

**CITY OF LAURINBURG
CITY COUNCIL SPECIAL MEETING/WORK SESSION
MARCH 11, 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 March 11, 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, Andrew G. Williamson, Jr. and J. D. Willis. Councilmember Curtis B. Leak arrived at 7:03 p.m.

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.

Councilmember Hammond gave the invocation.

APPROVAL OF AGENDA

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

AGENDA FOR MARCH 18, 2014

The City Manager reviewed the agenda for the March 18, 2014 meeting as follows:

- 3) Consent Agenda
 - a) Consider minutes of February 17, 2014 special meeting/work session and February 18, 2014 regular meeting

PUBLIC HEARING

- 4) Consider request for a Conditional Use Permit to operate a carnival at 900 US 15/401 Bypass from March 27-April 6, 2014
- 5) 2nd required public hearing for application to the NC Department of Environment & Natural Resources for 2013 CDBG Funds and consideration of resolution authorizing application for CDBG Funds
Mrs. Deese explained that this second public hearing is necessary since DENR now has requirements for the CDBG funds and a plan for the grant is available.

DELEGATION

- 6) Tommy Brooks, Vince Schimmoller – Lions Club
- 7) Noran Sanford, Crime & Drug Committee

CITY MANAGER REPORTS

- 8) Consider Ordinance No. O-2014- amending the FY 2013-2014 Budget Appropriations Ordinance (Ordinance No. O-2013-17) by allocating \$85,730 from the Water/Sewer-

Fund Balance (31-439900)- Non-Department-Loan for Industrial Development (662-509881)

The City Manager explained that this was for the loan payment on the FCC loan.

- 9) Update on Electricities/Duke Negotiations

The City Manager explained that he was not sure if Mr. Edwards would make a presentation in open session, but would meet with Council in closed session.

- 10) Consider Ordinance No. O-2014- amending several sections of Chapter 40, Utilities of the Laurinburg City Code

The City Manager explained that this item would be discussed later in the meeting and Council could make determination of whether to place on the agenda.

DIRECTION ON ITEMS TO BE PLACED ON CONSENT AGENDA

It was consensus of Council to add the budget amendment to the Consent Agenda along with consideration of minutes.

CONSIDER AUTHORIZING APPLICATION FOR TRANSFORMATION GRANT FUNDS FOR UPDATE OF THE CITY OF LAURINBURG LAND USE PLAN

The City Manager explained that the requirements for his grant came up quickly and the grant application must be submitted by Friday. He added that the grant funds will allow for the City's Land Use Plan to be updated.

Mrs. Deese explained that the Community Transformation Grant funds can be used for updating the Land Use Plan which has not been updated since 1989. She added that the estimated cost to update the Land Use Plan is \$40,000.00. She further added that an updated Land Use Plan will ensure Council makes zoning decisions based on a current Land Use Plan.

Upon question by Councilmember Hammond, Mrs. Deese explained that the Unified Development Ordinance (UDO) was updated in 1993 and that the Community Transformation Grant Funds cannot be used to update the UDO.

A discussion ensued concerning updating the UDO including estimated costs, the time required to complete the update and if the project could be split over two (2) budget years. Staff was instructed to provide Council with further information on updating the UDO on March 18, 2014.

Motion was made by Councilmember Adams, seconded by Councilmember Williamson, and unanimously carried to authorize the City Manager to execute application for Transformation Grant Funds for update of the City of Laurinburg Land Use Plan.

DISCUSSION OF EXTENSIONS FOR UTILITY ACCOUNTS

The City Manager explained that Consumer Billing staff has suggested that Council no longer provide citizens with holds on utility accounts and extend the cut-off date until the fifth of the month following billing. He explained that there is great administrative burden on Consumer Billing in keeping track of how many holds a customer has had within a 12-month period.

Upon question by Councilmember Williamson, Ms. Tammie Simmons, Consumer Billing Manager, explained that the current cut-off day is the 26th of the month.

Councilmember Leak requested that staff adequately notify the public.

The City Manager explained that a press release would be prepared, an article would be placed on the website, it would be discussed on WLNC's Live on Main next week and an article would be in the quarterly newsletter.

Upon question by Councilmember Hammond, Ms. Simmons explained that information could be included utility bills.

DISCUSSION OF UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT REGARDING MILITARY TRAINING FACILITIES

Mrs. Deese explained that Planning Board met earlier in the day and unanimously recommended that Council not rescind the amendment to the UDO concerning military training facilities. She added that Planning Board felt that if the amendment is rescinded, it may shut Laurinburg out of any military-related development. She further added that Planning Board felt that the conditional use permit process allowed enough control to be exercised since the request had to go before Planning Board and Council.

Councilmember Leak explained that citizens in his district wanted the amendment rescinded and if a military training facility wanted to locate in Laurinburg to go through the request for an amendment process again.

