CITY OF LAURINBURG
CITY COUNCIL MEETING
OCTOBER 19, 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, October 19, 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. Tippett City Clerk; and William P. Floyd, Jr., City Attorney.

Mayor Willis called the meeting to order at 7:00 p.m. He gave the Invocation and let the Pledge of Allegiance.

APPROVAL OF AGENDA

The City Manager explained that the City Clerk had requested that Item 4(a) of the Consent Agenda be removed from the agenda.

Motion was made by Councilmember Garby to approve the agenda with Item 4(a) of the Consent Agenda removed. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Garby, Evans, Adams, Williamson, Rainer
Nays: None

PUBLIC COMMENT PERIOD

Mr. Larry Hyatt, 406 North Main Street, explained that he has a wrecker service and is on rotation with the Laurinburg Police Department. He discussed a vehicle which he towed and which was then was impounded by the Laurinburg Police Department in August 2018. The vehicle was released but he has not been paid for the storage of the vehicle..

Mayor Willis suggested that Mr. Hyatt talk with the City Manager and the City Attorney because the matter cannot be resolved at this point and time. He stated that the City Manager and/or the City Attorney would call him the following day.

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

a) *Removed*
b) Consider Ordinance No. O-2021-35 amending FY 2021-2022 Budget Appropriations Ordinance (Ordinance No. O-2021-18) to receive $48,500 grant from T-Mobile
c) Consider Rules and Regulations for Downtown Advisory Council-Sponsored Events
d) Consider Authorizing the City Manager to Execute Commissioners Deed of Correction for Error in Tax Foreclosure Proceedings
e) Consider Ordinance No. O-2021-36 Closing a Portion of Main Street from Railroad Street to Church Street from 12:00 p.m. to 6:00 p.m. on November 21, 2021 for Christmas on Main
f) Consider request to close the following streets from 5:00 p.m. to 9:00 p.m. for the Scotland County Sheriff's Office Trunk or Treat event on Friday, October 22, 2021:

1. Railroad Street @ Biggs St
2. Railroad Street @ Main Street
3. Roper Street @ Main Street
4. McKay Street @ Main Street
5. Cronly Street @ Main Street
6. Biggs Street @ Biggs Street
7. James Street @ Church Street
8. McKay Street @ First Street (2 Barriers)
9. McKay Street @ First Baptist Church rear Entrance

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

Ayes: Williamson, Garby, Rainer, Evans, Adams
Nays: None

PUBLIC HEARING

REQUEST TO REZONE FROM RESIDENTIAL-6 TO GENERAL BUSINESS PROPERTY LOCATED AT 329 GILL STREET

Mayor Willis explained that this public hearing was to consider a request to rezone from Residential-6 to General Business property located at 329 Gill Street. He opened the public hearing.

Mr. Mac McInnis, City Planner/Code Enforcement Officer, explained that Mr. Antonia Poe owns the lot next to the convenience store that he operates. He would like to use the adjoining lot for parking. This will also move the entrance to the store away from the neighbors. Planning Board unanimously recommended approval of this request at its September 14, 2021 meeting.

Councilmember Williamson stated that he had assisted Mr. Poe with the closing on his purchase of the lot, and therefore requested to be recused.

Mr. Poe explained that he wanted to use the lot for parking because there were customer who would pull into neighbors' driveways, and that he wanted to be a good neighbor.

There was no one to speak in opposition to the request.

Mayor Willis closed the public hearing.

Councilmember Evans moved to approve Ordinance No. O-2021-38 rezoning from Residential-6 to General Business property located at 329 Gill Street and identified as PIN #01003006013 because it advances the public health, safety and welfare, and based upon the following:

The rezoning of Scotland County Land parcel number 01003006013 from Residential-6 to General Business is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable because:

1. The General Business District accommodates retail and commercial service businesses which generally have as their market area the entire city and surrounding area.
2. The Comprehensive Use Plan 2035 FUTURE Land Use Map indicates the development of some mixed uses, some office and institutional uses, and general residential uses.
3. The area already consists of residential uses, office and institutional, and some general business zoning. This parcel abuts a General Business zoned parcel containing a store run by the applicant and will be used to accommodate parking for the business.

