

**CITY OF LAURINBURG  
CITY COUNCIL SPECIAL MEETING/WORK SESSION  
JANUARY 14, 2014  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
7:00 p.m.**

The City Council of the City of Laurinburg held a special meeting/work session on January 14, 2014 in the Council Chambers of the Municipal Building at 7:00 with the Honorable Thomas W. Parker, III, presiding. The following Councilmembers were present: Mary Jo Adams, Dolores A. Hammond, Curtis B. Leak, Andrew G. Williamson, Jr. and J. D. Willis.

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

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

Councilmember Willis gave the invocation.

**APPROVAL OF AGENDA**

Mayor Parker explained that a brief closed session needed to be held first.

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

**CLOSED SESSION**

At 7:02 p.m. Councilmember Adams motioned to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the City concerning Shoeheel Farms, LLC v. City of Laurinburg. The motion was seconded by Councilmember Willis, and carried unanimously.

At 8:06 p.m. motion was made by Councilmember Willis, seconded by Councilmember Leak, and unanimously carried to adjourn the closed session and resume the open meeting.

**AGENDA FOR JANUARY 21, 2014**

The City Manager reviewed the agenda for the January 21, 2014 meeting as follows:

- 3) Consent Agenda
  - a) Consider minutes of October 22, 2013 regular meeting, November 12, 2013 agenda workshop, November 19, 2013 regular meeting, December 10, 2013 special meeting, December 10 agenda workshop, December 17, 2013 organizational meeting, and December 17, 2013 regular meeting

**PUBLIC HEARINGS**

- 4) Consider revoking Conditional Use Permit to operate a salvage yard and recycling center at 13841 Dixie Guano Road

*Mrs. Deese explained that very little progress had been made to bring this into compliance.*

**CITY MANAGER REPORTS**

- 5) Authorize the City Manager to execute contract with East Coast Pyrotechnics for July 4<sup>th</sup> Fireworks Display in the amount of \$12,000  
*The City Manager explained that the County would consider participating in the cost of the Fireworks Display during budget discussions.*

- 6) Consider awarding bid to \_\_\_\_\_ for FCC Sewer Contract IV in the amount of \$  
*The City Manager explained that bids would be opened the next afternoon.*
- 7) Consider authorizing the Mayor and City Clerk to execute Master Agreement for Indefeasible Right to Use Fiber with Broadplex LLC  
*The City Manager explained that Broadplex would be the City's provider of fiber service.*
- 8) Consider authorizing the Mayor and City Clerk to execute Lease of Dark Fiber Agreement with FCC (North Carolina), LLC  
*The City Manager explained this would allow FCC to lease dark fiber from the City. He added that the City Attorney has reviewed the agreement.*
- 9) Authorize the City Manager to execute contract with the Scotland County School System for a School Resource Officer
- 10) Consider Community Access Channel Rules and Regulations

#### **APPOINTMENTS**

- 11) Beautification Committee-Chamber's seat – Fred Fox to replace Leroy McIntyre

The City Manager explained that three (3) additional items needed to be added to the agenda, and they are as follows:

- Resolution to oppose increase in homeowners' insurance rates
- Update from Birdseye Renewable Energy on Laurinburg Farm, LLC
- Discuss Citizen Input Session

#### **MCGAVRAN ENGINEERING – UPDATE ON POLE ATTACHMENT AGREEMENTS**

Mr. Ted McGavran of McGavran Engineering provided a brief update on the status of the pole attachment agreements with Time Warner and AT&T as follows:

- In process of negotiating contract with Time Warner who wanted to wait on outcome of Landis case. Court of Appeals ruled favorably for Landis and handed the case back to the lower court to make a more robust decision. Expecting decision from lower court soon.
- Time Warner has not paid the City pole rent since 2006 and that is a significant amount of money. Making calculations on the amount and will present next week.
- Time Warner's system not built to code. In August 2009, legislation passed requiring that communication companies build their systems to the National Electric Code, and if existing systems on municipal and cooperative poles were not up to Code, the communication company was required to fix the systems. Any costs incurred by municipalities and cooperatives would be billed to the communication company.
- Will be working with the City Attorney on the pole attachment agreement.
- Time Warner has asked to lease some of the City's fiber space.
- Time Warner is for sale, to possibly be purchased by Charter Communications.
- There could be additional money owed the City by Time Warner for franchise fees since 2007.

A discussion ensued concerning the history of the cable company in Laurinburg. Mr. Bruce Fowler of McGavran Engineering explained that when Adelphia went bankrupt and was acquired by Time Warner, there was a bankruptcy court settlement in which Time Warner paid the City one-half (1/2) of what Adelphia owed the City.

Further discussion ensued concerning this matter with no action taken.

#### **MUNICIPAL ENGINEERING UPDATE**

Mr. Billy Dixon of Municipal Engineering provided a brief update on the water part of the FCC Project. He explained that currently three (3) wells are drilled which should provide enough water to FCC through

the end of August and the elevated water tank should be on-line at the end of June. He added that additional well sites are being investigated.

