CITY OF LAURINBURG
CITY COUNCIL MEETING
JANUARY 18, 2022
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 18, 2022 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., and Andrew G. Williamson, Jr. Councilmember Donald L. Rainer passed away on December 28, 2021.

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 Evans gave the Invocation and led the Pledge of Allegiance.

APPROVAL OF AGENDA

The City Manager requested that Item 14(a) be added to discuss an update of from the Golden Leaf Foundation.

Motion was made by Councilmember Williamson to approve the agenda with the requested change. The motion was seconded by Councilmember Adam.

Councilmember Gary explained that the City Clerk had requested that the draft minutes of October 19, 2021 and November 16, 2021 be removed from Item 7(a) of the Consent Agenda.

Councilmember Williamson amended his motion to include the removal of the October 19, 2021 and November 16, 2021 draft minutes from the Consent Agenda. Councilmember Adams seconded the amended motion, and the vote was as follows:

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

HONOR THE LATE COUNCILMEMBER DONALD L. RAINER

Mayor Willis explained that Council would now honor our friend and colleague, the late Councilmember Donald Rainer. He added that the service celebrating his life was very moving. He requested that Mrs. Rosemary Rainer join him at the dais.

He then read the following resolution:

"RESOLUTION NO. R-2022-01

RESOLUTION OF THE CITY OF LAURINBURG
REMEMBERING DONALD L. RAINER
LAURINBURG CITY COUNCILMEMBER FROM 2019-2021

WHEREAS, *Donald L. Rainer was elected a Laurinburg City Councilmember in November, 2019, and served until his untimely passing on December 28, 2021; and*

WHEREAS, *upon being elected to City Council, Councilmember Rainer's primary interests were repairing and upgrading the infrastructure in the City, focusing on providing youth in Laurinburg with productive activities, and ensuring that a North Fire Station was built to replace the hurricane-damaged one; and*

WHEREAS, *although passionate about his ideas and interests, Councilmember Rainer was always thoughtful and considerate of others opinions, resulting in healthy debate among Council; and*

WHEREAS, *although serving on City Council for a short time, Councilmember Rainer has a long history of serving this community prior to his being elected; and*

WHEREAS, *Councilmember Rainer's interest in the youth of this community were exemplified by his many years coaching for the Scotland County Parks and Recreation Department, representing the City Council on the Parks and Recreation Advisory Board, and as a member of the I. Ellis Johnson Restoration Committee; and*

WHEREAS, *having a servant heart was one of the most noticeable characteristics of Councilmember Rainer. Other ways he served this community were as a faithful lifelong member of Galilee United Methodist Church where he was Lay Leader of the Year three (3) times, Usher of the Year in 2018, served on the Administration Council, the United Methodist Men, the Trustee Board and superintendent of the Sunday School; and*

WHEREAS, *his most cherished roles were as husband to Rosemary, and as father to Reginald and Brandon.*

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LAURINBURG *that the Laurinburg City Council hereby recognizes and remembers Donald L. Rainer and his contributions to the City of Laurinburg, and its citizens, and that Laurinburg is a much better community because of his passion and character.*

Adopted this the 18th day of January, 2022."

Councilmember Adams moved to approve Resolution No. R-2022-01 Remembering Donald L. Rainer, Laurinburg City Councilmember from 2019-2021. The motion was seconded by Councilmember Garby, and the vote was as follows:

Ayes: Adams, Garby, Williamson, Evans
Nays: None
(copy of Resolution No. R-2022-01 on file in city clerk's office)

RECOGNITION OF RETIREE

The City Manager explained that Mr. Tim Pierce retired from the City effective December 30, 2021. He added that Mr. Pierce was the driving force for the City's Geographic Information System (GIS).