Mrs. Deese explained that with the close proximity to Ft. Bragg, there could be other military businesses that might consider Laurinburg, but if the UDO amendment is rescinded, the companies might consider other communities that allow military training facilities rather than go through the four (4) month process in Laurinburg.

Upon question by Councilmember Hammond, Mrs. Deese explained that staff has submitted updating the UDO for the past 10 years, but had been not included in the budget. She added that Planning would submit in the upcoming budget process, and the update would include uses such as military training facilities, solar farms and internet sweepstakes. She further added that Planning Board has recommended that Council support staff and update the UDO.

Councilmember Willis explained that he concurred with Councilmember Leak that the amendment needs to be rescinded. He added that his concern is the number of parcels of land that could be affected by the amendment. He concluded by stating that he respects what Planning Board members think.

Upon question by Councilmember Adams, Mrs. Deese explained that staff thought the City should appear military friendly. She added that because of the Conditional Use Permit process, the application must meet all requirements of the UDO and there are enough controls that

Council could apply. She further added that staff is fine with either leaving the amendment as is or rescinding it.

Upon question by Councilmember Adams, Mrs. Deese explained that an update of the UDO is accomplished with consultants. She added that over the last 10 years, estimates have ranged from \$100,000 to \$150,000, and a current estimate from Holland Planning Consultants of \$50,000. She further added that Holland Planning Consultants is currently working on the Comprehensive Pedestrian Plan.

A discussion then ensued concerning the process required for updating the UDO and the possibility of conducting the update over two (2) budget years.

Councilmember Williamson suggested that Mr. Greg Icard, Scotland County Economic Development Director, be consulted concerning the amendment regarding the military use.

Councilmember Leak requested that the process begin to rescind the ordinance to the UDO concerning military training facilities.

The City Clerk explained that on March 18, 2014, Council could set the public hearing to be held on April 22, 2014 to consider rescinding the military training facility amendment to the UDO.

Following further discussion about updating the UDO, staff was directed to present Council with details concerning updating the UDO including cost estimate, estimated time to complete, and when the consultant could begin.

DISCUSSION OF UDO/MORATORIUM ON SOLAR FARMS

The City Attorney discussed the moratorium procedures outlined in the North Carolina General Statutes, including a public hearing and an ordinance declaring the moratorium which must include a statement of problems or conditions requiring the moratorium, other actions Council has taken to address the problems or conditions, a clear statement of projects subjected to the moratorium, ending date of the moratorium and clear statement of actions that will be taken during the moratorium to address the problems or issues. He added that Moore County and other municipalities had developed ordinances dealing with zoning and requirements for solar farms.

Following discussion about various requirements such as setbacks, size limitations, buffer requirements and zoning districts, staff was directed to provide a draft ordinance to Council at the April meeting.

Councilmember Hammond explained that the Town of Chadbourn has a solar farm ordinance and there is an ordinance template on the North Carolina Solar Center's website.

UPDATE ON POLICE PROGRAMS

Chief Williams provided the following updates on Police Department programs:

- Family Liaison-All detectives make contact with homicide victims' families once a month to keep the family updated and possibly obtain information from the family. One Detective position open due to resignation and the Chief is in the process of filling that position. He stated that he would like a veteran detective.
- Satellite Programs- Laurinburg Housing Authority having availability issue with apartments for satellite program. Tara Village has offered for one (1) police officer to live rent free (utilities not included) for six (6) months. The requirement would be for the officer to leave and maintain a presence in the area.
- Gang Unit-The Gang Unit is not fully staffed. Officers have been identified and will be trained. He is also talking with a narcotics officer.
- Gang Task Force-Intent is to have 7-10 citizens from different areas of the community serve to share information about gang activity in the City. The Gang Unit will be staffed before the Task Force is formed.
- Summer Program for Youth. Program planned for approximately one (1) week in the summer to give youth activities, teach self-esteem and gang awareness. Alltel gave the department 25 tablets to use for the program to expose the youth to computers.

Discussion ensued concerning the following:

- Contacting Housing and Urban Development (HUD) for a substation.
- Responsibilities of officer living in Tara Village to provide presence.
- Peak times/seasons for crime.

DISCUSSION OF HIGHWAY 74 LIGHTING

The City Manager explained that some Councilmembers had expressed concern that the new Highway 74 lights were not bright enough. Staff researched this and explained that in a year to 18 months the current lights would be replaced with LED lights as part of the State's energy savings program.

Mr. Robert Smith explained the State's lighting requirements to ensure that there was no glare produced to disturb drivers. He added that the current lights are high pressure sodium and produce 20% more light than clear bulbs. He further added that to replace the lights would require retrofitting the fixtures at approximately \$500.00 per fixture. He explained that the Highway 74 lights had been turned over to the City and maintenance must be performed monthly.

The City Manager reminded Council of the Lighting Ceremony Thursday, March 13, 2014 at 7:00 p.m. in the vacant field by the Hampton Inn.