### **UPDATE ON CEMETERY PROCEDURES – TIM PIERCE**

Mr. Time Pierce, GIS Administrator, reported the following regarding cemetery operations:

- Staff notified funeral homes of holiday schedules to try to eliminate overtime/comp time over weekends and holidays.
- Plan to remove non-compliant items from cemetery soon, and this will be advertised.
- Staff has begun discussing the City opening and closing graves.
- Maintenance is being emphasized and funeral homes are being held responsible for condition of graves.

The City Manager explained that items will not be thrown away and owners will be given time to pick up the non-compliant items. He added that the City had obtained a bus to pick-up inmate crews, and some would be utilized at the cemetery.

A discussion ensued concerning items that are allowed at the cemetery along with the amount of time flowers are allowed to remain on a grave.

### **DISCUSSION OF SANFORD BUILDING REPAIRS**

The City Manager explained that staff has received two (2) bids for repairs at the Sanford building including \$5,220.00 for mold remediation. The lowest bid is \$20,972.00 and in addition to the mold remediation, includes water-proofing of the basement, metal entry doors and metal security screens on the interior of the windows.

Discussion ensued concerning use of the building by the Police Department and that moving some of the Police Department, such as CSI to the Sanford Building, would make more space available for other staff.

Mr. Harold Haywood explained that staff needed direction from Council since the total needed is \$20,972.00, and there is only \$14,000.00 included in the budget. He added that later in the year, staff would prepare a budget amendment.

A discussion ensued concerning the storage issue for the City.

Upon question by Councilmember Willis, Mr. Haywood explained that the \$14,000.00 was located in the Building Maintenance budget. He added that staff had originally budgeted to do safety renovations in the Police Dispatch area.

Following discussion, motion was made by Councilmember Hammond, seconded by Councilmember Williamson, and unanimously carried for staff to move forward with renovations at the Sanford Building.

### **DISCUSSION OF REQUEST TO CHANGE SPEED LIMIT ON SHAW ROAD**

The City Manager explained that DOT had contacted him regarding a request from Mr. Charles Brunson regarding a speed limit change on Shaw Road.

Following discussion, motion was made by Councilmember Williamson, seconded by Councilmember Leak, and unanimously carried to request that NC DOT change the speed limit on Shaw Road from 45 miles per hour to 35 miles per hour.

## **DISCUSSION OF EOC/911 CALL CENTER**

The City Manager explained that he and staff would be attending a meeting Thursday to discuss the Intergovernmental Agreement (IGA) for the EOC/911 Call Center and he wanted guidance as to what Council was expecting.

It was consensus of Council that terms of the IGA include that the County operates the Center and there should be no operational budget increase for the City.

## **DISCUSSION OF LUMBER RIVER COG TAC – SCOTLAND COUNTY APPOINTEE**

The City Manager explained that the County Manager mentioned that the County has a municipal appointee to the Lumber River COG Transportation Advisory Committee (TAC) and the current appointee is Councilmember Adams.

Following a brief discussion, it was consensus of Council that Councilmember Adams be the City's nominee to serve on the Lumber River COG TAC.

## **DISCUSSION OF WORK SESSION MEETING – SPECIAL MEETING/AGENDA WORK SESSION**

Mayor Parker explained that concern had been expressed about taking action at the work session. He added that this meeting was advertised as a special meeting/work session which allows for action to be taken by Council.

Councilmember Hammond provided a history of the agenda workshops and the intent of the workshops. The City Attorney explained alternatives for Council, and suggested that the work sessions be scheduled as special meetings whereby only items mentioned in the special meeting notice (including review of the agenda for the upcoming regular meeting) could be discussed or acted upon.

Further discussion ensued. Councilmember Hammond expressed concern that there had been presentations made at agenda workshops that were not presented at the regular Council meetings, and this was not fair to the public.

Motion was made by Councilmember Adams, seconded by Councilmember Leak, and unanimously carried to continue having one (1) regular meeting as noted in the City Code, and for the work sessions to be special meetings with proper notice posted.

The City Manager requested that Council inform him of items they want on the special meeting agenda and on the regular meeting agenda.

Councilmember Willis explained that he would like Council to consider having the City Manager, the Police Chief and Finance Director to look at the Police Department budget to determine if there was money in the budget to paint the nine (9) Dodge Chargers. He discussed the lapsed salaries, benefits and automotive maintenance savings in the Police Department as funding available to pay for painting the vehicles. He added that this matter had been discussed in the past by Council and that it had been decided that the white vehicles looked impressive. He further added that there were equipment issues and renovations at the Sanford Building that could be addressed from the budgetary savings.

It was consensus of Council for the City Manager, Police Chief and Finance Director to review the Police Department budget as suggested by Councilmember Willis.

The City Manager explained that he needed direction from Council as to what items to place on the Consent Agenda.

Following a brief discussion, it was consensus of Council to place the following items on the Consent Agenda for the next regular meeting:

- Authorize the City Manager to execute contract with East Coast Pyrotechnics for fireworks display
- Authorize the City Manager to execute contract with School System for SRO
- Consider Community Access Channel Rules and Regulations

**ADJOURNMENT**

Motion was made by Councilmember Willis, seconded by Councilmember Leak, and unanimously carried to adjourn the meeting.

The meeting adjourned at 9:18 p.m.

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Thomas W. Parker, III, Mayor

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Jennifer A. Tippett, City Clerk