

**CITY OF LAURINBURG  
COUNCIL MEETING  
MARCH 21, 2006  
MUNICIPAL BUILDING  
7:00 P.M.**

**Minutes**

The City Council of the City of Laurinburg held its regular monthly meeting March 21, 2006 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Ann B. Slaughter, Mayor, presiding. The following Councilmembers were present: Rembert DeBerry, Lisa D. Griswold, Curtis B. Leak, Herbert M. Rainer, Jr. and Thomas W. Parker, III.

Also present were: Craig F. Honeycutt, City Manager, Dolores A. Hammond, City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Councilmember Rainer gave the invocation.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Leak, seconded by Councilmember Griswold, and unanimously carried to approve the proposed minutes of the regular meeting held February 21, 2006.

**PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 114 JOHN STREET**

Mayor Slaughter explained that Mr. Neil Smith of MilCo, LLC is requesting that property located at 114 John Street be rezoned from Residential-6 to Office Institutional. She then declared the public hearing open.

There was no one to speak for or against the request.

Councilmember Parker moved for the adoption of Ordinance No. O-2006-02 which rezones from Residential-6 to Office Institutional property located at 114 John St. Councilmember Rainer seconded the motion and it was adopted by the following vote:

Ayes: Parker, Rainer, Griswold, Leak, DeBerry

Nays: None

(Ordinance No. O-2006-02 on file in the City Clerk's Office)

**PUBLIC HEARING ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CHILDREN'S DAYCARE FACILITY**

Mayor Slaughter explained that Ms. Jacqueline Morris is requesting a conditional use permit to operate a children's daycare facility at 14941 Phillips Drive. She then declared the public hearing open.

Mr. Bill Peele, Planning and Zoning Officer, being duly sworn, stated that Mrs. Jacqueline Morris has requested that a conditional use permit be granted for the operation of a children's daycare center at her home at 14941 Phillips Drive. The proposed facility would provide care for up to twelve children per shift. The application submitted by Mrs. Morris was reviewed by the City's Planning staff with the findings of the review being:

- The property located at 14941 Phillips Drive is within the planning jurisdiction of the City of Laurinburg.
- The application submitted by Mrs. Morris is complete.
- The improvements proposed by Mrs. Morris in her application, when completed, would be in substantial compliance with the regulatory provisions of the Unified Development Ordinance.

The Laurinburg Planning Board considered this request at its February 14, 2006 meeting and unanimously concurs with the findings of the Planning staff. It is the Board's recommendation that a conditional use permit be granted in this matter.

There was no one to speak for or against the request.

Upon questioning by Councilmember Rainer and the Assistant City Attorney, Mr. Peele explained that the improvements referenced in Mrs. Morris' request are not required for issuance of the conditional use permit. He further explained that Mrs. Morris wants to separate the daycare facility from the living area in her home.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to grant a conditional use permit to operate a children's daycare facility located at 14941 Phillips Dr.

## **DELEGATIONS**

### ***St. John's Holiness Church***

Zack Rogers, Pastor of St. John's Holiness Church appeared before Council to express his concern regarding an event that happened on the premises of the church on February 26, 2006. Pastor Rogers stated that on the particular day mentioned above a police officer entered the church in uniform and fully armed. He told council that later he was informed that there were also officers outside the church. He stated that the congregation was confused, as he was, about the officer's presence. He then stated that one of the church's officers asked the police officer if he could be helped and the officer replied, "No, I am just here for the service". He then stated that the officer remained for the one and ½-hour service without anyone in the church knowing the real purpose of the officer's attendance. Pastor Rogers explained that if the Laurinburg Police Department had talked to him and informed him as to why the police officer was there, the disruption of the congregation could have been avoided. Upon learning that the police officer was looking for the church's musician, the Pastor stated he or one of the church's officers would have asked the musician to speak with the police officer. Pastor Rogers then explained that he later learned that the church's musician was apprehended once the sermon had ended. He further explained that the next day he visited Chief Malloy to discuss the situation and learned that because of the circumstances and possible danger of the individual being sought, it was in the best interest of the pastor and church members that the information not be shared with anyone in order to protect the church. Pastor Rogers then explained that he felt that the church was in more danger by not knowing what was going on. He then stated that he felt the way the situation was handled was not acceptable. He further stated that Chief Malloy asked what could be done to help this matter. Pastor Rogers stated that he informed Chief Malloy the least that could be done was to offer an apology. He further stated that he did not get that. He then explained that the reason he is at the Council meeting is to be heard and to let Council know what happened at his church. Church is supposed to be a sacred place where you can go and worship, praise God, have a good time with the service of the Lord and not be disrupted. Pastor Rogers concluded by stating that there was more danger in the church because he did not know what was going on.

