

**CITY OF LAURINBURG
COUNCIL MEETING
JANUARY 21, 2014
MUNICIPAL BUILDING
303 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

MINUTES

The City Council of the City of Laurinburg held its regular monthly meeting on January 21, 2014 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Thomas W. Parker III, Mayor, 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. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney.

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

The Invocation was given by Councilmember Willis.

APPROVAL OF AGENDA

Motion was made by Councilmember Adams, seconded by Councilmember Willis, and unanimously carried to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There was no one present to speak.

CONSENT AGENDA

The City Manager presented the Consent Agenda as follows:

- 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
- b) Authorize the City Manager to execute contract with East Coast Pyrotechnics for July 4th Fireworks Display in the amount of \$12,000
- c) Authorize the City Manager to execute Contractual Agreement (Addendum) with the Scotland County School System for one (1) additional School Resource Officer
- d) Consider Community Access Channel Rules and Regulations

Councilmember Willis moved to approve the Consent Agenda. Councilmember Adams seconded the motion and it was approved by the following vote:

Ayes: Willis, Adams, Hammond, Williamson, Leak

Nays: None

PUBLIC HEARINGS

CONSIDER REVOKING CONDITIONAL USE PERMIT TO OPERATE A SALVAGE YARD AND RECYCLING CENTER AT 13841 DIXIE GUANO ROAD

Mrs. Brandi Deese stated that the City would like to withdraw its petition to revoke the Conditional Use Permit to operate a salvage yard and recycling center at 13841 Dixie Guano Road. She added that as of 8:00 a.m. on Friday, January 17, 2014, the property was inspected and the business is in compliance with the provisions of the Unified Development Ordinance.

A discussion ensued concerning enforcement of the Unified Development Ordinance (UDO). Mrs. Deese explained that staff is being pro-active in enforcing the UDO rather than being complaint-driven as was formerly done in Planning and Zoning.

DELEGATION

UPDATE OF LAURINBURG FARMS, LLC PROJECT – BRIAN BEDNAR

Brian Bednar, of Birdseye Renewable Energy, explained that his company is the developer that has developed the lease for the solar farm next to the water treatment plant on City property. He further explained that the project has taken longer to get in motion than anticipated primarily because he was waiting on electric rates to be set in the State first, and he anticipated them being set in the next few days. He added that he had been investigating the possibility of asking for approximately 10 or more acres of the City's land to add to the leased area for the solar farm due to the amount of acreage on the property that is used for water lines and electric easements and for permanent access to the site.

Upon question by Councilmember Willis, the Mr. Bednar explained that this site is very different from another solar farm site considered by Council several months ago in that the property is owned by the City, zoned industrial and there is no residential impact.

Upon question by Councilmember Hammond, Mr. Bednar explained that the total tract of land is approximately 150 acres, and the initial plan was for the solar farm to use 35 acres. He added that the base term of the lease is for 30 years with three (3) 5-year options. He further added that the expected lifespan of a solar project is 40 years, and there will be a 15 year contact with ElectriCities for them to buy the power, and equipment is warranted for 25 years.

The City Manager explained that the City owns a total of 302 acres in three (3) tracts at this site which includes the water treatment plant, farmland and the 150 acre tract out of which the solar farm property is leased.

CITY MANAGER REPORTS

CONSIDER AWARDING BID FOR FCC SEWER CONTRACT

The City Manager explained that bids were received on January 15, 2014 and Willis Engineering, the City's engineering consultant, recommended that the bid be awarded to Sanford Contractors, Inc. with a total bid of \$2,478,000.00. He added that the bid was over budgeted amount; however, the entire FCC sewer project was under budget.

Upon question by Councilmember Williamson, the City Manager stated that there were no more sewer bids for the FCC Project.

Motion was made by Councilmember Williamson, seconded by Councilmember Willis, and unanimously carried to award bid to Sanford Contractors, Inc. for FCC Sewer Contract 4.0 – Leith Creek Parallel Sewer in the amount of \$2,478,000.00.

AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE MASTER AGREEMENT FOR INDEFEASIBLE RIGHT TO USE FIBER

The City Manager explained that this agreement will allow Broadplex to be the City's fiber provider to light the City's dark fiber so that the City can provide service to our customers, such as Laurinburg-Maxton Airport.

Upon question by Councilmember Hammond, the City Manager explained that this agreement with Broadplex does not replace the agreement with Clarity which provides internet services to the School System

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to authorize the Mayor and City Clerk to execute Master Agreement for Indefeasible Right to Use Fiber with Broadplex, LLC.

