

**CITY OF LAURINBURG
CITY COUNCIL MEETING
NOVEMBER 17, 2020
CITY HALL AND POLICE DEPARTMENT
303 WEST CHURCH ST.
7:00 p.m.**

Minutes

The City Council of the City of Laurinburg held its regular meeting on Tuesday, November 17, 2020 in the Council Chambers of the City Hall and Police Department at 7:00 p.m. with the Honorable James T. Willis, Mayor, presiding and physically present. The following Councilmembers were physically present: Mary Jo Adams, Mary Evans, James J. Garby, Jr., Donald Rainer, and Andrew G. Williamson, Jr.

Also present were Charles D. Nichols III, City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney (via teleconference).

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

Councilmember Adams gave the Invocation and led the Pledge of Allegiance.

APPROVAL OF AGENDA

The City Manager requested that the agenda be amended to include a closed session for economic development.

Councilmember Garby requested that the agenda be amended to include an update on storm water issues.

Motion was made by Councilmember Garby to approve the agenda with the requested amendment to add a closed session for economic development. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Garby, Adams, Rainer, Evans, Williamson

Nays: None

PUBLIC COMMENT PERIOD

The City Clerk read the following email:

“Hello Jenny , My name is Michael Norton and I am a lifetime resident of Laurinburg and also a owner operator truck driver. I would like to first say that as a professional driver with 21 yrs on the road that we get no respect by the public on or off the road for keeping this country going. I also am a homeowner in a residential neighborhood here and I park only my tractor in my yard but I find this troubling that its a problem.. my

truck is a 2018 and cost \$155,000 and I can't park it in my own yard ? With all the crime and shootings in Laurinburg recently I guess some think I should leave my truck unattended to possibly be stolen or vandalized. I think we have much bigger problems in Laurinburg than to worry about if I have my truck in my own yard. Laurinburg has no problem collecting taxes from me for owning the truck but now they want to tell me I can't park it in my yard when the truck actually cost more than 90 % of the houses where I live.. put yourselves in my shoes for a moment.. would you like to buy a new Mercedes and not be able to take it home ? The truck in my yard is how I make a living and it doesn't bother anyone other than those who look down on truckers. I will end with saying if you have it a truck brought it. And if you don't like trucks then stop buying stuff and the problem will be solved. Thanks and please consider not doing this.. we are very close to becoming a communist country as it stands..we have a lot more to worry about than the working man.”

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

- a) Consider minutes of October 20, 2020 regular meeting

Councilmember Evans moved to approve the Consent Agenda. The motion was seconded by Councilmember Rainer, and the vote was as follows:

Ayes: Evans, Rainer, Williamson, Garby, Adams

Nays: None

CITY MANAGER REPORTS

DISCUSSION CONCERNING TRACTOR TRAILER TRUCKS IN RESIDENTIAL NEIGHBORHOODS

The City Manager explained that Councilmember Evans wanted an update on the regulations concerning tractor trailers in residential neighborhoods and on City streets. Section 38-136 in the Laurinburg City Code prohibits commercial vehicles larger than the standard size pickup truck to be parked on a City street, except for making deliveries or pickups. There is also a fine attached to commercial vehicles that violate this ordinance, \$10.00. This ordinance has always been enforced by complaint unless an officer sees that a commercial vehicle is a traffic safety issue. When there is a complaint or when an officer spots an improperly parked commercial vehicle, an officer talks to the truck owner and the issue is resolved. The City's ordinance only addresses commercial vehicles on City streets, and does not apply to private streets or private property.

Councilmembers Rainer and Evans explained that their concerns were about the trailer, not the truck.

The City Manager explained that according to the City Code, any commercial vehicle larger

than a standard size pickup truck could not park on City streets, therefore a commercial truck even without the trailer attached could not park on City streets.

Councilmember Adams explained that it appeared there had not been many complaints, and when there is a complaint, the police department is able to work it out. She added that she did not feel any reason to change the ordinance. She further added that if anyone sees a violation to report it to the police.

The City Manager requested that any concerns or complaints about commercial vehicles parking on City streets be submitted to the police department or to him.

CONSIDER ORDINANCE NO. O-2020-13 AMENDING THE NEW SUBSTATION PROJECT ORDINANCE (ORDINANCE NO. O-2018-09) TO RECEIVE AND ALLOCATE \$50,000.00 INSURANCE PROCEEDS

The City Manager explained that the City had received an advance of \$50,000.00 of insurance proceeds from the fire at the new substation which needed to be added and allocated in the budget. This money will be used to conduct the engineering, the circuit breaker and the steel associated with the City's claim.

Upon question by Mayor Willis, the City Manager explained that the advance came from the North Carolina League of Municipalities insurance.

