

**CITY OF LAURINBURG
CITY COUNCIL MEETING
NOVEMBER 16, 2021
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 16, 2021 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.

Mayor Willis called the meeting to order at 7:01 p.m.

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

APPROVAL OF AGENDA

The City Manager explained that the City Clerk had requested that the draft minutes of September 20, 2021 be removed from Item 4(a) of the Consent Agenda.

Mayor Willis requested to add to the end of the agenda as Item 11 "Delegation, Mr. Larry Hyatt".

Motion was made by Councilmember Garby to approve the agenda with the requested changes. The motion was seconded by Councilmember Evans, and the vote was unanimous.

Mayor Willis requested that everyone be cognizant of only one (1) person speaking at a time.

CIVIL AFFAIRS TEAM FROM FORT BRAGG

Mayor Willis explained that he wanted to recognize a Civil Affairs team from Fort Bragg.

The City Manager explained that the Civil Affairs team from Fort Bragg was deploying to South American soon and needed to see how municipalities and counties work, so that would be working with City employees and County employees for a week.

Captain Jeff Curter thanked Mayor, Council and staff for working with the City employees. He added that the team would be deploying to South America in 2022. The team is observing how

the government operates so that when deployed they will have knowledge to assist the government, military and citizens in the area in which they will be deployed.

Mayor Willis thanked Capt. Cuter, SFC Avera, SSG Kugan and SSG Lopez for coming to Laurinburg. He then presented the team with City of Laurinburg lapel pins and key chains. He thanked them for their service, and wished them well in South America.

PUBLIC COMMENT PERIOD

Ms. Willie Frances Harrington of 609 McGirts Bridge Road stated that her recycling cart had been picked up by the City, and that she did not appreciate City staff going in her yard when she was not home. She had discussed the matter with personnel at Public Works who informed her that the City had left three (3) notes on her door that she had violated the City policy on mixing garbage with recycling. She stated that she had never seen a note on her door.

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

- a) Consider minutes of July 19, 2021 regular meeting and August 24, 2021 regular meeting
- b) Consider Resolution No. R-2021-19 Adopting Changes in the Rural Land Use Advisory Committee By-Laws
- c) Consider setting public hearing to be held on December 14, 2021 to consider request to rezone parcels 01002004009 and 01002004010 located on West Blvd. from Office/Institutional to General Business
- d) Consider setting public hearing to be held on December 14, 2021 to consider request to rezone 17160 Plant Rd. from Industrial to General Business
- e) Consider authorizing the Mayor to execute Contract for Fire Protection for South Fire District of Scotland County and Contract for Fire Protection for Central Fire District of Scotland County

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

Ayes: Adams, Garby, Williamson, Rainer, Evans

Nays: None

PUBLIC HEARINGS

CONSIDER ELECTORAL VOTING DISTRICTS BASED ON 2020 CENSUS

Mayor Willis explained that this public hearing was being held to consider a new electoral voting district map based on the 2020 Census. He opened the public hearing.

Mrs. Janet Robertson of the Lumber River Council of Governments (COG) explained that

after the 2020 Census numbers came out, she looked at where the numbers fell on the current voting districts. The population in each district is out of balance. The current District 1 is 11.8% below the target population, and District 2 is 11.8% above the target population. This is a total of 23.6% deviation. The target population is 7,489 people for each district, which is half of the 2020 census for Laurinburg. Ideally the target population should be no more than a 10% deviation in each district. There are two (2) rules, one is the 10% rule and the other is the 5% rule $\pm$. The 10% rule says that you shouldn't be any more than a total of 10% difference, and the 5% rule says you cannot be more than 5% above or below, which is a little stricter. Rules are not written in the General Statutes, but they have been upheld by courts. Districts are out of balance. I did 2 drafts to get the districts in line, and the one you decided on in October is the best that we could come up with was by a deviation of 1.7% total. A copy of the recommended redistricting map is attached to and incorporated in these minutes as "Attachment A". District 1 is 64 people above the target population, and District 2 is 64 people below the target populations. This allows for the "one person, one vote" rule. The area that was moved from District 2 to District 1 now encompasses some area from Church Street to West Blvd east of Main Street.

Mayor Willis thanked Mrs. Robertson.

Mrs. Martha Roblee, resident of Scotia Village and Unit Coordinator for the Mid-Sandhills Member-at-Large Unit of the League of Women Voters of North Carolina, thanked Council for giving citizens the opportunity to speak about the redistricting plan. She explained that several weeks ago she had requested a meeting with Mayor Willis and the City Manager to review the process used for redistricting, and to answer questions concerning redistricting. Also on the Zoom meeting were Mrs. Janet Robertson, Mr. Michael Mandeville and the clerk. She thanked Mayor Willis and the City Manager for promptly responding to her request for a meeting and for the information shared during the Zoom meeting. She commended Council for using the technical assistance of the COG to develop options for consideration for redistricting.