Mayor Willis then read the following plaque:

IN SINCERE APPRECIATION

to

TIM PIERCE
GIS ADMINISTRATOR AND CEMETERY SUPERVISOR

AUGUST 1989 – DECEMBER 2021

In special tribute for 32 years of dedicated public service as an employee of the City of Laurinburg. Tim began his career with the City as an Engineering Technician in 1989. In 1990 a project began with aerial photography that developed over several years into the City's Geographic Information System (GIS). Tim worked in the field finding data points for the system, and with the assistance of a consultant, built the City's GIS system to such a degree that all utilities' data points and information can be located in GIS. GIS allows City crews to quickly assess utility information in the field and resolve issues such as water leaks. Tim also mapped the City's three (3) cemeteries to assist both staff and families. Tim's knowledge of GIS has grown tremendously through the years. In 2007, the City and Scotland County entered into an agreement that the City would also maintain the County's GIS. Tim integrated the County GIS into the City's GIS, greatly improving the available information. In 2009 the City's GIS System was a finalist for the G. Herbert Stout Award, given to for visionary use of GIS by a local government in North Carolina.

As Cemetery Supervisor, Tim took on the task of improving the grounds of all three (3) of the City's cemeteries - Cedar Grove, Hillside, and Hillside Memorial Park. Citizens and visitors to the cemeteries commented on the improvements to the cemeteries when he began making improvements.

The Mayor and the Laurinburg City Council express their sincere appreciation for his unselfish professional service to the citizens of Laurinburg and this community. Tim dedicated his time and *talents to the citizens of Laurinburg and is the epitome of a true public servant. He worked tirelessly and effectively to serve the citizens of this community and to make our City a better place to live for all the citizens of Laurinburg.*

We wish him many more years of continued success in the next chapter of his life.

Presented this the 14th day of December, 2021.

James T. Willis, Mayor

Mary Evans, Mayor Pro Tem *Mary Jo Adams, Councilmember*

James Garby, Councilmember *Donald Rainer, Councilmember*

Andrew G. Williamson, Jr. Councilmember"

ADVANCED LAW ENFORCEMENT CERTIFICATE

Mayor Willis presented the Certificate for Advanced Law Enforcement to Sgt. Timothy Craig Wilkerson. He added that he understood that this certificate was difficult to obtain and it was one of the highest honors for a police officer to attain.

PUBLIC COMMENT PERIOD

There was no one present to speak

CONSENT AGENDA

Mayor Willis reviewed the Consent Agenda:

Consent Agenda

a) Consider minutes of September 21, 2021 regular meeting
b) Consider Approval of Records Retention and Disposition Schedule for General Records and Consider Approval of Records Retention and Disposition Schedule for Program Records Schedule
c) Consider Resolution No. R-2022-02 adopting 2020 Water Supply Plan
d) Consider Resolution No. R-2022-03 updating compliance plans for CDBG-I Sewer Improvements for Produce Market Area
e) Consider setting public hearing to consider a request to rezone from General Business to Residential-6 property on Plaza Road identified as PIN 01016 0100404
f) Consider 2022 Council Meeting Schedule
g) Consider Fiscal Year 2022-2023 Budget Schedule
h) Consider Request to Close Roper Street from Atkinson Street to S. Main Street on February 5, 2022 from 10:00 a.m. to 6:00 p.m. for a Black History Celebration
i) Consider Semi-annual Surplus Sales Report
j) Consider Resolution No. R-2022-04 Amending the City of Laurinburg Purchasing and

Procurement Policy

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

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

PUBLIC HEARINGS

CONSIDER REQUEST TO REZONE PROPERTY LOCATED AT 17160 PLANT ROAD

Mayor Willis opened the public hearing to consider rezoning from Industrial to General Business the property located at 17160 Plant Road.

Mr. Mac McInnis, Planner/Code Enforcement Officer explained that Mr. J. D. Willis on behalf of New Will, LLC has requested that the property located at 17160 Plant Road, and known as the Highlands, be rezoned from Industrial to General Business. The request is consistent with the Land Use Plan. Planning Board unanimously recommended approving the request at its November 9, 2021 meeting.