The rezoning is reasonable based upon the following:

1. The rezoning to GB will allow uses consistent with other existing uses in the general area;
2. The rezoning to GB will help maintain the present character of the City of Laurinburg while promoting diversity and future growth;
3. The rezoning to GB will have no detrimental impact to the property values of the surrounding land owners; and
4. The rezoning to GB will require no infrastructure improvements by the City of Laurinburg.

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

Ayes: Evans, Rainer, Adams, Garby
Nays: None
(copy of Ordinance No. O-2021-38 on file in city clerk's office)
(Councilmember Williamson was recused from voting.)

CITY MANAGER REPORTS

LOAD MANAGEMENT UPDATE – JASON THIGPEN, MANAGER OF SYSTEM

OPERATIONS, ELECTRICITIES

The City Manager explained that Mr. Jason Thigpen, Manager of Operations of ElectriCities, was present to provide information concerning the Load Management Program which helps customers save, and therefore, helps reduce the cost of electricity purchased by the City.

Mr. Thigpen explained that he had been in public power for 17 years. He presented a PowerPoint with the following highlights:

- Load management (LM) is the process used to reduce electrical loads to achieve monthly savings. It includes:
  - Demand side management (DSM)
  - Peak load reduction
  - Load curtailment
- For members of the North Carolina Eastern Municipal Power Agency (NCEMPA) load management is about managing the electric demand during the Coincident Peak
- The most common management methods are:
  - Load management with switches on appliances
  - Generators
- Load management (LM) switches are installed on residents' homes to allow a utility to control air conditioners and water heaters
  - ElectriCities staff controls LM switches on Laurinburg's behalf through the Nexgrid Portal.
  - Customers in Laurinburg can opt in to LM and receive monthly credit to participate.
  - Customers in Laurinburg's LM program can save approximately $100 per year based on the current credit structure.
  - The City saves approximately $23 for every kW reduced on the monthly Coincident Peak. During non-peak hours, the rate is $0.11 per hour.
  - ElectriCities' staff monitors LM carefully in the winter and again in the summer.
- The City uses Advanced Metering Infrastructure (AMI) which provides two-way communications between the meter and the City.
  - AMI meters and LM devices communicate with a communications network installed on utility poles, and water towers
  - Data is transferred to the AMI software system which translates into information for the utility.
  - The utility uses the same communications network to control load management devices.
  - The City's grid system is extensive.
- Because of the use of generators and load management, peak usage has dropped; therefore, reducing costs.
- Laurinburg LM Switch Savings (since September 2019)

2019 (4 months)	$87,000
2020	$279,470

2021 (YTD)	$162,010
Total Savings	**$528,480**

Mr. Thigpen discussed the involvement of customers in using and benefiting from load management on water heaters and air conditioning. In the summer months, the peak time is usually in the afternoon. When load management kicks in, it only lasts for approximately two (2) hours, so the customers do not notice much of a difference.

Mr. Thigpen discussed the future of load management which includes voltage reduction, use of smart thermostats, solar energy and battery storage.

DISCUSSION OF PROPOSED REDISTRICTING AND SET PUBLIC HEARING TO BE HOLD ON NOVEMBER 16, 2021 AT 7:00 P.M. TO HEAR PUBLIC COMMENTS CONCERNING THE PROPOSED REDISTRICTING

The City Manager explained that according to the North Carolina General Statutes, the City was required to review the voting districts after the 2020 Census. The Lumber River Council of Governments (COG) assisted staff and developed two (2) redistricting maps to ensure that the City's voting districts fell within the allowed deviation rate. The City Manager added that a public hearing needed to be set on November 16, 2021 to hear public comment on the proposed redistricting map. The two (2) proposed options are attached to and incorporated in these minutes as "Attachment A".

Following a brief discussion, motion was made by Councilmember Rainer to select the map entitled "Option 1" for the voting districts of the City of Laurinburg as it provides the best deviation rate. The motion was seconded by Councilmember Evans.

