CITY OF LAURINBURG
CITY COUNCIL MEETING
MAY 18, 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, May 18, 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.

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

APPROVAL OF AGENDA

The City Manager requested that Item 10, Consider request for funds from the Downtown Advisory Committee for speakers be removed from the agenda. He added that the items would be purchased in FY-21-22 fiscal year.

Councilmember Adams requested that minutes of the February 16, 2021 regular meeting be removed from the Consent Agenda.

Motion was made by Councilmember Garby to approve the agenda with the amendments requested. The motion was seconded by Councilmember Williamson, and the vote was as follows:

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

PUBLIC COMMENT PERIOD

There were no public comments submitted.

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

a) Consider minutes of March 23, 2021 regular meeting; and minutes of the public hearing held on March 23, 2021 for expansion of the CDBG-I project area
b) Set public hearing to be held on June 15, 2021 to consider Conditional Use Permit request to place and operate a Yard Waste Incinerator on City Property, Parcel ID # 010245 01003
c) Set public hearing to be held on June 15, 2021 to consider rezoning from Residential-6 to Office/Institutional Parcel ID #010013 07001 on Charlotte Street
d) Set public hearing to be held on June 15, 2021 at 7:00 p.m. to consider the Fiscal Year -2022 Budget

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

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

MINUTES OF THE FEBRUARY 16, 2021 REGULAR MEETING

Councilmember Adams explained that it has long been the City's policy that public commenters must give their names and addresses. At the February meeting, an email was read that did not have the name of the sender nor their address, so she wanted the comments submitted via email that did not have the name and address removed from the minutes.

Councilmember Adams moved to amend the minutes of the February 16, 2021 regular meeting by removing the comment without a name or address and insert the following statement in the minutes:

> An email with an undetermined sender was submitted but was not entered into the minutes because the email failed to comply with the City's policy that speakers or submissions for Public Comment must have the name and address of the speaker or submitter.

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

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

PUBLIC HEARINGS

CONSIDER ORDINANCE NO. O-2021-13 AMENDING THE CITY OF LAURINBURG UNIFIED DEVELOPMENT ORDINANCE

Mayor Willis opened the public hearing to consider amending the City of Laurinburg Unified Development Ordinance (UDO).

Mr. Dale Holland of Insight Planning and Development, LLC explained that approximately five (5) years earlier, the North Carolina Bar Association, the North Carolina League of Municipalities, the North Carolina Association of County Managers, the UNC School of Government, the North Carolina Chapter of American Planning Association put a group together to begin reviewing the state statutes governing land use and development in order to develop a statute that would be consistent for municipalities and counties. The result of this work is North Carolina General Statute 160D which governs all land use and development for North Carolina – municipalities and counties. In order to be in compliance with the General Statutes, the amendments to the UDO must be adopted. The City's Planning Board unanimously recommended approving the amended UDO.

There being no one to speak in favor of or opposed to the amended UDO, Mayor Willis closed the public hearing.

Motion was made by Councilmember Adams to approve Ordinance No. O-2021-13 amending the City of Laurinburg Unified Development Ordinance. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Adams, Evans, Williamson, Garby, Rainer
Nays: None
(copy of Ordinance No. O-2021-13 on file in city clerk's office)

SCOTLAND MEMORIAL HOSPITAL –TAX EQUITY AND RESPONSIBILITY ACT

Mayor Willis explained that this public hearing was being held on behalf of Scotland Memorial Hospital according to the Tax Equity and Responsibility Act.

Mayor Willis opened the public hearing.

Mr. Greg Wood, Chief Executive Officer of Scotland Health Care, is getting ready to spend over $40 million to build and expand up to $49 million for its surgical suite and some other expansion at the hospital.

The City Attorney explained that this hearing and the resolution have no impact on the City of Laurinburg. The hearing and resolution are necessary for the bonds to be tax-exempt for investors.

Minutes of the Public Hearing:

Mayor Willis opened the public hearing.