Mr. J. D. Willis, on behalf of New Will, LLC, explained that when the building was constructed, the zoning was Industrial. He added that the new owners felt that rezoning the property to General Business would suit the property better. The property will be used as has been used in the past including some mental health treatment for youth and senior citizens.

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

Councilmember Evans moved to approve Ordinance No. O-2022-01 rezoning the property located at 17160 Plant Road from Industrial to General Business because it advances the public health, safety and welfare, and based upon the following:

> The rezoning of the property located at 17160 Plant Road and identified as Scotland County Land Parcel number 02030401041 I from Industrial to General Business is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable because:

1) The General Business zoning district is established to accommodate commercial service and retail businesses which generally have as their market the entire city and surrounding area.
2) The Comprehensive Plan 2035 indicates some mixed use development in the area on Plant Rd. adjacent to US 15-501/Aberdeen Rd., within the corporate limits where this parcel is located.
3) There are already some General Business and Light Industrial zonings in the area.

Mixed Use areas are used to stimulate compact development, to provide flexible development options, and to utilize existing infrastructure.

And the rezoning is reasonable because:

1) The Rezoning to GB will allow uses consistent with other existing area uses and will remove an old Industrial zoning which has very limited permitted uses.
2) Rezoning to GB will help to maintain the present character of the City while promoting diversity and future growth;
3) The rezoning to GB will have no detrimental impact to the property values of surrounding land owners and;
4) The rezoning to GB will require no infrastructure improvements by the City of Laurinburg.

Councilmember Williamson moved to approve the motion, and the vote was as follows:

Ayes: Evans, Williamson, Garby, Adams
Nays: None
(copy of Ordinance No. O-2022-01 on file in city clerk's office)

CONSIDER REQUEST TO REZONING PARCELS ON WEST BOULEVARD

Mayor Willis opened the hearing to consider rezoning two (2) parcels on West Boulevard from Office/Institutional to General Business.

Mr. Mac McInnis, Planner/Code Enforcement Officer, explained that Mr. Brian Bailey had requested to rezone two (2) tracts of land adjacent to the Terrific Kids Daycare on West Blvd. from Office/Institutional to General Business. Although there was some General Business properties on Scotland Crossing Drive, it is not in the vicinity of the subject property along West Blvd. Planning Board heard this request on November 9, 2021, and the resulting vote was tied at 3-3.

Mr. Brian Bailey explained that at the Planning Board meeting, Mr. Jordan put him on the spot asking what he would do with the property if the request was denied. He added that he would not begin his project by building 500 units, instead he would start with 20 storage units. He added that if Council wanted to add any kind of caveat about future uses, he would be open to a caveat that the property could only be used for self-storage.

Upon question by Councilmember Williamson, the City Attorney explained that this request is a rezoning request and Council must consider all uses allowed in the General Business zoning district, not just the specific use in mind. He added that the addition of a caveat to the zoning was illegal as that is considered contract zoning.

Mr. Steve Davis of Hamlet, explained that he owns a mini-storage facility with 143 units. He added that Mr. Bailey was a customer of his, and that he had gotten him started with the idea of self-storage units. He further added that traffic in almost non-existent with a self-storage facility.

Upon question by Councilmember Williamson, Mr. McInnis explained that if the rezoning was approved, Mr. Bailey would need to submit a site plan for the storage facility.

Upon question by Mayor Willis, Mr. McInnis explained that Planning Board's vote on the request was three (3) to three (3).

Upon question by Councilmember Adams, Mr. McInnis explained that the General Business zoning is not consistent with the City's approved Land Use Plan. He added that Council should not get hung up on the specific use that has been proposed, instead that if the request to rezone is approved, any use that is allowed in the General Business zoning district would be allowed on the property.

There being no one else to speak in favor of or opposed to this request, Mayor Willis closed the public hearing.