Following a brief discussion, the vote on the motion to select the map entitled "Option 1" for the voting districts of the City of Laurinburg as it provides the best deviation rate. The vote was as follows:

Ayes: Rainer, Evans, Garby, Adams, Williamson
Nays: None

CONSIDER REQUEST FROM TERRY PARKER CONCERNING HOMETOWN HEROES BANNERS

The City Manager explained that Mrs. Terry Parker could not attend the meeting in order to request a variance of the Banner Guidelines provision that all banners had to be changed at the same time. Since the Hometown Heroes Banners were going to be first to be hung, Mrs. Parker was requesting a variance in order to hang one (1) block at a time as there had not been enough purchased by citizens for all poles. She was hoping that once citizens saw the banners, more would be purchased to completely fill the poles.

Following discussion, motion was made by Councilmember Adams to allow the one-time variance of the guidelines to allow the Hometown Heroes Banners be installed one (1) block at a time. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Williamson, Rainer, Evans
Nays: None

UPDATE AND DISCUSSION ON I. ELLIS JOHNSON SCHOOL RESTORATION COMMITTEE

The City Manager explained that this item was a discussion and update on the I. Ellis Johnson Restoration Committee. He added that items in Council's agenda packet were the following documents labeled "Attachment B" which are hereby incorporated into these minutes: Letter from J. Jason Robinson, Clerk to the Scotland County Board of Commissioners, Letter from Rick Singletary, Chairman of the Scotland County Board of Education, and September 28, 2021 minutes of the IEJ Restoration Committee.

Upon question by Mayor Willis, Councilmember Garby stated that the Committee was looking to get attorneys involved to develop an actual commitment agreement for the City to perform in-kind services such as the utilities.

Councilmember Rainer explained that the committee had been discussing other in-kind services that the City could offer and how much money the City could spend in this project.

Discussion ensued concerning landscaping on the property. Councilmember Rainer stated that Council had not agreed to landscape the property and that this needed to be decided in this meeting tonight. He added that the Scotland County School system had contracted out the landscaping, and that it was approximately $15,000. He further added that he did not want the City to be responsible for landscaping; instead he wanted to perform other in-kind services such as demolishing buildings on the property.

Mayor Willis explained that he thought that two (2) of the buildings on the property needed to be torn down. He added that the City has set a precedent in demolishing the old gas station beside the A.B. Gibson Center.

The City Manager explained that the City partnered with DHC Environmental to remove the gas tank and the County waived any tipping fees associated with demolishing the building.

Following discussion, Councilmember Rainer proposed that the City provide the in-kind service of demolishing the two (2) buildings on the property. The City would not be able to remove any asbestos in the buildings if there was any.

Councilmember Garby explained that the Committee wanted to move forward with Phase 1 which is the gym. Phase 1 would get the gym operational with the City providing the utilities.

Upon question by Mayor Wills, Councilmember Rainer explained that it was proposed that the City pay the electric bill instead of paying rent in Phase 1, and in Phase 2 demolish the buildings that need to be demolished.

Councilmember Garby explained that the attorneys could handle all of the verbiage and that in a few years, a portion of the building could be leased but the City would not provide those utilities.

Discussion ensued concerning the City providing utilities and for what period of time.

The City Manager discussed the costs provided by the Scotland County Board of Commissioners for utilities for when the buildings were fully operational. For those 12 months of sewer, water, electric and natural gas, the total was $71,605. The utility costs for when the buildings were not being used was $24,970 for 12 months.

Councilmember Rainer explained that during the first Phase, all of the buildings would not be opened, just the gym. Therefore, the electricity would not be as high as if all of the buildings were opened.

Further discussion ensued concerning Phase 1 of the project. Councilmember Rainer explained that Phase 1 would include installing a new gym floor and some other improvements to make the gym usable.

Discussion ensued concerning the differences in the recreation centers in Wagram and Laurel Hill. Mayor Willis explained that each of those centers have offices so that services such as Social Security could come in to meet with citizens; however, that was not the case with the gym at I. Ellis Johnson School.

Councilmember Rainer suggested that the library is operational and could be used for services like Social Security.

Councilmember Garby explained that the IEJ Restoration Committee wanted a commitment from Council on what it would provide for Phase 1 of the project.

The City Manager explained that if the City provided utilities such as water, sewer and electric, the City would charge the wholesale electric rate just as it does on all City buildings. The water and sewer charges would also be charged the same as what is charged for City buildings.