WHEREAS, Mayor James T. Willis announced that the City Council for the City of Laurinburg (the "Council") would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the "Authority"), a joint powers commission and a unit of government and a body corporate and politic organized and existing under the laws of the State of Wisconsin, of its Health Care Facilities Revenue Bonds (Scotland Health Care System) Series 2021A (the "Bonds"), in an aggregate amount not to exceed $49,000,000;

WHEREAS, the Authority has been requested to issue the Bonds and to lend the proceeds from the sale thereof to Scotland Memorial Hospital, Inc. (the "Borrower"), a North Carolina nonprofit corporation;

WHEREAS, the Bonds will be qualified 501(c)(3) bonds as defined in Section 145 of the Internal Revenue Code, and the Borrower will use the proceeds of the Bonds to (1) finance the acquisition, construction, renovation, equipping and furnishing of improvements to Scotland Memorial Hospital located at 500 Lauchwood Drive, Laurinburg, North Carolina (the "Hospital"), including (a) new and expanded operating rooms, (b) the entrances to the Hospital, and (c) routine capital equipment and expenditures at the Hospital (collectively, the "Project"), (2) fund interest on the Bonds during construction of the Project, if applicable, and (3) pay, or reimburse the Borrower for paying, certain expenses incurred in connection with the issuance of the Bonds by the Authority, including the cost of bond insurance, if applicable;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority to finance a capital improvement project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located, which with respect to the Project is the City of Laurinburg, North Carolina;

WHEREAS, the Borrower has requested that the Council approve the financing of the Project, and the issuance of the Bonds in an amount not to exceed $49,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and, with respect to the Project, the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010, and Section 66.0304(11)(a) of the Wisconsin Statutes;

WHEREAS, a notice of public hearing was published in *The Laurinburg Exchange* setting forth a general, functional description of the type and use of the facilities to be financed, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows:

There was no one present to speak on this matter.

WHEREAS, Mayor Willis inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and Mayor Willis determined that no other persons who wished to speak at the public hearing were found; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Code in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

Mayor Willis closed the public hearing.

Councilmember Garby moved that the following resolution, a copy of which had been distributed to each Councilmember, be approved:

RESOLUTION NO. R-2021-07

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED $49,000,000 OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY TO FINANCE CERTAIN COSTS OF VARIOUS PROJECTS ON BEHALF OF SCOTLAND MEMORIAL HOSPITAL, INC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LAURINBURG:

Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, the Council hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance the Project, *provided that* in no event shall the City of Laurinburg, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City of Laurinburg, the State of North Carolina or any political subdivision thereof. It is the purpose and intent of the Council that this resolution also constitute approval of the issuance of the Bonds by the applicable governing body of the City of Laurinburg, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. This resolution shall take effect immediately upon its passage.

Councilmember Williamson seconded the motion, and the motion was adopted by the following vote:

AYES: Garby, Williamson, Adams, Rainer, Evans

NAYS: None

Motion was made by Councilmember Garby to approve the draft minutes of the public hearing just held. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Garby, Williamson, Adams, Rainer, Evans
Nays: None
(Resolution No. R-2021-07 on file in city clerk's office)

CONSIDER REZONING FROM RESIDENTIAL-15 TO RESIDENTIAL-6 PROPERTY LOCATED AT 303 EAST COVINGTON STREET

Mayor Willis opened the public hearing to consider rezoning from Residential-15 to

Residential-6 property located at 303 East Covington Street.

Mr. Mac McInnis, City Planner/Code Enforcement Officer, explained that Ms. Stephanie Piludo submitted the request to rezone 303 East Covington Street. This is a house located behind the Central School Apartments, and it has been in bad shape for some time. She wants to renovate the property and use as a multi-family apartment building which has been done in the past. Planning Board considered this request at its April 13, 2021 meeting and unanimously recommended approval.

Ms. Stephanie Piludo explained that the rezoning of the property will allow her to take a single-family residence and make it into a multi-family residence. The exterior will be updated yet maintain the historic look. A structural engineer will make sure that the property can be safely renovated. There will be a total of three (3) 2-bedroom/1 bath apartments and one (1) bathroom/1 bath. The house is located on almost an acre of land. There will be plenty of parking on the street for tenants, and enough land to complete a parking lot on the property.

Councilmember Adams stated that according to the Planning Board minutes, parking is not allowed on the street.

Mr. McInnis stated that there is plenty of room to create parking on the property.

Ms. Piludo explained that there is a curb cut onto the property from James Street and another one from East Covington Street.

There being no one present to speak in opposition to the request, Mayor Willis declared the public hearing closed.

Councilmember Evans moved to approve Ordinance No. O-2021-14 rezoning from Residential-15 to Residential-6 the property located at 303 East Covington Street.

Mayor Willis added the following to Councilmember Evans' motion: The rezoning from Residential-15 to Residential-6 of 303 East Covington Street advances the public health, safety and welfare and based upon the following:

The rezoning of 303 East Covington Street (Scotland County Land Parcel Number 01005409001) from Residential-15 to Residential-6 is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable because:

1. The Residential 6 district is established to allow a variety of medium density residential uses such as single family residences, two family residences, and multi-family residences from 7 to 12 dwelling units per acre.
2. The Comprehensive Plan 2035 Future Land Use Map indicates the development of some mixed uses, office & institutional uses, and a variety of residential uses in the area where this parcel is located. Desired uses in this area are development of single family & multi-family residential uses along with some office and institutional uses.