Councilmember Adams moved to deny Ordinance No. O-2022-02 rezoning from Office/Institutional to General Business property Parcels 01002004009 & 0100204010 on West Boulevard/X-Way Roads because it does not advance the public health, safety and welfare, and based upon the following:

The rezoning of Scotland County Land Parcels Numbers 01002004009 & 01002004010 located in the City Limits of Laurinburg along West Boulevard/X-way Rd. from Office Institutional to General Business is not consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable because:

1) The General Business District is established to accommodate highway-oriented retail and commercial service businesses.
2) The Comprehensive Land Use Plan 2035 indicates future land uses in this area as being Office Institutional, General Residential, & Conservation uses
3) This district is intended to accommodate single and multi-family residential uses and smaller scale Office and Institutional uses with limited off street parking and that do not impact traffic patterns in neighboring communities.

And the rezoning is not reasonable because:

1) Rezoning to General Business will allow uses that are not consistent with current uses in the immediate area.
2) Rezoning to General Business allows for more intense commercial uses and larger scale retail uses than are in the area now or intended to be in the future.
3) Rezoning to General Business could create the need for future infrastructure improvements in this area.

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

Ayes: Adams, Williamson, Evans, Garby
Nays: None
(copy of Ordinance No. O-2022-02 on file in city clerk's office)

CITY MANAGER REPORTS

FISCAL YEAR 2020-2021 AUDIT – CARL HEAD

The City Manager explained that Mr. Carl Head of Roche, Head & Associates, PLLC would present the City's Fiscal Year 2020-2021 audit. He added that this was the best audit with which he had ever been associated.

Mr. Head explained that there were new requirements in the Administrative Code on how the audit reports are to be presented to the local government by the auditor. The first change is that the Local Government Commission (LGC) will no longer send a unit letter to the local governments concerning the audit results. Local governments are now required to send a letter to the LGC explaining any financial concerns identified in the audit and in the new spreadsheet to which data must be submitted. The response must be sent to the LGC 60 days from when the audit is presented to the governing board, and the letter must be signed by the majority of the governing board. There were no findings to report in the current year audit. The auditor provides a reasonable, not an absolute level of assurance that on these financial statements. Based on the testing, he can express an unmodified opinion, the best opinion you can get on an audit.

There were two (2) financial concerns and performance indicators based on information presented in audited financial statements. He added that he would discuss the concerns after he reviewed the following financial information:

General Fund:

Net change in fund balance 2018	$63,416
Net change in fund balance 2019	($760,488)
Net change in fund balance 2020	($325,594)
Net change in fund balance 2021	$732,610

Income/Loss in Enterprise Funds:

	Electric	Water	Sewer	Total
Income (loss) before transfers and others 2018	$1,569,265	$1,679,798	$143,834	$3,392,897
Income (loss) before transfers and others 2019	$1,720,169	$1,716,297	$165,136	$3,601,602
Income (loss) before transfers and others 2020	$1,503,114	$1,217,898	$8,607	$2,783,619
Income (loss) before transfers and others 2021	$1,229,924	$258,308	($16,850)	1,471,382

Cash – Totals in All Funds:

	General Fund	Electric	Water	Solid Waste	Total
2018	$3,466,023	$3,480,066	$6,022,612	$523,248	$13,471,949
2019	$2,478,630	$4,358,531	$6,666,673	$929	$13,504,763
2020	$2,142,002	$1,729,036	$6,718,587	$267,911	$10,857,536
2021	$2,996,215	$2,392,856	$5,764,744	$380,067	$11,533,882

Cash balances in the General, Electric and Water Funds include cash from their respective capital projects.