Mr. Kenneth Rogers, member of St. John's Holiness Church, appeared before Council to comment on the incident that occurred at the church on February 26, 2006. Mr. Rogers thanked Council for the opportunity to speak. He began by stating that the church has a congregation of a few hundred members and is located on the north side of Laurinburg in the Lincoln Heights area near I. E. Johnson School. He then stated that the church shares Council's interest and admiration for the Laurinburg community where parents, grandparents, and children live. He also stated that there are citizens concerned about the message sent to our youth. He also stated that there is concern about the guests in the church that want to become members. He then stated that the church had to apologize to those individuals and to the youth of the church regarding the incident because St. John's did not have to be involved and the service did not have to be disrupted. He also stated that one must be careful in their actions and what is shown to our children. He explained that there was something missing from the situation and that was professional protocol. He then stated that the church, congregation, and especially the pastor deserved more from the police department.

Mr. Rogers reemphasized the discomfort and confusion, as well as the potential endangerment, experienced by the congregation because of the incident. Mr. Rogers stated that the church only asks for an apology because they were

not accomplices in the situation; however he feels that the church was treated as so. He concluded by stating, "We are friends and neighbors and when our neighbors disrespect us in our house, what can we do?"

Chief Robert Malloy addressed Council and informed Council that he respected what had been said and took no issue with any of it. He explained that the police department was informed that an individual, who was being sought by law enforcement, was at St. John's Holiness Church and that there were 34 warrants for his arrest and the individual was wanted on federal charges. He then explained that this was not an ordinary situation, and the officer responsible for apprehending the individual was informed that he better not let the individual get away.

Chief Malloy informed Council that he had met with the Pastor and explained the sequence of events and asked what would help to appease this situation. He stated that Pastor Rogers told him that an apology would be helpful. Chief Malloy stated that he did meet with the congregation the following Sunday and "out of respect for the pastor and the congregation, I apologized for the officer having to come to the church to do his job." He then stated that the officer did make the arrest outside the church after the service was finished.

Chief Malloy also stated that he had spoken with the Pastor and asked if the apology was offered was acceptable. He stated that Pastor Rogers said that it was not mentioned that it would not happen again in another church. Chief Malloy explained that he could not address the issue to other churches because this event dealt with one particular church. He stated that he told the Pastor that he would do all within his human power to ensure that it would not happen at his church, will meet with staff, and will share with them the sensitivity of this situation so that they can be aware of it if a similar situation arises. He asked the Pastor if he would share with the congregation on Sunday his comments about trying not to let this situation occur in the church again and, if preferred, Chief Malloy would be glad to come and speak to the church once again. Chief Malloy concluded by stating that the Pastor told him he would relay the information to the congregation. Chief Malloy stated that he had heard nothing further.

Upon question by Councilmember Griswold, Chief Malloy stated that he has spoken with his staff about future situations in order to help avoid, as much as possible, the situation happening again.

Councilmember Leak expressed his concern about the way this situation was handled. He stated that, because the church is in his district and in the spirit of sensitivity, in the future, city staff should try to handle things professionally and work towards a common ground. Councilmember Leak personally apologized for the way the situation was handled and stated that if there was anything that he could do to feel free to call on him. He concluded by stating that perhaps in the future the situation would not happen at any church in Scotland County.

