

**CITY OF LAURINBURG
CITY COUNCIL MEETING
MAY 19, 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, May 19, 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. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney (via teleconference).

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

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

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT PERIOD

No Public Comments were submitted to the City Clerk.

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

- a) Consider minutes of April 21, 2020 regular meeting and May 4, 2020 special meeting

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

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

CITY MANAGER REPORTS

**LAURINBURG/SCOTLAND COUNTY AREA CHAMBER OF COMMERCE
FISCAL YEAR 2020-2021 BUDGET REQUEST**

The City Manager presented the budget request from the Laurinburg/Scotland County Area Chamber of Commerce for Fiscal Year 2020-2021. It is the same amount as the previous year, \$14,000.00.

There was no action needed on this item.

**SCOTLAND COUNTY ARTS COUNCIL FISCAL YEAR 2020-2021 BUDGET
REQUEST**

The City Manager presented the budget request from the Scotland County Arts Council for Fiscal Year 2020-2021. It is the same amount requested the previous year, \$5,000.00.

There was no action needed on this item.

**CONSIDER RESOLUTION NO. R-2020-05 RESOLUTION TO ALLOW REMOTE
COUNCIL MEETINGS AND SET PROCEDURES DURING STATE OF
EMERGENCY DECLARATION BY THE GOVERNOR OR GENERAL ASSEMBLY
UNDER NORTH CAROLINA G.S. 166A-90**

The City Manager explained that on May 4, 2020, the North Carolina General Assembly passed Session Law 2020-3, An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19 Crisis, which enacted modifications to the laws governing meetings of public bodies, and voting and quorum rules for city and county governing boards which became effective on May 4, 2020 and to only apply when there is a declaration of a state of emergency by the Governor or General Assembly. In order to have remote/virtual meetings, Council must pass a resolution authorizing such. This resolution was prepared in compliance with the Session Law, and with recommendations from the UNC School of Government. This resolution will not only apply to Council meetings, but to any boards or committees appointed by Council. The City Attorney has reviewed the resolution and is in favor of adoption. Staff is preparing for virtual meetings using Zoom, and the equipment should be installed in the next week.

Councilmember Adams moved to adopt Resolution No. R-2020-05 Resolution to allow remote council meetings and set procedures during State of Emergency Declaration by the Governor or General Assembly under North Carolina G.S. 166A-90. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Adams, Evans, Garby, Rainer, Williamson

Nays: None

(Resolution No. R-2020-05 on file in city clerk's office)

CONSIDER AWARDING BID FOR ADDITION OF BAR SCREEN TO PUMP STATION #19

The City Manager explained that bids were opened on Thursday, May 14, 2020 for the addition of a bar screen to Pump Station #19, and the engineering firm was unable to properly review the bids before the agenda packet was released. There were seven (7) bids submitted. Currently the bar screen is a manual operation, and the new bar screen will be automatic with the option of manually operating it as well. After reviewing bids, it was the recommendation of Willis Engineers to award the bid to Metcon, Inc. in the amount of \$491,972.00.

Upon question by Councilmember Williamson, the City Manager explained that this project came in slightly over the projected amount; however, because it is included in the \$3.5 million Capital Improvement Project, no budget amendment was needed.

Upon question by Councilmember Adams, the City Manager explained that the City Attorney verified the evidence of authority to sign the bid by Metcon, Inc.

Discussion ensued concerning the bid process and that several of the bidders were from Tennessee. The City Manager explained that the bid was in the formal bid range; therefore, the bid opening was livestreamed on the City's Facebook page in order to ensure compliance with the General Statutes.

Following discussion, Councilmember Rainer moved to award the bid for addition of bar screen to Pump Station #19 to Metcon, Inc. in the amount of \$491,972.00, and to authorize the City Manager to execute the contract with Metcon, Inc. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Rainer, Williamson, Evans, Adams, Garby

Nays: None

DISCUSSION AND DIRECTION TO STAFF TO CONSIDER AMENDING THE CITY CODE TO ALLOW FOR THE KEEPING OF CHICKENS

The City Manager explained that staff had been requested to present some information regarding allowing chickens in the City limits for possible consideration by Council. The Mayor has been approached about allowing chickens in the City limits. Prior to 2006, chickens were allowed in the City limits; however, because of complaints, the City Code was amended to prohibit chickens. There have been requests from citizens and also from the agricultural department at Scotland High School to allow chickens. The Code Enforcement Officer researched regulations in surrounding areas for considerations so that there would be few issues.

Councilmember Evans stated that she could understand the high school having chickens, but she did not want them in residential areas because they can get away from the owner and there would be waste everywhere.

Mayor Willis explained that he had been approached by several citizens about allowing chickens in the City limits. This is part of the national farm-to-table movement in American which promotes healthy and fresh food. He cited numerous municipalities in North Carolina as well as in the United States which allow chickens in the city limits.