Statement of Cash Flows From Operations:

	Electric	Water	Solid Waste	Total
Operating cash increase (decrease) 2018	$2,246,479	$3,671,787	$450,055	$6,368,321
Operating cash increase (decrease) 2019	$1,559,859	$3,263,406	($13,777)	$4,809,488
Operating cash increase (decrease) 2020	$2,142,002	$2,490,388	$605,545	$4,759,733
Operating cash increase (decrease) 2021	$2,378,287	$3,023,010	$222,685	$5,623,982

Mr. Head explained that the available Fund Balance in the General Fund as a percentage of General Fund expenditures was 38.51%. The LGC requires eight percent (8%). The year prior was 24. 45%.

Mr. Head then discussed the two (2) performance indicators. The first is that in the Electric Fund, the LGC wants the unrestricted cash to be two (2) months, and the City had six (6) weeks. The prior year was four (4) weeks. He suggested that the City could cut expenditures and think about increasing electric rates to avoid an issue in the future. The second performance indicator in the Electric Fund concerns transfers from the Electric Fund to the General Fund. He added that he believed that this indicator was due to an error in the spreadsheet. No law or policy was violated by the City.

Mr. Head stated that this was the cleanest audit of the City's finances in recent history. He cautioned that the LGC was getting picky about audit submittals. The audits are due to the LGC by October 31st each year.

The City Manager explained that Council would review the drafted letter to the LGC at the February 22, 2022 meeting.

CONSIDER AMENDING THE FIBER OPTIC RATES

The City Manager explained that staff was recommending that the Fiber Optic Rates be amended in order to be more competitive. He added that cost of fiber optic has leveled off and speeds have increased.

Councilmember Evans moved to approve Ordinance No. O-2022-03 amending the City of Laurinburg's fiber optic rates. The motion was seconded by Councilmember Williamson, and the vote was as follows:

Ayes: Evans, Williamson Garby, Adams
Nays: None
(copy of Ordinance No. O-2022-03 on file in city clerk's office)

DISCUSSION AND CONSIDERATION OF SHOWING APPRECIATION TO ST. ANDREWS UNIVERSITY

The City Manager explained that staff wanted to follow up from the November 19, 2021 meeting where a possible resolution or proclamation showing support for St. Andrews University (St. Andrews) was discussed.

Councilmember Adams explained that she brought this matter up for discussion because she had seen so much cooperation from St. Andrews staff, faculty and students with events sponsored by the Downtown Advisory Commission. She added that St. Andrews was very important to the community.

Councilmember Williamson explained that he agreed with Councilmember Adams. He added that he had mentioned that since the City maintains Dogwood Mile, that the City could partner with St. Andrews in improving it.

The City Manager explained that there had been multiple discussions internally concerning the dogwood trees. He added that the City had partnered with St. Andrews in the past by installing underground utilities along Dogwood Mile and improving lighting. In in order to address safety concerns, St. Andrews had paid for every other streetlight in order to have more lighting closer than the City's standard of 300 feet.

Following discussion, it was consensus of Council for staff to prepare a resolution showing support for St. Andrews University for consideration at the February 22, 2022 meeting.

NC DEPARTMENT OF TRANSPORTATION LOGO SIGNAGE UPDATE

The City Manager explained that it had been extremely frustrating dealing with NC Department of Transportation (DOT) to update and add signage on US Highway 74 to represent the City's retail growth such as Starbucks and Firehouse Subs. He added that he had emailed and sent letters to Senators McInnis and Britt and Representative Pierce requesting their assistance with DOT.

CONSIDER BIDS FOR NORTH FIRE STATION

The City Manager explained that on December 21, 2021 bids for the North Fire Station were opened. Three (3) companies submitted bids for a base bid with options. He added that after review, the City Attorney determined that the lowest bidder had made an error on its bid and was therefore non-responsive. The other two (2) bids well above the budgeted amount. Staff recommends that that all bids be rejected and that the project is bid out again to be opened on February 10, 2021.

