

**CITY OF LAURINBURG
COUNCIL MEETING
NOVEMBER 19, 2013
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 November 19, 2013 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, 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 Leak.

APPROVAL OF AGENDA

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

PUBLIC COMMENT PERIOD

There was no one present to speak.

OATHS OF OFFICE FOR NEW FIRE ENGINEERS

Mayor Pro Tem Adams, assisted by Fire Chief Randy Gibson, administered the Oaths of Office to four (4) new part-time Fire Engineers: Manuel Campbell, Brandon Norris, Corrie Patterson and Vacardo Riggins.

CONSENT AGENDA

The City Manager presented the Consent Agenda as follows:

- a) Consider minutes of September 23, 2013 reconvened meeting/retreat
- b) Consider authorizing the Mayor, City Manager and City Clerk to execute Municipal Records Retention Schedule Amendment
- c) Consider Ordinance No. O-2013-27 amending the FY 2013-2014 Budget Appropriations Ordinance (Ordinance No. O-2013-17) for the Urban Forestry Grant
- d) Consider setting public hearing to be held on December 17, 2013 to consider changes to the City of Laurinburg Fee Schedule
- e) Authorize City Manager to execute Application for State Mosquito Program

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

Ayes: Adams, Leak, Williamson, Willis

Nays: None

DELEGATION

FY 2012-2013 AUDIT RESULTS

Mr. Carl Head of Gustaf C. Lundin & Company explained that the annual financial statements are the responsibility of the City, and his firm's responsibility is to provide an opinion of the statements. He explained that the financial statements are not free from material statements; however, the audit produced an unmodified opinion. He further explained that an "unmodified" opinion is the best opinion that can be given. He then provided a brief overview of the General Fund, Electric Fund, Water/Sewer Fund and Solid Waste Fund.

Mr. Head explained the material findings as follows:

- Journal entries were necessary during the audit period. He added that the number of journal entries needed this year was 29, down from 37 the prior year.
- An accounting adjustment to the net fixed asset had to be made. He stated that the net fixed assets should have been listed as \$28.7 million, and was reported to be \$30.8 million.
- An over-expenditure in the Electric Fund of \$5,696.00 for power purchases.

Mr. Head explained that the Management Letter includes corrective action plans and areas needing proactive improvements to controls to prevent findings in the future.

Mayor Parker thanked Mr. Head for the timeliness of the audit.

PUBLIC HEARINGS

CONSIDER REQUEST TO REZONE PROPERTIES LOCATED AT 907 SOUTH MAIN ST. AND 906 ATKINSON ST.

Mrs. Brandi Deese, Planning and Community Development Director, explained that a potential business was proposed for 907 South Main Street, with the property located at 906 Atkinson Street being used for parking. She added that the proposed zoning would bring the property into greater harmony with the surrounding area. She further added that Planning Board voted unanimously to recommend approval of the request.

Mayor Parker opened the public hearing.

Mr. Les Ford, owner of property, explained that he would like to bring the property better in line with the surrounding area and use the Atkinson Street property to create better parking. He added that with the Office/Institutional zoning, the possibility of using the property for residential purposes in the future would be maintained.

There was no one present to speak against this request; therefore Mayor Parker closed the public hearing.

Councilmember Willis moved to approve Ordinance No. 0-2013-28 which rezones from General Business (Conditional Use) to Office/Institutional the property located at 907 S. Main Street and rezones from Residential-15 to Office/Institutional the property located at 906 Atkinson Street, as it is:

- Consistent with the Land Use Plan or other adopted plan;
- Advances the public health and safety or welfare; and
- Provides a positive impact to the public at large.

The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Willis, Adams, Leak, Williamson

Nays: None

(Ordinance No. O-2013-28 on file in the City Clerk's office)

CITY MANAGER REPORTS

CONSIDER REQUEST TO AMEND ARTICLE II DEFINITIONS, SECTION 15 DEFINITIONS OF BASIC TERMS, AND ARTICLE X PERMISSIBLE USES, SECTION 146, TABLE OF PERMISSIBLE USES OF THE UNIFIED DEVELOPMENT ORDINANCE

The City Manager explained that Council needed to conduct a second vote to amend Article II Definitions, Section 15 Definitions of Basic Terms, and Article X Permissible Uses, Section 146 Table of Permissible Uses of the Unified Development Ordinance.

Councilmember Leak expressed concern about the potential effect on a neighborhood with a military training facility. He also expressed concern regarding the empty industrial facilities in the County.

Councilmember Willis explained that City zoning ordinances are enacted to protect citizens. He expressed concern that this change would affect over 140 parcels of land within the City's jurisdiction. He also expressed concern that Council be consistent with its actions.

Councilmember Williamson explained that while he agreed with Councilmembers Leak and Willis; he felt that Council was considering whether to amend the Unified Development Ordinance however, he felt that Council should only consider the ordinance amendment, and not the potential prospect that is known. He added that he and Council will continue to perform due diligence on this issue and the prospect.

Councilmember Williamson moved to approve Ordinance No. O-2013-26 which amends Article II Definitions, Section 15 Definitions of Basic Terms, and Article X Permissible Uses, Section 146 Table of Permissible Uses of the Unified Development Ordinance, as it is:

- Consistent with the Land Use Plan or other adopted plan;
- Advances the public health and safety or welfare; and
- Provides a positive impact to the public at large.

The motion was seconded by Councilmember Adams who explained that she understands Councilmembers Leak, Willis and Williamson's comments. She added that she visited a military training facility in Lillington, visited the Gryphon Group's facility at Laurinburg-Maxton Airport and she had also toured the old Abbott facility. She expressed concern about the loss of tax and utility revenue if the old Abbott facility is not occupied.