Councilmember Evans moved to approve Ordinance No. O-2020-13 amending the New Substation Project Ordinance (Ordinance No. O-2018-09) to receive and allocate insurance proceeds. The motion was seconded by Councilmember Garby, and the votes were as follows:

Ayes: Evans, Garby, Adams, Williamson, Rainer

Nays: None

(Ordinance No. O-2020-13 on file in city clerk's office)

CONSIDER ACCEPTING WATER AND SEWER INFRASTRUCTURE AT SOUTH JOHNSON SCHOOL FROM SCOTLAND COUNTY

The City Manager explained that when South Johnson School was constructed and utility infrastructure was provided by Scotland County since Scotland County financed the school construction with bonds. It was understood that the infrastructure would be transferred to the City since the City maintains the infrastructure and provides the utilities. The Scotland County Board of Commissioners reaffirmed the transfer at its meeting on Monday, November 2, 2020.

Councilmember Evans moved to accept the water and sewer infrastructure at South Johnson School from Scotland County. Councilmember Garby seconded the motion, and the vote was as follows:

Ayes: Evans, Garby, Williamson, Adams, Rainer

Nays: None

CONSIDER AUTHORIZING THE PURCHASE OF A TRANSFORMER UTILIZING THE SOLE SOURCE EXEMPTION OF NC GENERAL STATUTE 143-129(e)(6)

The City Manager explained that the cost of repairs to the damaged transformer was only \$90,000.00 less than the purchase of a new one from General Electric (GE). It was decided that it would be better in this case to purchase a new transformer rather than repairing the damaged one. The cost for a new GE transformer is \$553,900.00. Although the insurance companies are still battling over responsibility, the companies have authorized for the City to purchase a new one rather than repair. Staff would like to purchase this as soon as possible because it will take approximately six (6) to eight (8) months to build a new transformer. Eventually the funds will be provided by insurance funds. Staff would like Council to consider authorizing the purchase of a transformer utilizing the sole source exemption in the General Statutes. The City went through the formal bidding process because of the \$500,000.00 bidding threshold the previous year to purchase the first transformer. The City Attorney has reviewed the General Statutes, and to speed up the process, the City can utilize this exemption to go on, and once it is approved by Council, staff will process the purchase order tomorrow and get the process started.

Following discussion, Councilmember Williamson moved to authorize the purchase of a transformer utilizing the sole source exemption of NC General Statute 143-129(e)(6). Councilmember Garby seconded the motion and the vote was as follows:

Ayes: Williamson, Garby, Rainer, Adams, Evans

Nays: None

UPDATE ON STORM WATER ISSUES

The City Manager explained that he had emailed to Council the finalized stormwater report from Cape Fear Engineering approximately a month prior. Cape Fear was planning to come present in April before COVID restrictions. The six (6) projects would be considered capital expenditures, and the FY 20-21 budget was passed without any capital projects due to the uncertain economy. Mr. Carl Head will present the Fiscal Year 2019-2020 Audit to Council at the December 15, 2020 meeting, and that will include the exact position of the City's four (4) funds. Depending upon the position of the funds, Council can decide if it wants to meet after the holidays to consider adding some capital projects into the budget.

The City Manager explained that Council had approved receipt of a \$250,000.00 grant from the US Department of Agriculture (USDA) for four (4) of the six (6) projects. The USDA determined which projects the grant funding could be utilized. Staff and the City Attorney are working on a contract with Cape Fear Engineering to begin those projects.

Upon question by Councilmember Rainer, the City Manager explained that two (2) of the four (4) selected projects deal with Leith Creek. He added that until the projects are actually

bid, staff will not know how many of the projects will fit into the \$250,000.00 funding.

Upon question by Councilmember Rainer, the City Manager explained that the six (6) major problem areas are the highest priority for staff before any rain event. The Street Department crews constantly monitor the areas that are prone to flooding. He added that the ditch crew that works in the fall and winter to clean the City owned and maintained ditches had just begun work.

Discussion ensued concerning the rain event the prior week that resulted in between four (4) and six (6) inches of rain in a 24-hour period. Since the majority of the flooding occurred during the day, the Street Department crews were out in the event to monitor. There were heavy rains that resulted in some standing water in streets; however, the drainage systems worked and within 20 to 30 minutes of the rain, the water drained.

Upon questions by Councilmember Williamson, the City Manager explained that after the audit presentation and Council was aware of the financial status of the City's four (4) funds, Council could decide if it wanted to add capital projects into the budget. He added that the preliminary numbers have shown that utility collections were down and therefore revenues were down. Had staff not stopped all spending in March, 2020, the City's financial situation would have much worse.

Councilmember Evans stated that she received a call from a citizen on Blue Drive that is concerned about the flooding on Blue Drive when there is a heavy rain.