There being no one else to speak in favor of or against the voting districts map, Mayor Willis closed the public hearing.

The City Manager added that the filing period for the next elections would be from December 6, 2021 through December 17, 2021 at noon, and that the elections would be held on March 8, 2022.

Councilmember Williamson moved to approve Resolution No. R-2021-20 Adopting Electoral Districts Map. Councilmember Garby seconded the motion, and the vote was as follows:

Ayes: Williamson, Garby, Evans, Adams, Rainer

Nays: None

(Copy of Resolution No. R-2021-20 on file in city clerk's office)

CONSIDER MINORITY PARTICIPATION GOAL RELATED TO CONSTRUCTION PROJECTS

Mayor Willis explained that this public hearing was to consider Minority Participation Goal Related to Construction Projects. He opened the public hearing.

The City Manager explained that in order to move forward with bidding construction of the North Fire Station, Council must hold a hearing and adopt a Minority Participation Goal Related to Construction Projects. The City's Procurement and Purchasing Policy and Procedures Manual originally approved on April 13, 2013 and amended last on April 17, 2018 includes a Minority and Woman Owned Business Enterprise (MWBE) Participation Plan. The Minority Participation Goal which requires a verifiable goal of 10% of the total value of work for participation by minority businesses in building construction contracts awarded pursuant to N.C. General Statute Sec. 143-128.

There was no one present to speak in favor of or against this matter.

Mayor Willis closed the public hearing.

Councilmember Evans moved to approve Resolution No. R-2021-21 Adopting Minority Participation Goal Related to Construction Projects. Councilmember Rainer seconded the motion, and the vote was as follows:

Ayes: Evans, Rainer, Williamson, Adams, Garby

Nays: None

(Copy of Resolution No. R-2021-21 on file in city clerk's office)

CITY MANAGER REPORTS

STATE BUDGET

The City Manager explained that Governor Cooper held a press conference earlier in the day pledging that he would sign the budget approved by the NC House and the NC Senate. There are several items in the budget for the City and for Scotland County, such as \$500,000 for the I. Ellis Johnson Restoration Project and \$920,000 for the North Fire Station. He added that with the approval of the Minority Participation Plan adopted, the City can go out for bids for the North Fire Station project. He added that staff hoped to be able to bring the bids back to Council in January 2022 with bid amounts and what funding had been received.

Upon question by Mayor Willis, the City Manager explained that Fair Lake Dam is a private dam located off Blues Farms Road and citizens requested assistance from the state to repair.

DISCUSSION AND CONSIDERATION TO FUND 20% MATCH TO DEMOLISH COMMONWEALTH BRIDGE

The City Manager explained that the Commonwealth Bridge Project has been discussed since 2010 without being resolved. It is one (1) of the two (2) bridges for which the City is responsible, and since 2010 the bridge has deteriorated substantially. He presented a brief

history of the changing estimates for the replacement over the 10 years, and that staff worked with the Division of Federal Highways to develop a solution. Finally a resolution has been developed that will require the City to demolish the bridge with an estimated cost from Wetherall Engineering of \$49,000 of engineering fees, and the City would be responsible for \$9,800.00. The demolition and associated costs would be approximately \$106,000, with the City being responsible for approximately \$21,200, for a total of approximately \$39,000.

Councilmember Adams moved to approve funding 20% match to demolish Commonwealth Bridge. Councilmember Evans seconded the motion, and the vote was unanimous.

DISCUSSION AND CLARIFICATION FOR MEMORANDUM OF UNDERSTANDING WITH SCOTLAND COUNTY BOARD OF COMMISSIONERS CONCERNING UTILITIES AT I. ELLIS JOHNSON SCHOOL

The City Manager explained that the City Attorney needed some guidance from Council on drafting the memorandum of understanding with Scotland County Board of Commissioners concerning utilities at I. Ellis Johnson School Project. The City Attorney has had preliminary discussions with the County Attorney. When staff listened to the October 19, 2021 audio of the discussion concerning the I. Ellis Johnson School project, there was a long discussion with many items discussed, but were not clarified including when the City would begin paying the utilities. The City Attorney also would like to add some type of controls on the utilities so that no one other than City staff could make changes on electric and water/sewer.

Upon question by the City Attorney, Councilmember Garby explained that ownership of the property has not changed from the Scotland County School Board to Scotland County.

The City Attorney expressed concern about the City paying for utilities before the County owns the property.

Councilmember Garby stated that at the last council meeting, it was discussed that the City would begin paying utilities when construction began.

The City Manager explained that this idea was discussed; however, it was not included in the motion.