Councilmember Evans moved to reject all bids submitted for the North Fire Station to allow staff to work with architect to make reasonable changes to the specifications that can be made, while still being able to construct the facility that is needed for our community. The motion was seconded by Councilmember Garby, and the vote was as follows:

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

UPDATE ON GOLDEN LEAF

The City Manager explained that in conjunction with bids on the North Fire Station, staff was requesting that Council consider requesting additional funding from the Golden Leaf Foundation that would require the City to provide matching funding up to $375,000. This matching amount could be in the form of in-kind work. The City has received a $1.25 million grant from Golden Leaf, and requested an additional $920,000. Because all of the Golden Leaf allotment had been tapped out in June 2021, the amendment was pulled. The City Manager explained that he received a call from the Golden Leaf Foundation that the foundation would probably provide additional funding of $375,000 if the City would match that amount.

Following a brief discussion Councilmember Williamson moved to submit a modification to the Golden Leaf Foundation such that the City would match up to $375,000 of either in-kind services or using American Recovery Program funds. The motion was seconded by Councilmember Garby, and the vote was as follows:

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

DISCUSSION OF COUNCIL VACANCY

The City Manager explained that General Statute 160-63 is the process for filing vacancies on municipal governing boards. In 2013 City Council adopted a process for filling vacancies. Council could appoint someone to fill the vacancy, but only until the next election, which at this time is May 17, 2022, but could be pushed out until June 2022. Staff needs direction on how to proceed.

Mayor Willis explained that a previous council adopted the process for filling vacancies, so if council wants to appoint someone to fill the seat until the May 17, 2022 elections, then a time period for accepting applications needed to be set. Council would then interview applicants and appoint someone for the vacancy.

Upon question by Councilmember Evans, the City Attorney stated that if Council wanted to amend the policy it could do so. He added that there were historical reasons and transparency reasons for the current policy.

Councilmember Evans stated that since there is a suitable person, she would like to appoint someone at this meeting. She then moved to appoint Mrs. Rosemary Rainer to the vacant seat on Council.

Upon question by Councilmember Garby, Mrs. Rosemary Rainer stated that she did want to be appointed.

Councilmember Garby seconded the motion so that the matter could be discussed. He then stated that since there is a policy in place Council should follow it in order to be transparent.

Councilmember Williamson stated that he was concerned about abandoning a process that had been determined. He added that he no one would say that Mrs. Rainer would not be an excellent councilmember.

Councilmember Adams stated that she believed that Council should follow its process for appointing a councilmember.

Discussion ensued concerning previous manners in which vacancies on Council were filled prior to the policy.

Mayor Willis called for a vote on the motion to appoint Mrs. Rosemary Rainer on this night, January 18, 2022. The vote was as follows:

Ayes: Evans, Garby,
Nays: Williamson, Adams

Since there was a tie vote, Mayor Willis explained that his vote was about the process and not the candidate. He voted Nay.

Councilmember Williamson moved to follow the process of filling vacancies and accept applications until 5:00 p.m. on Friday, January 21, 2022, and hold a special meeting on Tuesday, January 25, 2022 at 6:00 p.m. to vote on the candidate. The motion was seconded by Councilmember Gary, and the vote was as follows:

Ayes: Williamson, Garby, Adams
Nays: Evans

APPOINTMENTS

SOUTHEASTERN REGIONAL AIRPORT AUTHORITY

Mayor Willis announced that he had reappointed Quinn DeBerry and Thomas Parker to terms on the Southeastern Regional Airport Authority, and that both had been sworn in by the City

Clerk.

COMMENTS FROM MAYOR/COUNCILMEMBERS

Councilmember Adams suggested that Council should recognize Zamir White for his accomplishments on and off the football field.

Mayor Willis explained that Zamir White was an outstanding and inspirational young man. He added that he had discussed a date with him for some type of recognition, and Zamir will be in the Laurinburg area on March 4, 2022.

ADJOURNMENT

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously approved to adjourn the meeting. The meeting adjourned at 8:24 p.m.

James T. Willis, Mayor	Jennifer A. Tippett, City Clerk