

**CITY OF LAURINBURG
CITY COUNCIL SPECIAL MEETING/WORK SESSION
MARCH 10, 2015
MUNICIPAL BUILDING
303 WEST CHURCH ST.
6:30 p.m.**

Minutes

The City Council of the City of Laurinburg held a special meeting/work session on March 10, 2015 in the Council Chambers of the Municipal Building at 6:30 p.m. with the Honorable Thomas W. Parker III, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Dolores A. Hammond, Curtis B. Leak, and Andrew G. Williamson, Jr. Councilmember J. D. Willis arrived at 6:58.

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 6:37 p.m.

Councilmember Williamson gave the invocation.

APPROVAL OF AGENDA

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

CLOSED SESSION

At 6:41 p.m. Councilmember Adams moved to go into closed session pursuant to North Carolina General Statute 143-318.11(a) (1) to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; 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 City of Laurinburg v. Brookie Lee Vasser, and concerning Shoeheel Farms v. City of Laurinburg. The motion was seconded by Councilmember Hammond, and unanimously carried.

At 7:26 p.m. Councilmember Williamson moved to adjourn the closed session and resume the open meeting. The motion was seconded by Councilmember Adams, and unanimously carried.

SETTLEMENT AGREEMENT

Councilmember Adams moved to approve settlement in the amount of \$7,500.00 as recommended by the City Attorney in City of Laurinburg v. Brookie Lee Vasser. The motion was seconded by Councilmember Leak, and unanimously carried.

UPDATE ON PEDESTRIAN PLANNING GRANT

Mr. Wes McLeod of Holland Planning Consultants explained that two (2) years ago the City applied for a grant to develop a Pedestrian Plan for the City, and the pedestrian plan entitled “Laurinburg Walks: A Plan for Health & Mobility” had been completed and formally approved by the North Carolina Department of Transportation (DOT). He added that Council should review the plan to determine if anything needs to be added, changed or deleted from the plan.

Upon question by Councilmember Williamson, Mr. McLeod explained that there may possibly be grant funds from DOT but the project would have to be part of another highway construction project. He added that there may be some federal grant funds available. He further added that a creative approach to funding would need to be explored. He explained that the plan is very comprehensive and that it would be great if half of the plan was completed in 20 years.

The City Manager explained that the draft plan had been submitted for inclusion in the Comprehensive Transportation Plan (CTP).

Discussion ensued concerning inclusion of recommended changes to the Unified Development Ordinance (UDO) being considered by Council. Mr. McLeod explained that some of the suggested changes to the UDO from the pedestrian plan were included in the UDO being considered by Council; however, the definitions and sidewalk recommendations for subdivisions would be included in the draft UDO.

Upon question by Councilmember Hammond, Mr. McLeod explained that the crosswalk at US Highway 401 and West Boulevard was included in the plan. He added that the plan included some renderings and costs for the improvements. He further added that DOT would need to be brought in to work on this project.

Mr. McLeod explained that he recommended Council call for a public hearing to consider adoption of the plan.

AGENDA FOR MARCH 17, 2015

The City Manager reviewed the agenda for March 17, 2015 as follows:

- 3) Consent Agenda
 - a) Approve minutes of January 13, 2015 special meeting/work session; January 20, 2015 regular meeting; February 10, 2015 special meeting/work session; and March 5, 2015 special meeting/Citizen Input Session
 - b) Set public hearing to be held at 7:00 p.m. on April 21, 2015 to consider amendment to the City of Laurinburg Unified Development Ordinance
 - c) Consider adjustments to the tax levy

CITY MANAGER REPORTS

- 4) Authorize Tax Collector to advertise tax liens week of March 23-27, 2015
- 5) Consider Resolution No. R-2015-01 amending the Personnel Policy of the City of Laurinburg (Resolution No. R-2013-02)

- 6) Consider Resolution No. R-2015-02 supporting North Carolina's Historic Preservation Tax Credit Programs
The City Manager explained that the Governor's first budget released last week includes partial restoration of Historic Preservation Tax Credits.
- 7) Update on Dixie Guano Road water line break and repairs
- 8) Consider Resolution No. R-2015- adopting City of Laurinburg Travel Policy
The City Manager explained that the updated Travel Policy eliminates day travel meal reimbursement.
- 9) Consider amending the Municipal Records Retention and Disposition Schedule
- 10) Consider Resolution No. R-2015- authorizing surplus of property
The City Manager explained that the County is going to auction real property it and the City acquired through tax foreclosure, and that the property needed to be declared surplus to allow for the auction.
- 11) Set public hearing to be held at 7:00 p.m. on April 21, 2015 to consider a request for a Conditional Use Permit to expand an existing daycare facility at 497 Produce Market Rd.
- 12) Consider Resolution No. R-2015- opposing House Bill 51 Justice for Rural Citizens
- 13) Consider Second Amendment to Lease (Strata Solar)
The City Attorney explained that this is a second amendment for the solar farm land lease. Strata Solar will be paying the City a total of \$6,000.00 for a six-month extension to the lease.
- 14) Consider authorizing the City Manager and City Clerk to execute Grant of Easement to Piedmont Natural Gas Company, Inc.
The City Manager explained that this easement is located at Laurinburg-Maxton Airport and must be approved by the City and the Town of Maxton.