3. There are already a large number of R-6 zoned properties along with R-15 and OI zonings in the area. The rezoning will allow for residential uses compatible with desired future development in this area.

And the rezoning is reasonable because

1. The rezoning to R-6 will allow uses consistent with other existing uses;
2. The rezoning to R-6 will help maintain the present character of the City of Laurinburg, while promoting diversity and future growth.
3. The rezoning to R-6 will have no detrimental impact to values of the surrounding land owners; and
4. The rezoning will require no infrastructure improvements by the City of Laurinburg.

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

Ayes: Evans, Garby, Adams, Rainer, Williamson
Nays: None
(copy of Ordinance No. O-2021-14 on file in city clerk's office)

UPDATE ON HOMETOWN HEROES BANNERS

The City Manager explained that Council requested that staff seek guidance of the Downtown Advisory Committee (DAC) and the American Legion concerning the Hometown Heroes Banners.

Mr. Michael Mandeville, Community Development Director, explained that he and Mr. Mac McInnis developed a list of items to include in a proposed ordinance concerning the banners, and sent the list to the City Attorney to develop a proposed ordinance. Mr. Tate represented to Mr. Mandeville that both American Legion Posts in Laurinburg were in favor of the Hometown Heroes Banners. The DAC considered guidelines for the banners as follows:

- Banners will be allowed only on the downtown decorative poles.
- Banners must be pre-approved by Community Development.
- Banners will be displayed on a first come first serve basis.
- Banners will be flown for non-profit entities only to honor veterans, sponsor City and County sponsored events. No commercial or political events can be represented.
- The non-profit is responsible for all costs associated with the banners.
- The banners must comply with the hardware existing on the poles.
- Banners must fill all 33 decorative poles.
- The Community Development Department will set the timeframe, which is two (2) months per display.

Upon question by Councilmember Garby, Mr. Mac McInnis explained that if no one requests to hang banners, then the tartan banners currently hanging will be hung.

Discussion ensued concerning the banners during the Christmas timeframe. The tartan banners are up during the Christmas timeframe.

The City Attorney explained that he had drafted an amendment to the City Code concerning the banners providing flexibility, and allows Community Development and Council to set regulations.

A discussion ensued concerning representation by the American Legion at a Council meeting. The City Manager explained that Mr. Paul Tate made the original request of Council, and due to a schedule conflict, he could not attend; therefore, Mrs. Terry Parker presented the request at the Council meeting. He added that Council requested that staff take the matter before the DAC for its recommendations and to the American Legion Posts. Staff received an approval from Mr. Tate of the proposed regulations.

Further discussion ensued concerning the banners and that the banner program would not be restricted to just the Hometown Heroes Banners.

Following further discussion, motion was made by Councilmember Garby to approve Ordinance No. O-2021-16 which reads as follows:

ORDINANCE NO. O-2021-16

AN ORDINANCE AMENDING CHAPTER 6 BUILDING AND BUILDING REGULATIONS, ARTICLE VII SIGNS, SEC. 6-222 POSTING ON TREES, PARKS AND UTILITY POLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAURINBURG:

1. Chapter 6 Building and Building Regulation, Article VII Signs, Sec. 6-222 Posting on Trees, Parks and Utility Poles of the City Code of the City of Laurinburg is hereby amended by deleting this section in its entirety and replacing with the following:

   Sec. 6-222. –Posting on trees, parks and utility poles.

   It shall be unlawful for any person to tack, hang or paste signs or banners of any description on any shade tree upon any street or in any park, or on any telephone, telegraph or electric light pole except as provided in this section 6-222. On the city's decorative utility poles in the city's Central Business District only (as defined in section 32-11) and subject to the pre-approval and permitting by the city's Community Development Department which will be considered on a first come, first served basis, non-profit entities may display banners to honor veterans, promote city and county sponsored events or for other non-commercial or non-political purposes. The non-profit entity seeking to display the banners must pay for all costs associated with the banners and must comply with all additional requirements and regulations established by the Community Development Department and the city council for their display

> including regulations related to the length of time banners may be displayed, the minimum number of decorative poles that must be used for the banners, the type of hardware that must be used to attach the banners to the decorative poles and the specific location of the banners on the poles.

This ordinance is in effect on and after May 18, 2021.

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

Ayes: Garby, Rainer, Williamson, Evans, Adams
Nays: None
(copy of Ordinance No. O-2021-16 on file in city clerk's office)

CONSIDER ORDIANCE NO. O-2021-15 ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF LAURINBURG

The City Manager explained that Ordinance No. O-2021-15 adopts an updated City Code for Laurinburg.

