

**CITY OF LAURINBURG
CITY COUNCIL MEETING
JANUARY 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, January 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; Angela H. Taylor, Deputy City Clerk; and William P. Floyd, Jr., City Attorney (via teleconference).

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

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

APPROVAL OF AGENDA

Councilmember Rainer expressed concern about Item 9, Set Public Hearing to consider request for Conditional Use Permit to locate and operate a yard waste incinerator. He stated that he did not believe that Council should set a public hearing on this matter because there were a lot of concerned citizens from the vicinity of the proposed yard waste incinerator who would probably want to participate in the public hearing. He added that some in the neighborhood do not have internet and would not be able to participate virtually.

Councilmember Adams suggested that the agenda be approved as submitted to allow discussion concerning Item 9.

The City Manager explained that due to COVID-19 restrictions, the City is not conducting any public hearings at this time; however, a public hearing needs to be called for the month prior to the actual public hearing. He added that this item was on the agenda because staff is having a meeting with the NC Department of Environmental Quality (DEQ) later in the week. He further added that if DEQ will allow the City to wait on the required public hearing, then it will not be held in February, and this is just a formality. However, if DEQ requires that the City move forward with the yard waste incinerator, then the public hearing would have been set for the February meeting.

Motion was made by Councilmember Evans to approve the agenda as submitted. The motion was seconded by Councilmember Garby, and the vote was as follows:

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

PUBLIC COMMENT PERIOD

No public comments were submitted.

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

- a) Consider minutes of December 15, 2020 regular meeting
- b) Consider Semi-Annual Surplus Report
- c) Consider Ordinance No. O-2021-01 Amending the FY 2020-2021 Budget Appropriations Ordinance (O-2020-04) to Accept and Allocate ElectriCities System Betterment Reimbursement Grant in the amount of \$5,000.00

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

Ayes: Williamson, Rainer, Evans, Adams, Garby
Nays: None
(Copy of Ordinance No. O-2021-01 on file in city clerk's office)

CITY MANAGER REPORTS

CONSIDER ORDINANCE NO. O-2021-02 AMENDING THE FY 2020-2021 BUDGET APPROPRIATIONS ORDINANCE (ORDINANCE NO. O-2020-04) TO TRANSFER FUNDS FROM OUR WATER/SEWER FUND TO WATER/SEWER CAPITAL PROJECTS FUND

The City Manager explained that several months ago, Council approved a budget amendment moving \$1,000,000.00 from the Water/Sewer Fund to the Water/Sewer Capital Projects Fund, and staff indicated at that time, once the Fiscal Year 2019-2020 Audit was complete, staff would request additional funds for the Water/Sewer Capital Project Fund. The proposed budget amendment will increase the Water/Sewer Fund Balance Appropriated (line item 31-439900) by \$192,485.50, and increase the Water/Sewer Transfer to Capital Projects (line item 812-509500) by \$192,485.50.

Upon question by Councilmember Evans, the City Manager explained that the budget amendment is necessary in order to continue working on the capital projects in the Water/Sewer Fund. He added that the next item on the agenda is to consider amending the Water/Sewer Capital Project Fund by \$192,485.50 in order to continue with the Distribution System Improvements Phase I.

Councilmember Adams moved to approve Ordinance No. O-2021-02 amending the FY 2020-

2021 Budget Appropriations Ordinance (No. O-2020-04) to transfer funds to Water/Sewer Capital Projects Fund. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Williamson, Rainer, Evans, Adams, Garby

Nays: None

(Copy of Ordinance No. O-2021-02 on file in city clerk's office)

CONSIDER ORDINANCE NO. O-2021-03 AMENDING THE WATER/SEWER CAPITAL PROJECTS FUND

The City Manager explained that this is an amendment to the Water/Sewer Capital Projects Fund.

Councilmember Adams moved to approve Ordinance No. O-2021-03 amending the FY 2020-2021 Budget Appropriations Ordinance (Ordinance No. O-2020-04) to amend the Water/Sewer Capital Projects Fund. The motion was seconded by Councilmember Rainer, and the vote was as follows:

Ayes: Williamson, Rainer, Evans, Adams, Garby

Nays: None

(Copy of Ordinance No. O-2021-03 on file in city clerk's office)

CONSIDER AWARDING CONTRACT 11.0 DISTRIBUTION SYSTEM IMPROVEMENTS PHASE I TO SANFORD CONTRACTORS, INC. IN THE AMOUNT OF \$1,722,013.50

The City Manager explained staff was requesting that Council approve awarding Contract 11.0 Distribution System Improvements Phase I to Sanford Contractors, Inc., in the amount of \$1,722,013.50. He added that this project is to replace the major water line that runs from the Water Treatment Plant to the Caledonia Road water tank. Sealed bids were received on Thursday, December 10, 2020, and after reviewing the seven (7) bids, Willis Engineers recommended awarding the bid to the lowest, responsive and responsible bidder, Sanford Contractors, Inc.

Upon question by Councilmember Williamson, the City Manager explained that this bid is within expectations. In 2019, Willis Engineers estimated this project phase to cost approximately \$1.65 million.