Discussion ensued concerning the utility expenses. Councilmember Williamson suggested that Council should have a “not to exceed” amount in the agreement.

Councilmember Adams expressed concern about spending funds on the IEJ restoration with the funding not settled for the North Fire Station. She also expressed concern about having a definitive plan concerning operation of the IEJ property.

Councilmember Garby stated that the IEJ restoration does not negate the North Fire station being the number one (1) priority.

Further discussion ensued concerning the lack of a definitive plan for the entire IEJ property.

Councilmember Rainer moved to move forward with the I. Ellis Johnson Restoration Project and that the City provide in-kind services. Councilmember Evans seconded the motion.

Councilmember Garby stated that Council also wants the attorneys involved.

Councilmember Williamson stated that the attorneys need guidance from Council.

The City Attorney added that Council would need to direct them on what Council wants included in the agreement.

Councilmember Williamson explained that he was disappointed with the information provided by Scotland County without telling Council what the plan is.

Councilmember Garby stated that Phase 1 was the gym and hiring a director for it.

Further discussion ensued concerning the amount of funding needed for the gym. Councilmember Garby explained that it was not known how much utilities would be just for the gym as the information provided by the School Board was for the entire property.

Further discussion ensued concerning developing a figure range for the utilities for the gym. Councilmember Williamson suggested that the range could be between \$25,000 and \$52,000 per year.

Discussion ensued concerning the time commitment for Council to provide utility services. Councilmember Garby suggested committing an amount not to exceed \$40,000 annually for the gym to provide water, sewer and electric services.

Upon question by the City Attorney concerning the length of Phase 1 of the project, Councilmember Garby stated that the entire project was planned for five (5) years.

Councilmember Rainer stated that the IEJ Restoration Committee wanted a five (5) year commitment.

Discussion ensued concerning the increase in utility costs over the entire five (5) year period.

Following further discussion, Councilmember Garby stated that Phase 1 of the project was planned for one (1) to two (2) years.

Upon question by the Mayor, the City Manager explained that electricity is on at the property. He added that there was approximately a \$50,000 difference in the utilities from the last year the school was operational to this past year when it was vacated. He added that staff would research the number of meters were present on the property. He added that more than likely there were separate meters for water and sewer. But he did not know about electricity, and if electricity was only one (1) meter, if it could be separated out just for the gym.

Councilmember Williamson expressed concern about the lack of plan from Scotland County. He added that this was a big project and Council had not heard from the County Commissioners nor from the county Manager.

Councilmember Garby explained that the School System and Scotland County are working on the deed conveying the property to Scotland County.

Further discussion ensued. Councilmember Garby moved that the City would cover the cost of electricity, cost of sewer, water and refuse for the IE Johnson project with a maximum of $50,000 per year for up to two (2) years. After that time, Council would revisit the utility costs and support.

Discussion ensued. Councilmember Garby amended his motion to state that the City would begin when construction/renovation of the gym begins. Councilmember Rainer seconded the amended motion. The vote was as follows:

Ayes: Garby, Rainer, Evans, Williamson
Nays: Adams

Upon question by the City Attorney, it was consensus of Council for the City Attorney to work with the County Attorney to develop an interlocal agreement for this project.

Councilmember Adams stated that her negative vote on the amended motion was not that she did not support renovation at the IEJ property, but rather that there was not a clearly defined plan.

REQUEST FOR SOLID WASTE REFUND

The City Manager explained that the customer at 130 Caledonia Road (Account # 107636) is requesting a refund due to a billing error that began in January, 2017. Section 30-48 of the City Ordinance only allows a refund of up to twelve (12) months preceding the discovery of the error. This customer is requesting the full refund to include an additional amount of $2,288.00.

Councilmember Rainer moved to approve the request for a refund of $2,288 due to a billing error. Councilmember Evans seconded the motion, and it carried unanimously.

COMMENTS FROM MAYOR/COUNCILEMMBERS

There were no comments from the Mayor or Councilmembers.

ADJOURNMENT

Councilmember Williamson moved to adjourn the meeting. The motion was seconded by Councilmember Garby, and the vote was unanimous.

The meeting adjourned at 8:24 p.m.

James T. Willis, Mayor

Jennifer A. Tippett, City Clerk