DISCUSSION OF SICK LEAVE TRANSFER FROM OTHER AGENCIES/PERSONNEL POLICY

The City Manager explained that Mrs. Galloway was tasked with preparing a policy regarding transfer of sick leave from other municipalities, counties or the state upon being employed by the

City. He discussed the way such leave had been previously placed in an employee's personnel file and never entered into the system.

The following were discussed concerning transfer of sick leave:

- Transferred sick leave was available for the employee to use because the State Retirement System requires that it be available and considered for retirement purposes.
- The previous municipal, county or state employer would provide certification of the sick hours.
- Human Resources have been reviewing personnel files and found documentation in 15 employees' files certifying sick hours.

Following discussion, it was consensus of Council to consider an amendment to the City's Personnel Policy on March 18, 2014 concerning transfer of sick leave.

DISCUSSION OF ROADS FOR CONSIDERATION FOR SCOTLAND COUNTY COMPREHENSIVE TRANSPORTATION PLAN

The City Manager explained that he and Councilmember Hammond serve on the Scotland Country Comprehensive Transportation Planning Committee and wanted to know if Council wanted any roads considered for the plan.

Councilmember Hammond explained that the plan includes roads that have been discussed for several years. She added that she would suggest a crosswalk at Wal-Mart. She further added that the Committee wants to use the results from the Pedestrian Comprehensive Planning survey into consideration as well as a survey conducted by the Department of Transportation (DOT) that will get additional feedback from the public. She explained that there will be public hearings on the comprehensive transportation plan and the county and municipal boards would have to vote on the plan. She further explained that the plan was for 25 years and none of the projects were funded.

DISCUSSION OF MEMORANDUM OF UNDERSTANDING WITH SCOTLAND COUNTY FOR THE EOC/911 CENTER

The City Manager explained that he had received the Memorandum of Understanding (MOU) between the City and County for the 911 Center/EOC the previous evening, and it had not been reviewed by any attorneys. He added that at the two (2) meetings he had expressed Council's desire for the City's budget figures remain flat for the City.

The City Manager presented the following information:

- The total personnel costs for the City for dispatching are approximately \$204,000 per year.
- The MOU as written would require the City to pay 34% of total personnel costs for 12 dispatchers, a director and possibly 12 part-time dispatchers,

- Possibility of additional staff being added, therefore there is no fixed dollar amount for personnel costs.

Upon question by Councilmember Williamson, the City Manager explained that currently City staff has an idea of total personnel costs at the present, but not for the future. He suggested that the MOU be geared in a different way to consider what the City's current personnel costs are.

Councilmember Hammond explained it would be beneficial for the City's attorney to review the MOU.

Councilmember Willis expressed concern that staff has carefully reviewed the duties, and the City will not have to hire additional staff to replace additional work done by dispatchers.

Discussion ensued concerning administrative staff in the Police Department and Fire Department. The City Manager explained that the Administrative Assistants in both departments would remain with the City since the majority of their duties are administrative.

Chief Williams explained that the dispatchers would need additional training to handle law enforcement and EMS calls.

Following further discussion, the City Manager suggested that a joint meeting be held with the County Commissioners.

Councilmember Hammond explained that the County collects all of the 911 funds, have invested in City equipment such as the CAD System in the Police Department, and this should be taken into consideration.

Mayor Parker requested that Mayor Pro Tem Adams preside over the meeting. He explained that Council had discussed funding personnel costs at the 911 Center/EOC at the same level of current personnel costs for dispatchers, or \$204,000.00. He added that perhaps Council could consider funding some utility costs and give the County the 911 funds the City has in its account. He also suggested considering funding at 34% or \$204,000, whichever is less, with adjustments for pay grade changes and cost of living adjustments.

Further discussion ensued concerning personnel costs including the following:

- the estimated salary range for the Director is \$51,000.00 to \$72,000.00
- hiring of 12 part-time dispatchers and an assistant director
- the potential for hiring additional personnel in the future
- estimate of personnel costs as presented by the County at 34% would be a little over \$250,000.00

Following further discussion, the City Manager explained that he would arrange a joint meeting with the County to discuss the MOU.

Mayor Parker resumed presiding over the meeting.

COMMENTS FROM MAYOR AND COUNCIL

Upon question by Councilmember Willis, the City Manager explained that funds for the fire tower were not be appropriated yet as staff only had an estimate of construction costs.

CLOSED SESSION

At 8:49 p.m. Councilmember Adams moved 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 Strata Solar v. City of Laurinburg. The motion was seconded by Councilmember Willis, and unanimously carried.

At 9:00 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.

Councilmember Hammond explained that she felt the Roles of Expectations of Mayor/Council/City Manager/City Clerk needed to be reviewed and discussed at a retreat.

ADJOURNMENT

Motion was made by Councilmember Williamson, seconded by Councilmember Hammond, and unanimously carried to adjourn the meeting.

The meeting adjourned at 9:02 p.m.

Thomas W. Parker, III, Mayor

Jennifer A. Tippett, City Clerk