Motion was made by Councilmember Williamson to award Contract 11.0 Distribution System Improvements Phase I to Sanford Contractors, Inc. in the amount of \$1,722,013.50. The motion was seconded by Councilmember Evans, and the vote was as follows:

Ayes: Williamson, Rainer, Evans, Adams, Garby

Nays: None

CONSIDER ORDINANCE NO. O-2021-04 AMENDING THE FY 2020-2021 BUDGET APPROPRIATIONS ORDINANCE (ORDINANCE NO. O-2020-04) TO SET UP THE NORTH FIRE STATION CAPITAL PROJECT FUND

The City Manager explained that having received final approval from the Federal Emergency Management Agency (FEMA) and having hired the design team of Creech and Associates, staff would like for Council to approve a Capital Project Ordinance for the North Fire Station. Capital Project Ordinances are set up when a project will not be completed in one fiscal year. The proposed Capital Project Ordinance includes no City monies, instead it consists of \$1,250,000.00 from Golden Leaf and the FEMA funds of \$135,897.00. There are some costs such as soil borings that the design firm has indicated will need to be expended.

Upon questions by Councilmember Garby, the City Manager explained that this completes working with FEMA on the North Fire Station. He added that FEMA still owes the City funding from Hurricane Matthew.

Upon question by Councilmember Garby, the City Manager explained that staff hoped to open bids for the project in July. Staff will bring Council different design options for approval.

Councilmember Adams moved to approve Ordinance No. O-2021-04 amending the FY 2020-2021 Budget Appropriations Ordinance (Ordinance No. O-2020-04) to set up the North Fire Station Capital Project Fund. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Williamson, Rainer, Evans, Adams, Garby

Nays: None

(copy of Ordinance No. O-2021-04 on file in city clerk's office)

CONSIDER SETTING PUBLIC HEARING ON FEBRUARY 16, 2021 TO CONSIDER A CONDITIONAL USE PERMIT TO LOCATE AND OPERATE A YARD WASTE INCINERATOR ON CITY PROPERTY

The City Manager explained that staff was requesting that Council set a public hearing to consider the City's request for a Conditional Use Permit to locate and operate a yard waste incinerator on City property. In December an inspector from NC Department of Environmental Quality (DEQ) came to look at the City's yard waste site which was set up right before Hurricanes Matthew and Florence. Staff has been researching options for the yard waste site; however, the DEQ inspector will be returning later in this week. Without knowing what the inspector might require, staff thought it would be a good idea to have the public hearing scheduled if needed, and if not needed, it could be cancelled after the DEQ inspection.

Upon question by Councilmember Williamson, the City Manager explained that there had been individuals at the Planning Board held on November 11, 2020 who spoke in opposition to the yard waste incinerator.

He explained that the City is spending approximately \$80,000.00 per year to have a contractor grind the stump, limbs and yard debris. When the two (2) hurricanes hit, a lot of the old oak trees were damaged and placed on the City's yard waste site. Mr. Harold Haywood, General Services Director, researched different ways to handle all of the yard waste instead of spending \$80,000.00 to \$100,000.00 per year to hire a contractor to grind the yard waste. Having the yard waste incinerator would have money for the City, and there would be a bi-product for fertilizer that farmers would like to have. The City Manager would rather Mr. Haywood and staff explain all of the details to Council at the public hearing.

Discussion ensued concerning the Planning Board meeting. The City Manager explained that Planning Board voted 4-2 to recommend the Conditional Use Permit for the City to locate and operate a yard waste incinerator on its property. There were several females at the Planning Board meeting who spoke in opposition to the incinerator.

Following further discussion, Councilmember Williamson moved to set the public hearing on February 16, 2021 pending COVID-19 restrictions to consider a Conditional Use Permit to locate and operate a yard waste incinerator on City property. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Williamson, Rainer, Evans, Adams, Garby

Nays: None

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Adams provided an update on the Southeast Regional Airport Authority. The organizational meeting was held on January 5, 2021, and another meeting on January 13, 2021. Mr. Guy McCook was elected Chairman of the Authority.

Councilmember Evans provided an update on the County Statute Removal Committee had requested Mr. David Richardson of the Lumber River Council of Governments to be the facilitator of the committee.

Mayor Willis asked Councilmember Evans if she met with the City's auditor prior to the December 15, 2020 council meeting.

Councilmember Evans asked if this was a personnel matter and if Council needed to go into closed session.

Mayor Willis stated that he had asked if she had met with the City's auditor prior to the public meeting on December 15, 2020.

Councilmember Evans responded that she did not recall the day she met with the auditor. She added that she did not understand why Mayor Willis was asking this question of her.

Mayor Willis explained that he contacted the School of Government and was advised that no individual councilmember has the authority to meet with the auditor, and if the City was

billed for this meeting, Councilmember Evans would be liable for any charges. Also, any notes or written documents from the meeting with the auditor should be submitted to Council.

Upon questions by Mayor Willis, Councilmember Evans stated that she met with the auditor for clarification and understanding. She added that it was talking about the audit process. She added that she had not asked the same questions of the auditor at the December 15, 2020 council meeting.

Mayor Willis explained that according the School of Government, the only way a councilmember can officially meet with the auditor is at the behest of the entire council. He added that it was brought to his attention that Councilmember Evans had met with the auditor prior to the December 15, 2020 council meeting, so he consulted with the School of Government. According to the School of Government, the meeting Councilmember Evans had with the auditor was improper, that if any charges are incurred, she was personally responsible, and that if there were any notes or written documents in her possession from that meeting, she should share with Council.

CLOSED SESSION (CONSULT WITH ATTORNEY)

At 7:32 p.m., Councilmember Adams moved to go into closed session pursuant to NC GS 143-318.11(a)(3) to consult with the attorney. The motion was seconded by Councilmember Garby, and the vote was as follows:

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

At 7:37 p.m., Councilmember Rainer moved to adjourn closed session and return to open meeting. The motion was seconded by Councilmember Evans, and the vote was as follows:

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

ADJOURNMENT

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

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

The meeting adjourned at 7:38 p.m.

James T. Willis, Mayor

Jennifer A. Tippet, City Clerk