APPOINTMENTS

- 15) Community Access Channel Advisory Committee – William Graves

The City Manager added the following to the agenda:

Set public hearing to be held at 7:00 p.m. on April 21, 2015 to consider Laurinburg Walks: A Plan for Health & Mobility

Consider authorizing City Manager to execute Settlement Agreement between Time Warner Cable Southeast LLC and the City of Laurinburg and Pole Attachment Agreement between Time Warner Cable Southeast LLC and the City of Laurinburg

Upon question by Councilmember Williamson, the City Manager explained that the March 17, 2015 meeting would be recessed until March 19, 2015 at 5:00 p.m. at the South Fire Station. He added that the Scotland County Fire Commission requested this meeting to provide information on the proposed substation and fire truck. He further added that staff is still discussing internally the fire truck.

Upon question by Councilmember Leak, the City Manager explained that the substation would be paid for with Fire Tax Funds. The City would own and maintain the building once it is constructed.

A brief discussion ensued concerning the proposed substation and the meeting. The City Manager explained that there would be a liability issue concerning access to the substation and the truck located at the substation.

Further discussion ensued concerning the proposed substation and truck. The City Manager explained that he told the County Manager that Council wanted more information concerning the proposed substation and fire truck, but had not heard from the County Manager since that time. He added that he then received an invitation for Council to attend the Fire Commission meeting at the South Fire Station.

DIRECTION OF ITEMS TO BE PLACED ON CONSENT AGENDA

It was consensus of Council to add items 5, 6, 8, 9, 11, 13 and 14 on the Consent Agenda.

DISCUSSION OF CONVERSION TO LED LIGHTS

The City Manager explained that staff had been discussing with Duke Progress Energy about upgrading to uniform LED lights the streetlights in the City that are not on the City's electric system (powered by Duke Progress Energy). He added that there is some flexibility in this year's budget and staff would like to pursue this project at a cost of \$7,300.00, a one-time up-front cost. He further added that the estimated annual savings will be \$9,479.00.

A brief discussion ensued concerning the areas where the LED lights will be added and that the City is investigating changing out to LED lights on its streetlights. The City Manager explained that the switch out would be completed by Duke Progress Energy since the poles belong to it.

Upon question by Councilmember Hammond, the City Manager explained that NC Department of Transportation (DOT) was looking at replacing lights such as at the Highway 74 interchanges to LED, but there has been no updated information from the DOT about that project.

Motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to purchase LED lights at a cost of \$7,300.00 for streetlights located in the City as requested by Duke Progress Energy.

UPDATE ON SOUTH MAIN STREET LIGHTING PROJECT

The City Manager explained that final plans for the South Main Street Lighting Project had been received from McGavran Engineering which had also been reviewed by the new electrical engineering consultant. He added that additional options are being considered since the McGavran plan included adding additional poles and staff did not want to increase the number of poles. He further added that staff plans to move forward next month on this project after reviewing other options to use existing poles.

DISCUSSION OF OMEGA RAIL

The City Manager explained that Omega Rail, the management company that manages Gulf &

Ohio Railroad and Laurinburg & Southern Railroad which is now owned by Gulf & Ohio Railroad required that the City provide an inventory of the City's encroachments after the City requested an easement. He added that there are over 150 encroachments within the City whereby Omega Rail requested copies of the encroachment or easement agreements. He further added that the relationship between the City and Laurinburg & Southern was accomplished by handshake agreement, and not by formal document. He explained that Omega Rail is requesting an annual payment of \$15,000.00 for these encroachments.

The City Attorney briefly discussed the undocumented encroachments. He explained that before the City pays the annual fee, he would like to get an opinion from an attorney that is more familiar with the rights and obligations of municipalities in dealing with railroads.

Following a brief discussion, it was consensus of Council for the City Attorney to further investigate the City's rights and obligations concerning the undocumented encroachments.

DISCUSSION OF DELINQUENT PROPERTY TAXES, UTILITY CHARGES AND LOT CUTTINGS

The City Manager explained that Councilmember Willis had requested reports regarding delinquent property taxes, utility charges and lot cuttings. He added that staff is requesting direction on how to proceed.