Motion was made by Councilmember Garby to approve Ordinance No. O-2021-15 adopting and enacting a new Code for the City of Laurinburg. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Garby, Evans, Adams, Williamson, Rainer
Nays: None
(copy of Ordinance O-2021-15 on file in city clerk's office)

CONSIDER REQUEST FOR FUNDS FROM THE DOWNTOWN ADVISORY COMMITTEE FOR SPEAKERS

The City Manager explained that this item has been removed from the agenda, and the funds for speakers will be included in the FY 2021-2022 budget.

UPDATE ON NORTH FIRE STATION

The City Manager explained that construction costs have increased, and in fact several Scotland County construction projects have been halted. Staff has been working with Creech & Associates to design a functional and efficient fire station to replace the one damaged in Hurricane Florence. Over a year ago, staff received an estimate from a firm that had built several years ago, a two (2) bay department for $1.3 million. The City has secured $1.4 million from The Golden Leaf Foundation and the Federal Emergency Management Agency (FEMA) to build a new fire station. The design firm was told that the maximum amount that could be spent for the new North Fire Station was $1.4 million, and that no tax money could be used. With current construction markets, the design firm can only see a two (2) bay building. The current (non-operational) North Fire Station has three (3) bays. All of the apparatus and equipment would not fit into a two (2) bay fire station. The firm also looked at staying with the current three (3) bay including office and training and the best estimate was $1.65 million. The City needs a five (5) bay facility with a training room, sleeping quarters, and the estimated cost was $2.6 million. What the City needs to put everything under roof, to have the training facility, the sleeping quarters and the five (5) bay building was estimated to be $2.26 million. Staff has weekly updates with the design firm. Staff has reached out to The Golden Leaf Foundation to begin requesting additional funds. The Golden Leaf Foundation has many current construction projects, and those projects are facing the same issues. However, staff is trying to get on The Golden Leaf Board's August agenda since the board only meets every other month. Staff is gathering more concrete information for The Golden Leaf request, and staff is reaching out to every group possible for additional funding. Congressman Bishop stops by the North Fire Station every time he is in Laurinburg, so he is aware of the City's need.

The City Manager explained that at this time it was unclear if the funds from the American Recovery Act could be used for the North Fire Station.

Upon question by Mayor Willis, the City Manager explained that the design firm nor staff have focused on the exterior at this time.

DISCUSSION AND GUIDANCE ON CITY HALL AND POLICE DEPARTMENT BUILDING AND MEETINGS IN THE FUTURE

The City Manager explained that he had been told that Governor Cooper would be pulling all remaining COVID-19 restrictions on June 1, 2021; however, he pulled them on Friday, May 14, 2021. Staff believes that City operations need to be back to normal with the building open and to allow citizens to physically attend Council meetings effective June 1, 2021. The meetings will continue to be livestreamed on Facebook.

A discussion ensued concerning vaccination of employees.

Councilmember Rainer expressed concern that only 23% of citizens in Scotland County have been vaccinated, and Scotland County has more cases per day than Raleigh.

Following further discussion, it was consensus of Council to keep operating as it had been with the buildings closed to the public except for appointments, and for the matter to be discussed again the following month.

APPOINTMENTS

COMMITTEE ON FUTURE OF I.E. JOHNSON SCHOOL

Mayor Willis explained that he had received a letter from Scotland County Commission Chair Carol McCall asking the City to appoint two (2) members to the Committee on the Future Use of I.E. Johnson School.

Councilmember Adams stated that she would like to volunteer to serve if the City was going to participate.

Councilmember Evans stated that she would like Councilmember Rainer to serve on the committee.

Motion was made by Councilmember Garby to appoint Councilmember Adams and Councilmember Rainer to the Committee on the Future Use of I.E. Johnson School. The motion was seconded by Councilmember Williamson, and the vote was as follows:

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

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Adams explained that the Southeastern Regional Airport Authority is working to be declared a foreign trade zone.

Mayor Willis explained that this Comment Period for the Mayor and/or Councilmembers was a time to make a report, but not for new items to be discussed at meetings because that does not allow staff and/or the Mayor and Council to research an issue.

Councilmember Rainer requested that the ditch cleaning procedures be on the June agenda.

ADJOURNMENT

Councilmember Williamson moved to adjourn the meeting. The motion was seconded by Councilmember Rainer, and the vote was as follows:

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

The meeting adjourned at 8:05 p.m.

James T. Willis, Mayor

Jennifer A. Tippett, City Clerk