

**CITY OF LAURINBURG
CITY COUNCIL SPECIAL MEETING/WORK SESSION
MAY 13, 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 May 13, 2014 in the Council Chambers of the Municipal Building at 7:00 p.m. 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. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney.

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

Councilmember Williamson gave the invocation.

APPROVAL OF AGENDA

Mayor Parker requested that the agenda be amended to move the Internet Sweepstakes Café Discussion to Item 4 on the agenda, and move the Lot Cutting Issues Discussion to Item 5.

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

INTERNET SWEEPSTAKES CAFES

Mayor Parker explained that Pastor Michael Edds, Mr. Jason Watson and Ms. Mary Evans had requested to be on the agenda to discuss the Internet Sweepstakes Cafes in Laurinburg. He added that he would allow approximately nine (9) to 10 minutes for the group to address Council.

Pastor Michael Edds of 303 Sanford Road and Pastor of East Laurinburg Pentecostal Holiness Church discussed his concerns regarding the Internet Sweepstakes Cafes, which included the following:

- Proliferation of establishments in Laurinburg
- It is an addiction and creates other problems such as job loss, suicide, robberies, murders, loss of family, etc.
- Crime and Drug Committee is working to develop proactive ways to curb rising crime, violence and drugs in the community.
- These businesses only benefit the owners/operators.

He requested that Council take action to protect the citizens.

Mr. Jason Watson of 12700 Woodbridge Drive expressed concern over the aesthetics of the Internet Sweepstakes Cafes and the individuals and behavior at the establishments.

Ms. Mary Evans of 401 Sugar Road and member of the Crime and Drug Committee expressed concern about the effects on the community from the Internet Sweepstakes Cafes such as addiction, financial ruin, crime, drugs and violence.

At the request of Mayor Parker, the City Attorney addressed the citizens and Council concerning the Internet Sweepstakes Café issue.

The City Attorney explained the following:

- The statute has been interpreted differently across North Carolina.
- The City has taken the position that the matter is a law enforcement issue.
- The issuance of a zoning permit and privilege license is an administrative task.
- City Zoning Officers and Tax Collector not qualified to determine if software legal or not.
- Police Department is working with a task force formed by the District Attorney's Office on the issue.
- In late 2013 case involving charge of operating illegal software went before the Superior Court with the finding that the pre-reveal software is legal.
- Operators and owners constantly seek loopholes in the law making enforcement difficult.
- The laws on the books are vague and not enforceable.
- The City will take whatever action directed by law enforcement and the District Attorney's Office.
- Citizens need to ask for clarification from the Legislature.

Pastor Edds explained that the City of Lumberton has banned Internet Sweepstakes Cafes and suggested that City officials talk with Lumberton officials to see how they banned the establishments. He then queried if any member of Council is involved in any way with Internet Sweepstakes Cafes as that could be a conflict of interest.

Councilmember Leak expressed concern about Pastor Edds accusation of conflict of interest.

Councilmember Willis explained that he was not involved with Internet Sweepstakes Cafes.

Mayor Parker explained that to his knowledge, no member of Council is involved with the Internet Sweepstakes Cafes. He added that he hoped the citizens understood the City's position as explained by the City Attorney.

The City Attorney explained that the situation in Lumberton was very different than Laurinburg as Lumberton had established a moratorium banning Internet Sweepstakes Cafes. He added that when a Council passes regulations on the establishments, the board gives a nod as to whether the establishments are legal or not.

Mr. Richard Tyson of 12840 Debra Drive expressed concern that the City did not regulate the Internet Sweepstakes Cafes.

Reverend J. B. Lowe of Springfield Pentecostal Holiness Church questioned why the City could pass ordinances on other businesses but not the Internet Sweepstakes Cafes which harm the community.

Mayor Parker requested that citizens be patient with law enforcement and the Task Force formed by the District Attorney.

Mayor Parker called for a short break at 7:34 p.m.

The meeting resumed at 7:36 p.m.

DAVID ELLISON – LOT CUTTING ISSUE

The City Manager explained that Mr. Ellison requested that this item be removed from the agenda; however, the agenda had already been printed.

Discussion ensued concerning Council's previous decision for staff to collect from Mr. Ellison money owed to the City.

The City Manager explained that staff had begun garnishing revenue from Four County, income taxes, lottery winnings and any other revenue that Mr. Ellison may have in order to apply to Mr. Ellison's debt to the City.

AGENDA FOR MAY 20, 2014

The City Manager reviewed the agenda for May 20, 2014 as follows:

- 3) Recognition of Retiree – Willie Grooms
- 4) **Consent Agenda**
 - a) Approve minutes of April 1, 2014 special/joint meeting and April 15, 2014 special/work session meeting

PUBLIC HEARINGS

- 5) Public hearing to consider adoption of Updated FEMA Floodplain Maps
- 6) Public hearing to consider Ordinance No. O-2104- amending the Unified Development Ordinance concerning regulations for solar array operations
Following discussion, it was consensus of Council for staff to draft an ordinance with Option 2 regulating solar farms as recommended by Planning Board, but to ensure that during the Comprehensive Update to the UDO, the consultant studies this issue and military uses.