Councilmember Adams discussed the proposed restrictions submitted by Mr. Mac McInnis, Planner/Code Enforcement Officer, which included the following:

- Limit raising chickens to single or two family residences and school property for educational purposes.
- Number of chickens allowed – (Maximum of 5)
- No roosters allowed.
- Must be confined to a coop in the **BACK YARD** of the residence with a minimum of 3 sq. ft. per bird. An outside run no larger than 8 feet by 8 feet, connected to the coop is allowed.
- All structures associated with the chickens must be 20 feet from the property line and must be constructed of materials that are suitable for exposure to moisture without deterioration (i.e., pressure treated lumber, vinyl siding, asphalt shingle or metal roofing, and galvanized or vinyl mesh fencing)
- All waste materials (feed, manure, and litter) will be disposed of either by composting or bagging and put in trash. Piling waste on the property is not acceptable and will be considered a nuisance violation.
- The area around the coop must be kept clean and weed free to control rodents. All feed supplies must be stored in rodent-proof containers. Waste eggs or dead birds must be disposed of promptly.
- Chickens must be fed and watered on a daily basis.
- Sale of eggs is not allowed, keeping hens is for personal use not for running a business.
- No slaughtering of chickens will be allowed within the city limits in areas that may be seen from public streets or adjacent properties.

Discussion ensued concerning the presence of chickens and roosters existing already in the city limits. In some neighborhoods there are roosters and chickens that run loose. Mayor Willis stated that this should be reported and addressed.

Mayor Willis explained that if approved, the restrictions would be very specific about having the chickens contained, no roosters allowed, the coop would have to be a certain distance from the property lines, and a requirement that the coops be kept clean.

Further discussion ensued concerning allowing chickens in the City limits, restrictions and problems. The City Attorney explained that many subdivisions/neighborhoods have restrictive covenants prohibiting the keeping of chickens.

Councilmember Evans suggested that chickens only be allowed for educational purposes, such as at the high school.

Following further discussion, it was consensus of Council for staff to conduct further research on how other municipalities are regulating the ownership of chickens in the city limits including permitting process and violations of the rules.

DISCUSSION AND DIRECTION TO STAFF TO CONSIDER AMENDING THE CITY CODE TO ALLOW FOOD TRUCKS

The City Manager explained that with the near-completion of the Downtown Urban Design/Parking Lot Project, staff would like for Council to consider amending the City Code to allow food trucks because the Urban Design/Parking Lot Project was designed with the idea of having food trucks. Currently food trucks must obtain a special event permit and can only set up four (4) times per year with the property owners' permission. Staff was recommending that the City Code be amended to allow food trucks in designated areas in the downtown area.

It was consensus of Council for staff to compose an amendment to the City Code to allow food trucks.

UPDATE ON MUNICIPAL MOWING AGREEMENT WITH NC DEPARTMENT OF TRANSPORTATION

The City Manager explained that the City cuts and maintains the NC Department of Transportation (DOT) right-of-way of US Highway 401 from FCC, LLC. DOT only cuts right-of-ways only four (4) to five (5) times per year, which is not sufficient for keeping Laurinburg clean and nice looking. For the past several years, the City entered into a mowing agreement with DOT whereby the City was paid for five (5) mowings per year. Due to recent financial situations with DOT, the contract amount is being reduced such that the City will be paid for only two (2) mowings per year, going from over \$7,400 to only \$3,000.00 reimbursement from DOT. The City spends over \$15,000.00 per year performing the mowing, so it will cost more in the future due to additional mowings the City will need to do.

Following a brief discussion, Councilmember Williamson moved to authorize the City Manager to execute the Municipal Mowing Agreement with NC Department of Transportation. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Williamson, Garby, Evans, Rainer, Adams

Nays: None

UPDATE ON ANNUAL JULY 4TH FIREWORKS DISPLAY

The City Manager explained that there had been discussion among the Fireworks Committee that with Governor Cooper's Executive Orders about mass gatherings, it was a consensus of the committee to postpone the fireworks display until later in the year. The fireworks company would need several weeks advance notice to schedule.

Upon question by Councilmember Adams, the City Manager explained that the cost of the fireworks is split between two (2) budget years, and the deposit for this year has been paid.

DRAFT FISCAL YEAR 2020-2021 BUDGET

The City Manager explained that in normal times, Council would have had multiple budget meetings by now. He added that many according to the North Carolina General Statutes, a balanced budget must be submitted to Council by June 1, 2020. Staff has looked at various options for preparing the budget, and have decided to present a flat budget, and that if the situation with the pandemic changes, the budget could be amended later in the year. He discussed the following with regard to the draft budget:

- Health insurance premium increase for the same plan has been reduced from a 13% increase to only 5.9% increase.
- No Fund Balance will be appropriated from the General Fund, Electric Fund and the Solid Waste Fund.
- \$761,000.00 will be appropriated in the Water/Sewer Fund as a continuation of the planned capital improvements that have been started.
- Currently the draft budget has no Cost of Living Adjustment (COLA) for employees; however, there will be a COLA included in the budget to be submitted to Council by June 1, 2020. Staff has been monitoring utility collections and wanted to look at the collections at the end of May.
- Revenues will be reduced for Fiscal Year 2020-2021, including sales tax. The Governor's Executive Order prohibiting utility disconnections due to non-payment is still in effect, so there is a lot of uncertainty. Revenues are anticipated to be between eight percent (8%) to 10% less than normal.
- No capital in any of the funds has been budgeted unless it is absolutely necessary or was part of the Capital Project already approved by Council.
- Hopefully in three (3) months, staff can present amendments to the budget due to increase in revenues.