Councilmember Willis explained that from the reports provided by staff, the amount of delinquent property taxes, delinquent utility bills and delinquent lot cuttings total approximately \$728,000.00. He expressed concern that in the past, the City has paid some of the people who are delinquent in their accounts with the City. He also expressed concern that at some point if the money owed is not going to be collected, it should be removed from the City's books.

Upon question by Mayor Parker, Mrs. Carpenter explained that the County considers the amount of taxes in arrears in determining whether to foreclose on property. She explained that in the past, the City was pursuing foreclosures, but some foreclosures cost the City more than the amount received from the foreclosure sale; therefore staff was instructed to stop tax foreclosures. She explained that when the County began foreclosing, the City's delinquent tax information is provided to the County. She further explained that on the list provided to Council, some of the delinquent taxes are estates and some are in foreclosure; however, staff was not asked to provide detailed information on the delinquent taxes on the list provided to Council.

The City Attorney explained that the County had filed suit on many tax foreclosures and the City has received some money through that process. He added that when the Council files suit, the complaint is sent to the City and if the amount owed to the City is a certain amount, then the City files an answer and becomes a party to the suit.

A discussion ensued concerning the tax foreclosure process. Upon question by Councilmember Hammond, Mrs. Carpenter explained that if the City wanted to initiate foreclosure proceedings, it could; however, to save money, it was decided to let the County file the foreclosure suit.

Mayor Parker explained that the City received complaints from citizens because of the County foreclosure proceedings. He explained that the complaints were filed with a couple of hundred dollars owed in taxes and with the attorney's fees of \$1,000.00, the bill to the taxpayer was tremendous.

Mrs. Carpenter explained that the list provided to Council shows all debt that is outstanding. She added that on the financial side, debt is written off each year; however, the information is maintained in the system so that there is a record of all debt.

Councilmember Willis explained that when he first came on Council he inquired about the City paying someone that owed property taxes and was on one (1) of the City's boards. He added that he was told that the City could not do anything. He further added that when he was a County Commissioner, if one of the board members owed taxes, the amount owed was subtracted from the amount to be paid for being on the board. He explained that everyone should be treated the same.

Mrs. Carpenter explained that she and the Consumer Billing Manager are investigating contracting with a collection agency to collect the utility past due accounts. She cautioned that any collection agency will take a percentage of what is collected. She added that debt set-off is the best way currently used to collect on delinquent accounts. She further added that when a customer who is delinquent on an account files application for service at a new address, the delinquent amount is added to the new service; however, unfortunately, there are landlords who will change the name on the lease to circumvent this.

Further discussion ensued concerning delinquent utility accounts, taxes and lot cuttings, and the need for staff to develop an action plan to collect delinquencies and to close loopholes that customers have discovered.

Councilmember Willis requested that the City Manager provide an answer as to why the City paid a person monthly who owed the City money.

Upon question by Councilmember Hammond, Mrs. Carpenter explained that the City does add the advertising fee to delinquent tax accounts when the delinquent tax notice is published.

Councilmember Hammond requested further clarification at a later date on the uncollected advertising charges.

Councilmember Williamson suggested that this topic be discussed further at a retreat.

Upon question by Councilmember Hammond, Mayor Parker explained that Council needed to discuss and decide on scheduling the retreat.

DIRECTION FROM COUNCIL ON CITY POLICIES

The City Manager explained that after reading Leadership Team notes, Councilmember Hammond asked about the Certification Policy. He added staff was requesting direction from

Council about what policies Council wanted to approve. He further added that staff would review known policies to determine what has been approved by Council and which policies are administrative and approved by the City Manager.

Discussion ensued concerning the role of Council in approving policies or at least being aware of their existence. The City Manager explained that before he approved a policy, Council would be informed of the policy.

Councilmember Hammond explained that there are administrative policies that the City Manager can approve; however, there appears to be confusion among staff on the Certification Policy. She added that there should be a definition of "certification". She further added that she did not believe an employee should obtain a certification while on probation since that is a step increase.

It was consensus of Council for staff (Human Resources Director and City Clerk) to develop a list of policies and whether those policies have been approved by Council, and to provide copies of the policies that had not been approved by Council.

UPDATE/DISCUSSION OF ECONOMIC DEVELOPMENT

Mayor Parker explained that the Board of the Economic Development Corporation (EDC) decided to continue its search for an Economic Development Director, but that some of the same individuals were still under consideration for the position.

The City Manager reminded Council of the Coffee & Conversation with Senator McInnis on Friday, March 13, 2015.

ADJOURNMENT

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

The meeting adjourned at 8:47 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippett, City Clerk