DELEGATIONS

- 7) Scotland County Humane Society
- 8) Laurinburg Downtown Revitalization Corporation-Jim Willis
- 9) Laurinburg/Maxton Airport Commission-2013-2014 Proposed Budget and Update-Jo Ann Gentry, Executive Director (needs to be approved by Council)
- 10) Laurinburg/Scotland County Area Chamber of Commerce-Tonia Stephenson

CITY MANAGER REPORTS

- 11) Consider Ordinance No. O-2014- rescinding Ordinance No. O-2013-26 amending the UDO regarding military training facilities
- 12) Set public hearing to be held June 17, 2014 at 7:00 p.m. in the council room of the Municipal Building located at 303 W. Church St. on the proposed 2014-2015 Fiscal Year Budget
- 13) Consider Resolution No. R-2014- adopting a Citizen Participation Plan for comprehensive update of the Land Use Plan
- 14) Consider Resolution No. R-2014- adopting a Citizen Participation Plan for

comprehensive update of the Unified Development Ordinance

CONSENT AGENDA

Following discussion, it was consensus of Council to put items 12, 13 and 14 on the Consent Agenda.

DISCUSSION OF DUMPSTER FEE OPTION

The City Manager explained that a Councilmember had questioned the possibility of the City offering a rent-to-own option for dumpsters.

Mr. Harold Haywood, General Services Director, explained that when a business begins dumpster service with the City, it is given an option to rent, purchase from the City or purchase from an outside vendor. He added that the City provides service to all dumpsters in the City. He provided the following information:

<u>Current Rentals</u>	<u>Monthly Payment</u>	<u># Rented</u>	<u>Annual Rent Income</u>
4 yard garbage	\$23	46	\$12,696
6 yard garbage	\$26	29	\$9,048
8 yard garbage	\$32	85	\$32,640
Cardboard	\$39	31	\$14,508
TOTALS		191	\$68,892

Total Serviced 373

Percent Rentals 51%

<u>Current Sales</u>	<u>Amount</u>	<u>Current Administrative Payment Policy</u>
4 yard garbage	\$583	Pay entire amount or make monthly payments over 3 months
6 yard garbage	\$738	Pay entire amount or make modified bi-monthly payments over 6 months
8 yard garbage	\$823	Pay entire amount or make modified bi-monthly payments over 6 months
Cardboard	\$858	Pay entire amount or make modified bi-monthly payments over 6 months

Mr. Haywood explained that dumpster prices have not changed since 2005. He explained that the rent-to-own option suggested would involve the customer paying the monthly rental amount until such time as they have paid the cost of the dumpster, at which time the customer would own the dumpster and the City would still service. He added that the customer would be responsible for all maintenance of the dumpster. He further added that although the maintenance costs to the City would decrease, due to the loss of rental income, there would be a negative financial impact in the long run for the City. He also cautioned of the possible negative financial impact if all 191 customers wanted to participate in the rent-to-own option and they all wanted a new dumpster purchased.

A discussion ensued concerning maintenance of dumpsters and life span of dumpsters.

Mr. Haywood discussed the administrative burden and costs this would place on the City to track a rent-to-own option. He added that the purchase price of the dumpsters is less than what is charged to customers. He further added that this needs to be addressed in the Fee Schedule.

Following further discussion, Mayor Parker suggested staff conduct more research on this matter and present Council with buy-out option for customers and revised Fee Schedule.

DISCUSSION OF METHOD OF NOTIFICATION OF SPECIAL MEETINGS

The City Clerk explained that she clarified with the School of Government the General Statute concerning notification of special meetings. She added that she was told that at the time the legislation was passed, even though not specifically mentioned, the method of notification was probably meant to be via US mail; however, if Council chose to receive via email, there would not be a problem. She further added that since becoming City Clerk, she was providing the notices via email either through the City Manager's Weekly Report or individually.

Councilmembers Adams, Hammond and Williamson requested to be notified via email of special meetings. Councilmembers Leak and Willis will pick up notices of special meeting notices from the City Clerk.

DISCUSSION OF LEGISLATIVE GOALS TO PRESENT TO NC LEAGUE OF MUNICIPALITIES

The City Manager explained that the North Carolina League of Municipalities is seeking input on legislative goals. He added that he had asked the Leadership Team for input also.

Mayor Parker explained that he had sent two (2) letters to the City's representatives recently.

Councilmember Adams suggested that the internet sweepstakes law be reviewed and made clearer and enforceable for local government.

TOWN HALL DAY

The City Manager explained that the Mayor, Councilmembers Adams, Hammond and Williamson, along with himself and the City Clerk will be attending Town Hall Day in Raleigh on June 4, 2014. He requested that Council notify the City Clerk if anyone else wished to attend.

DISCUSSION OF SCHEDULE FOR UPDATES FROM THE SCOTLAND COUNTY ECONOMIC DEVELOPMENT DIRECTOR

The City Manager explained that Mr. Greg Icard, Scotland County Economic Development Director, was going to update Council in closed session later; however, clarification on how often Council wanted updates from Mr. Icard was needed.

Following discussion, it was consensus of Council for Mr. Icard to provide the minutes of the Scotland County Economic Development Corporation to the City Clerk for inclusion in Council agenda books each month and to provide a report to Council only when there was information to report.

COMMENTS

There were no comments by the Mayor and/or Council.

CLOSED SESSION

At 8:06 p.m., Councilmember Adams motioned to go into closed session pursuant to NC General Statutes 143-318.11(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations and pursuant to G.S. 143-318.11(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege. The motion was seconded by Councilmember Willis, and unanimously carried.

At 8:32 p.m., motion was made by Councilmember Hammond, seconded by Councilmember Willis, and unanimously carried to adjourn the closed session and resume the open meeting.

ADJOURNMENT

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

The meeting adjourned at 8:33 p.m.

Thomas W. Parker, III, Mayor

Jennifer A. Tippet, City Clerk