CONSIDER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE LEASE OF DARK FIBER AGREEMENT

The City Manager explained that FCC (North Carolina), LLC would like to lease four (4) strands of the City's dark fiber. He added that FCC had requested earlier in the day to change the term for payment from annually to monthly. He added that the agreement was for a period of 36 months and that there had been discussion about other services the City may provide FCC.

Motion was made by Councilmember Adams, seconded by Councilmember Hammond, and unanimously carried to authorize the Mayor and City Clerk to execute Lease of Dark Fiber Agreement with FCC (North Carolina), LLC.

CONSIDER RESOLUTION OPPOSING FILING TO INCREASE HOMEOWNERS INSURANCE RATES

The City Manager explained that on January 3, 2014 the N.C. Rate Bureau, on behalf of all insurance companies writing homeowners insurance in North Carolina, filed with the NC Department of Insurance, to increase homeowners insurance rates an average of 25.3%, depending upon territory, to be effective August 1, 2014 and that the proposed increase for Scotland County is 35%. He added that this resolution is to show Council's opposition to the rate increase.

Councilmember Hammond moved to approve Resolution No. R-2014-01 opposing filing with the NC Department of Insurance to increase homeowners' insurance rates effective August 1, 2014. Councilmember Leak seconded the motion and it was approved by the following vote:

Ayes: Hammond, Leak, Adams, Willis, Williamson
Nays: None
(Resolution No. R-2014-01 on file in the City Clerk's office)

CITIZEN INPUT SESSION

The City Manager explained that historically Council has held a Citizen Input Session to obtain citizen

input for the upcoming budget process. He added that staff has checked with the School System and PD2 is available on February 12 and 17.

Following discussion, it was consensus of Council to hold the Citizen Input Session on February 12, 2014 at 6:30 p.m. in PD2 at the A. B. Gibson Center.

DISCUSS POLICE BUDGET/PAINTING OF POLICE VEHICLES

Police Chief Williams explained that he, the City Manager and the Finance Director had reviewed the Police Department budget to determine if there were savings that could be used to paint police vehicles and replace some equipment as requested by Council at the January 14, 2014 meeting. He further explained that savings were found in the vehicle maintenance line item.

Upon questions by Councilmember Hammond, Chief Williams explained that he would like to paint eight (8) of the newer model patrol cars.

Further discussion ensued concerning painting of cars. Chief Williams explained that with the normal car rotation, eventually the older blue cars will be phased out and any new vehicles purchased will be white. He added that he had presented the vehicle plan to Council shortly after being hired as Police Chief.

Upon question by Councilmember Leak, Chief Williams explained that two (2) officers share a vehicle.

Upon question by Councilmember Hammond, Chief Williams explained that his request to purchase equipment and paint eight (8) vehicles would not reduce any programs or training.

Upon question by Councilmember Williamson, Chief Williams explained that it was anticipated that it would take approximately a week to a week and a half to paint each car.

Following further discussion, motion was made by Councilmember Adams, seconded by Councilmember Willis, and unanimously carried to authorize the expenditure of \$38,600.00 by the Police Department to purchase needed equipment and to paint and stripe eight (8) patrol cars.

A lengthy discussion ensued concerning repairs on the Sanford Building, a budget amendment regarding said repairs, other Building Maintenance projects and whether a budget amendment would be necessary, savings in the Police Department, and when staff should present a budget amendment to Council. Mayor Parker requested that the budget amendment be submitted to Council at the February meeting.

Councilmember Adams thanked Chief Williams, the City Manager and Finance Director for getting all of the information together for Council within such a short time-frame from the work session last week.

APPOINTMENTS

BEAUTIFICATION COMMITTEE

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to appoint Mr. Fred Fox as the Chamber's representative on the Beautification Committee.

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Leak expressed sympathy to the family of Mr. Claude Smith.

Councilmember Williamson explained that he had been receiving favorable comments about the City planting trees.

Upon comment by Councilmember Hammond, the City Manager explained that he talked with Kevin Hedrick of NC Department of Transportation regarding the sign on Highway 74 that is missing some letters. He explained that Mr. Hedrick told him that it may be two (2) to three (3) weeks before the sign can be covered up or removed, and six (6) months before it can be replaced.

Upon comment by Councilmember Adams, the City Manager explained that the contract for the lights on Highway 74 ended last Friday, so the contactor is eager to complete that project. He added that the contractor had contacted the City's Electric Department to complete the project hopefully this week.

CLOSED SESSION

At 8:10 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 9:00 p.m. motion was made by Councilmember Willis, seconded by Councilmember Hammond, and unanimously carried to adjourn the closed session and resume the open meeting.

ADJOURNMENT

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

The meeting adjourned at 9:01 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippet, City Clerk