The City Manager explained that if the Mayor or a Councilmember wanted to meet individually with him to review the budget, to let him know.

Discussion ensued concerning the Governor's Executive Order prohibiting utility disconnections due to non-payment. The City Manager explained that some municipalities have filed a lawsuit against the Governor's order.

The City Attorney explained that eventually the customers who are not paying their utility bills will have to pay them. The City would have to set up payment plans.

Upon question by Councilmember Williamson, the City Manager explained that all spending in the City had been frozen in order to ensure that the City had sufficient funds to meet payroll and debt payments.

Upon question by Councilmember Evans, the City Manager explained that customers can

make partial payments on utility accounts.

SET PUBLIC HEARING TO BE HELD ON JUNE 16, 2020 AT 7:00 P.M. TO CONSIDER THE FISCAL YEAR 2020-2021 BUDGET

The City Manager explained that Council needed to set the public hearing for the Fiscal Year 2020-2021 Budget at 7:00 p.m. on June 16, 2020. He added that currently staff understood that the law required that Council was required to allow public comment for 24 hours following the public hearing before voting; therefore Council could recess the June 16, 2020 meeting to another date to vote on the budget. He added that staff would verify this information.

Councilmember Adams moved to set a public hearing to be held on Tuesday, June 16, 2020 at 7:00 p.m. to consider the Fiscal Year 2020-2021 Budget. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Evans, Williamson, Rainer

Nays: None

APPOINTMENT

BOARD OF ADJUSTMENT

Upon question by Mayor Willis, the City Clerk explained that Mr. Easterling had submitted an application to appointment to the Board of Adjustment. The application for appointment to all Council and Mayor appointed Boards are on the City's website, and any city resident can submit an application.

The City Manager explained that Mr. Easterling was born and raised in Laurinburg, and had been one of the Police Explorers. He added that he believed that it was his job to make sure that Council knew that he had discussions with Mr. Easterling about lobbying. He added that Mr. Easterling lives in Raleigh and maintains an address in Laurinburg.

Councilmember Evans explained that Mr. Easterling lives with his family and travels between Laurinburg and Raleigh.

Following further discussion, Councilmember Evans moved to appoint John Easterling III to the Laurinburg Board of Adjustment for a three year term beginning June 1, 2020 and ending May 31, 2023. The vote was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Evans, Rainer, Garby, Williamson, Adams

Nays: None

COVID-19 REIMBURSEMENT

The City Manager explained that he participated in a teleconference with the Scotland County Economic Development Director and the Scotland County Manager concerning funds received by Scotland County which can then distribute as it sees fit. Currently, the funds must be used for reimbursement for expenditures associated with COVID-19, such as personnel protection equipment, sanitizers, etc. It is not revenue reimbursement. There is hope that revenue reimbursement will be seen in the future. Staff has been keeping totals of COVID-19 expenditures and will submit to the County.

Upon question by Councilmember Evans, the City Manager explained that the amount sent to Scotland County to distribute was approximately \$800,000.00.

MAYOR/COUNCIL COMMENTS

Councilmember Rainer stated that with hurricane and tornado season approaching, staff should make sure that ditches are cleaned out, and to continue efforts with storm drainage with Cape Fear Engineering.

The City Manager explained that staff had submitted a grant application with the US Department of Agriculture. The grant will look at the City's six (6) problem areas. The Ditch Crew works during the fall and winter season; however, staff was still working to keep drains clean. Because of COVID-19, work with Cape Fear Engineering has slowed down because they were not working for a period of time. No additional projects have been done.

Upon question by Councilmember Evans, the City Manager explained that no easement had been obtained on Blue Drive. That easement would be part of a Capital Project that Cape Fear Engineering would develop.

CLOSED SESSION

At 8:11 p.m., motion was made by Councilmember Garby to go into closed session pursuant to NC General Statute 143-318.11(a)(6) for personnel. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Garby, Evans, Rainer, Williamson, Adams

Nays: None

At 8:31 p.m., motion was made by Councilmember Evans to adjourn the closed session and resume the regular meeting. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Evans, Garby, Adams, Williamson, Rainer

Nays: None

ADJOURN

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

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

The meeting adjourned at 8:33 p.m.

James T. Willis, Mayor

Jennifer A. Tippett, City Clerk