Councilmember Willis explained that he is concerned about amending the zoning ordinance to allow this type activity within the City Limits. He added that the zoning ordinance amendment is the first step, and the next step would be request for a Conditional Use Permit.

Mayor Parker called for the vote, and the vote was as follows:

Ayes: Williamson, Adams

Nays: Leak, Willis

There being a tie vote, Mayor Parker voted “Aye” to approve Ordinance No. O-2013-26 which amends Article II Definitions, Section 15 Definitions of Basic Terms, and Article X Permissible Uses, Section 146 Table of Permissible Uses of the Unified Development Ordinance.

(Ordinance No. O-2013-26 on file in the City Clerk’s office)

CONSIDER AMENDING THE FY 2013-2014 BUDGET APPROPRIATIONS ORDINANCE (O-2013-17)

The City Manager explained this was the FCC Project Ordinance to add to the FY 2013-2014 Budget Appropriations Ordinance (O-2013-17).

Councilmember Leak moved to approve Ordinance No. O-2013-29 which amends the FY 2013-2014 Budget Appropriations Ordinance (O-2013-17) adopting the FCC Capital Project Ordinance. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Leak, Williamson, Adams, Willis

Nays: None

(Ordinance No. O-2013-29 on file in the City Clerk’s office)

CONSIDER RESOLUTION FIXING DATE OF PUBLIC HEARING ON ANNEXATION

The City Manager explained this resolution sets the date for the public hearing to consider annexation of the remaining portion of the FCC North Carolina property, the remainder of the Small Business Innovation Center (SBIC) property and the City’s 3-acre pump station site on Heck Norton Road for December 17, 2013 at 7:00 p.m.

Councilmember Adams moved to approve Resolution No. R-2013-25 fixing the date of public hearing on annexation on December 17, 2013 at 7:00 p.m. in the Council Chambers of the Municipal Building. The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Adams, Leak, Willis, Williamson

Nays: None

(Resolution No. R-2013-25 on file in the City Clerk’s office)

CONSIDER MAINTENANCE AGREEMENT WITH ITRON

The City Manager requested authorization to execute a maintenance agreement with Itron for equipment which the City has already purchased from Itron.

Motion was made by Councilmember Willis, seconded by Councilmember Adams, and unanimously carried to authorize the City Manager to execute Maintenance Agreement with Itron.

CONSIDER AUTHORIZING THE PURCHASE OF KNUCKLEBOOM TRUCKS USING THE NATIONAL JOINT POWERS ALLIANCE (NJPA) APPROVED PRICING AND BID DOCUMENTS

The City Manager explained that by utilizing the National Joint Powers Alliance (NJPA) the City could purchase two (2) knuckleboom trucks which were included in the budget. He added that by utilizing this process, the cost will be approximately \$8,000.00 less than budgeted.

Motion was made by Councilmember Willis, seconded by Councilmember Leak, and unanimously carried to authorize the purchase of two (2) knuckleboom trucks utilizing the National Joint Powers Alliance (NJPA) approved pricing and bid documents.

CONSIDER DECLARING PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSITION

The City Manager explained that any item valued over \$30,000.00 had to be declared surplus by Council, and he was requesting that Council declare the fire tanker valued over \$30,000.00 as surplus so that staff could sell on GovDeals with a reserve of \$30,000.00.

Councilmember Adams moved to approve Resolution No. R-2013-26 declaring property surplus and authorizing the sale of surplus property. Councilmember Leak seconded the motion and the vote was as follows:

Ayes: Willis, Adams, Williamson, Leak

Nays: None

(Resolution No. R-2013-26 on file in the City Clerk's office)

LAURINBURG CHRISTMAS PARADE

The City Manager requested that Council notify the City Clerk if they wanted to ride in the Christmas Parade on December 7, 2013.

APPOINTMENTS

PEDESTRIAN PLANNING GRANT COMMITTEE

Mayor Parker explained that Mrs. Deese had recommended appointees to the Pedestrian Planning Grant Committee.

Councilmember Adams requested that Mr. Ray Fidler be added to the Committee.

Motion was made by Councilmember Williamson, seconded by Councilmember Willis, and unanimously carried to appoint the following to the Pedestrian Planning Grant Committee:

Wes MacLeod	Paulette Moore
Brandi Deese	Stacey McQuage
Shannon Newton	Kathy Cox
John Ferguson	John Alford
Rembert DeBerry	Terri Purcell
Lynne Mabry	Leroy McIntyre
Terri Gallman	Cory Hughes
Sandy Skamperle	Ray Fidler

SCOTLAND COUNTY PARTNERSHIP FOR CHILDREN AND FAMILIES

Motion was made by Councilmember Adams, seconded by Councilmember Willis, and unanimously

carried to appoint Dolores “Dee” A. Hammond to the Scotland County Partnership for Children and Families Board of Directors.

Upon question by Mayor Parker, the City Clerk explained that the organizational meeting of Council would be held at noon on Tuesday, December 17, 2013 in the Council Chambers to swear in newly-elected Councilmember Hammond and Councilmembers Williamson and Willis.

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Leak reminded everyone that Thanksgiving is the end of the month and the community has much for which to be thankful.

Councilmember Willis expressed concern about the E911 Center and reiterated the need for a joint meeting between the City and Scotland County. He explained that a Memorandum of Understanding had not been signed yet and there were many issues that needed to be addressed by such a document. Following discussion, it was consensus of Council for a joint meeting between the City and Scotland County be scheduled as soon as possible, and to invite the other municipalities in the County to attend if they wished to do so.

CLOSED SESSION

At 8:01 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.

The motion was seconded by Councilmember Willis, and carried unanimously.

At 8:29 p.m. motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to adjourn the closed session and resume the open meeting.

ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippet, City Clerk