manager explained that staff was continuing to work on the North Fire Station Project; however, the City had to follow the Federal Emergency Management Agency (FEMA) process. The Requests for Proposals for design and construction of the North Fire Station would be sent out on May 7, 2020, with selection of a firm on May 18, 2020.

### **FUTURE MEETINGS**

A discussion was held concerning the format for future Council meetings. The City Manager explained that staff had looked at Zoom and Vimeo options. The Zoom option would cost approximately \$6,000.00 to set up with \$15.00 per month fee, and the Vimeo option would be approximately \$8,000.00. In addition, the Mayor and each Councilmember would need a desktop, laptop or an iPad with a camera to utilize those services.

Upon question by Mayor Willis, the City Manager explained that the free Zoom application is open for hacking and subject to viruses. Councilmember Rainer added that teachers are being advised not to use the free Zoom application due to hacking.

Councilmember Garby asked if the meeting could be held by conference call and not have video.

The City Manager explained that the UNC School of Government advises that at least a quorum of Council be physically present for meetings.

Discussion ensued concerning the potential changes in the future for laws regarding public meetings, and the use of the Zoom application.

The City Attorney explained that currently there is much uncertainty concerning any possible changes to the Open Meetings Laws. The best solution is for governing bodies to have a physical quorum present for meeting. The North Carolina Attorney General has offered an opinion stating that a member of the governing board could probably vote remotely if there was a physical quorum present; however, the quorum statute discusses physical presence in several voting situations. He does not believe that there will be a big push for the General Assembly to move to electronic meetings as the new normal.

Discussion ensued concerning the cost associated for hosting virtual meetings. The City Manager explained that all expenses for the past month had been cut except for emergency purchases.

Following further discussion, it was consensus of Council to continue meeting with the same procedures as tonight to see what happens in the future with the legislature and COVID-19.

## **BUDGET**

The City Manager explained that normally Council would have had several budget meetings by now. The Budget Committee comprised of Mrs. Carrie Neal, Finance Director; Harold Haywood, General Services Director; and the City Manager have been putting together several budgets depending on what the month of May entails, including a possible interim budget for several months without any capital expenditures. The health insurance renewal should be received this week.

Upon question by Councilmember Rainer, the City Manager explained that utility collections seemed to be normal; however, the cut-off time occurred when the Governor issued the Executive Order that included the order not to disconnect utilities for non-payment. He discussed that Electricities and other large local governments have expressed much interest in the collection rate as it affects the members' of the North Carolina Eastern Municipal Power Agency ability to pay their debt service along with power costs. He added that the month of May will really show how many customers cannot pay. Staff is closely watching utility payments and the City's utility fund reserves. He also discussed the continued frustration with the lack of reimbursement from the Federal Emergency Management Agency (FEMA) from Hurricane

Florence, and that because of the lack of reimbursement, staff was not depending upon funds from the federal government to operate.

### **MAYOR/COUNCIL COMMENTS**

Councilmember Adams discussed a telephone call she received from a citizen who was concerned about not being able to contact the Employment Security Office. She hoped that someone from Representative Garland Pierce's office and/or Senator Tom McInnis's office were listening to know that citizens are worried. She also thanked Mayor Willis for the wonderful job he was doing in leading the community through the crisis situation.

Councilmember Evans agreed that Mayor Willis had represented Council well.

Mayor Willis thanked the Councilmembers for their comments. He added that he was urged by people in the healthcare industry to record his messages. He added that he was thankful that the situation in Laurinburg and Scotland County has not been as bad as some of the models had predicted. Laurinburg and Scotland County is fortunate to be a rural area and not an urban area where housing is concentrated in high rise areas. Citizens are paying attention and practicing social distancing and wearing masks which will help flatten the curve of COVID-19. He thanked the public for tuning in to the meeting and for all of Council for attending in person. He added that he wanted to brag on the City for the quick action in restoring electricity.

### **ADJOURN**

Motion was made by Councilmember Garby, seconded by Councilmember Adams to adjourn the meeting. The vote was as follows:

Ayes: Garby, Adams, Evans, Rainer, Williamson

Nays: None

The meeting adjourned at 7:46 p.m.

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James T. Willis, Mayor

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Jennifer A. Tippett, City Clerk