Councilmember Adams explained that the storm drains on Blue Drive do work, as the water may stand for a while, but then it dissipates. She discussed a road in Westwood that does not drain quickly and usually has standing water for quite a while after a heavy rain. She added that the Street Department knows where the problem areas are, and the crews do a good job.

The City Manager explained that in the Westwood and Scotsdale subdivisions, there are private easements on the neighborhood plats, but the City never accepted the easements; therefore the ditches are on private property. The City does not have the authority to go on private property.

Upon question by Councilmember Garby, the City Manager explained that it would be Council's decision on whether to purchase private ditches or easements. He added that there are probably a hundred or more private ditches and easements in the City. He added

Upon question by Councilmember Rainer, the City Attorney explained that where there is a recorded plat showing an easement that is considered an offer to the City to take the easement; however, it has been the practice of the City and most municipalities to not take responsibility for easements or ditches on private property. He added there are probably hundreds or even thousands of such private ditches and easements in the City. He further added that if there is a private ditch on someone's property, there is a legal obligation for that property owner to maintain it. The City cannot maintain all the private easements and ditches, or that would be all the City would do. He added that if the City begins cleaning out a ditch

on private property or a private easement that is considered an informal acceptance of the easement or ditch. And once the City does so, it has an obligation to continue to maintain the ditch or easement. He further added that there is an area on the Blue Drive ditch that the City has cleaned out and maintained; and therefore must continue to do so.

Councilmember Williamson explained that he believed that the City has been responsive to the complaints on Blue Drive. He added that Blue Drive is one of the areas that will be addressed at some point.

Councilmember Garby stated that even though the City was not involved when some of the neighborhoods were constructed, the citizens are taxpayers and the City should take care of the issues.

Upon question by Councilmember Garby, the City Manager explained that a study was completed by Willis Engineering to fix the drainage problem on Isabelle Street several years ago, but he did not recall the dollar amount that was necessary.

Councilmember Rainer explained that the estimate from Cape Fear Engineering was approximately \$98,000.00.

Discussion ensued concerning the necessity of purchase easements in order to address the Isabelle Street problem as well as other problem areas in the City.

Councilmember Evans stated that the complaint from Blue Drive comes with a threat of perhaps taking legal action against the City.

The City Manager explained that Mr. Edds has sent emails in the past and when there is a threatened potential lawsuit, staff stops communicating with the citizen and the City Attorney handles all communication with that citizen.

Councilmember Williamson explained that at some point he would like to hear the report from Cape Fear Engineering about the problem areas and suggested solutions.

The City Manager explained that the decision about the six (6) projects and the private property that Cape Fear Engineering has studied will be put before Council at some point for decision. He discussed that staff has been responsive to complaints, and that when a storm is headed towards Laurinburg, the employees are out doing whatever they can to prevent flooding.

Upon question by Councilmember Rainer, the City Manager explained that with budget constraints, current staff is able to take care of the ditches in the fall and winter with the temporary ditch crew, and regular staff takes care of storm drainage all year long.

There was no action taken on this item.

COMMENTS FROM MAYOR AND/OR COUNCIL

Mayor Willis explained that in the last month two (2) ribbon cuttings had been held – Dunkin Donuts/Baskin Robbins and Burke Outlet. He also discussed the “Love Your Neighbor” campaign from Scotland Healthcare to combat the spread of COVID-19. He urged everyone to continue doing everything they could to prevent the spread of COVID-19.

Councilmember Garby reported on a Halloween event that was held at O’Reilly’s Auto Parts. He added that Chief Darwin Williams participated and brought more candy.

Councilmember Williamson added that the Christmas decorations were going up along Main Street. He saw City employees and volunteers putting up the decorations.

Councilmember Garby inquired about City Council having a tree on Main Street.

Following discussion, the City Manager explained that he would contact the Tis the Season group about the Mayor and Council having a tree.

CLOSED SESSION

At 7:50 p.m., motion was made by Councilmember Evans to go into closed session pursuant to NC General Statute 143-318.11(a)(3) to consult with the attorney and pursuant to NC General Statute 143-318.11(a)(4) for economic development. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Evans, Garby, Rainer, Adams, Williamson

Nays: None

At 8:12 p.m. Councilmember Evans moved to adjourn the closed session and resume the regular meeting. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Evans, Garby, Rainer, Adams, Williamson

Nays: None

ADJOURN

Motion was made by Councilmember Williamson and seconded by Councilmember Garby to adjourn the meeting. The vote was as follows:

Ayes: Williamson, Garby, Adams, Evans, Rainer

Nays: None

The meeting adjourned at 8:13 p.m.

James T. Willis, Mayor

Jennifer A. Tippet, City Clerk