Upon question by Councilmember Rainer, Councilmember Garby stated that the School Board was working on turning over ownership of the property to Scotland County.

The City Manager explained that he believed that there were some deed issues similar to conveyance of the North Laurinburg School to another party.

The City Attorney stated that the County Attorney would prepare the first draft of the memorandum of understanding. He added that he needed to know exactly when the City will provide funding for the utilities of water/sewer, refuse and electricity. He also needed to clarify the maximum amount which his notes included that the maximum would be \$50,000 per year for a maximum of two (2) years. He further added that it was his understanding that

the payment of utilities for this project would come before Council every year for consideration. He added that after the two (2) years, the funding for utilities would be discussed and determined again by Council. He stated that he needed clarification if the utilities were just for the gym or for the entire property.

The City Manager explained that there was a master meter for water for the entire property, so staff could cut off certain buildings; however, it is not metered separately such that there is no way to determine what water fed into the gym versus the other buildings. He added that there are two (2) electric meters, one (1) for all heating and air conditioning (hvac) on all the buildings on the property, and one (1) for all the other electricity on the property.

Upon question by Mayor Willis, Councilmember Garby explained that at the prior meeting, it was discussed by Council to only deal with Phase 1 of the IEJ Project, and that the in-kind service of demolishing buildings would be in a future phase.

Following discussion, Councilmember Williamson clarified that the City would begin to pay the utilities once construction/renovation began on the gym. He added that the City had agreed to pay up to \$50,000 for utilities once construction began for two (2) years.

Councilmember Garby clarified that payment of utilities would be for the entire property, not just the gym. He added that he believed Council had allocated enough funding for utilities for the entire property.

Mayor Willis commented the State Budget had included \$500,000 for the IEJ Restoration Project.

Councilmember Garby explained that he was not sure if any buildings other than the gym would be operational within the two (2) years, but if another County entity occupies one (1) of the wings during that two (2) years, then the County would have to pay for those utilities and the utilities would need to be separated.

UPDATE ON DOG PARK

The City Manager provided an update on the Dog Park. The location of the parking area and the location of the sign had to be amended due to NC Department of Transportation's regulation prohibiting a sign on a service road. The parking area and location of the proposed sign has been moved to the Duke Energy right-of-way. Staff is getting bids for the fencing.

LET CITY CLERK KNOW IF YOU WILL BE RIDING IN CHRISTMAS PARADE

The City Clerk requested that Council and Mayor let her know by November 24, 2021 if they would be riding in the Christmas Parade to be held on Saturday, December 4, 2021.

The City Manager added that this Sunday, November 21, 2021 was Christmas on Main, and the Tree Lighting would be at 5:00 p.m.

Councilmembers Evans and Rainer stated that they would ride in the Christmas parade.

DELEGATION MR. LARRY HYATT

Mr. Larry Hyatt provided a history of the issues he had with the City concerning an unpaid bill for storing an impounded vehicle for the Police Department for which he felt the Police Department is responsible for paying. He discussed the phone conversations he had with the City Manager and the City Attorney over the course of several days.

The City Attorney explained that the vehicle was seized pursuant to a drug search under the NC General Statutes which applies to vehicles subject to forfeiture. An investigation was held. On November 19, 2019 an email was sent to the District Attorney's office to release the vehicle. According to NC GS 90-12.1 for a forfeiture of any conveyance, the Court shall have the exclusive jurisdiction, not the Laurinburg Police Department. The District Attorney did not tell the defense attorney or the defendant that the vehicle could be released. The order to release the vehicle was prepared by the District Attorney's office and included incorrect information at first. Chief Williams saw the mistake on the order, and it was corrected and it was signed by the Superior Court Judge.

Mr. Hyatt reiterated his concern that the Police Department impounded the vehicle and should pay the cost of storage.

COMMENTS FROM MAYOR/COUNCILMEMBERS

Councilmember Adams stated that she and Councilmember Evans attended the Lumber River Council of Government (COG) annual dinner. She added that recent activities in Laurinburg including the Farmers Market Laurinburg-Scotland County Area Chamber of Commerce events, St. Andrews contributes so much to the community, not just financial and educational. She stated that the City needed to show appreciation to the College.

Councilmember Evans suggested that since Dogwood Mile which runs through St. Andrews University if the City could partner with St. Andrews for improvements along the street.

Councilmember Adams suggested a proclamation or resolution could be presented to St. Andrews College.

Councilmember Evans stated that she attended the Groundbreaking for Partners in Ministry. Suggested that the City should find some way to contribute to Partners in Ministry.

ADJOURNMENT

Motion was made by Councilmember Rainer, seconded by Councilmember Evans, and carried unanimously to adjourn. The meeting adjourned at 8:23 p.m.

James T. Willis, Mayor

Jennifer A. Tippet, City Clerk