Councilmember Rainer stated that in the beginning when he first learned of the situation he looked at it in terms of a Councilmember supporting the job of the police department. He then stated that there are two sides to a story and began to look at it as a member of the congregation. He then sincerely apologized for the distraction in the church and expressed the hope that this type of situation can be avoided in the future. Councilmember Rainer stated that he hopes that the church and congregation can forgive the City of Laurinburg and the police department as good church people do.

Councilmember Griswold stated that she feels that the police department does excellent work and that she is sorry that on this occasion their actions upset the church and its congregation. She stated that she feels that the police department does excellent work in trying to keep everyone safe. She concluded by stating that she feels that steps have been taken by the Chief to try to avoid this same situation in the future.

Councilmember DeBerry stated that after hearing from the Pastor and Kenneth Rogers tonight he can imagine how they felt during this incident. He also apologized to the church and its congregation on behalf of the City for the distraction in the church and stated that he hopes it will not happen again.

Councilmember Parker stated that he concurs with his fellow Councilmembers. He stated that he does not think that the police department did anything intentionally to upset the church. He further stated that sometimes things happen with reason and feels that the police department was more focused on doing its job than the sensitivity of the church. He further stated that he feels that a lesson has been learned. He continued by stating that the congregation, being

citizens of the City of Laurinburg, was not intentionally mistreated, but the church's time was violated so to speak. Councilmember Parker apologized for what happened and stated that knowing how professional the chief is that this situation will not happen again in this congregation or any other congregation in any district. He concluded by stating that he thinks, "We are all apologetic to what has happened here".

Mayor Slaughter thanked everyone for coming to the meeting and bringing this information to Council to give a better understanding of what happened. She stated that she thinks everyone would agree that we have a good All America City. She concluded by stating that there has not been anything like this before and that she does not think anything will happen like this again.

### ***U.S. Census Bureau***

Ms. Lucinda E. Scurry-Johnson appeared before Council to explain that Laurinburg and Scotland County is one of nine counties in North Carolina chosen as a site to serve as a dress rehearsal for the 2010 census. The dress rehearsal will be used to test procedures and equipment to be used in the census. She expressed gratitude that the City of Laurinburg has agreed to participate in this testing. She explained that the dress rehearsal would be over a two-year time period beginning in the spring to test address listings in more rural areas. She added that only the short-form census would be utilized. She again thanked the City for agreeing to participate in the dress rehearsal.

### ***LAURINBURG HOUSING AUTHORITY - MRS. NANCY WALKER***

Mrs. Nancy Walker, Executive Director of the Laurinburg Housing Authority, appeared before Council to ask Council to consider setting up a Historic Preservation Commission in order to designate Central School located at 305 McRae St. as a historic landmark. She then explained that this designation would allow the proposed renovation project to turn the school into apartments to be more competitive for tax credits and funding for the property to be developed. She explained that in reviewing the financial figures for this project, a problem was discovered with the debt ratios, particularly in the later years of the debt repayment. She also stated that there are strict rules on pro forma analysis; therefore, it was necessary that ways to reduce the debt ratio be investigated. She explained to Council that one way to do this would be to have the building designated as an historic landmark. She then stated again that in order for the school to be declared a landmark, the City must establish a Historic Commission. She concluded by stating that having the property designated as an historic landmark would make the application more competitive for tax credits.

The City Manager explained that the proposed resolution would direct him to begin the process of initiating steps in establishing a historic preservation commission. He stated that rules, by-laws, and design guidelines that are already set by the State Historic Preservation Office would need to be reviewed. He then stated that, because of the enormous amount of paperwork required, Mrs. Walker has arranged for Bill Farris, her consultant, to work with the City on this process. He explained that this would allow Mrs. Walker to state in her application that the City is moving towards establishing a Historic Preservation Commission.

Upon question by Councilmember Rainer, the City Manager explained that planning staff would work on this with Mrs. Walker and that it should not involve too much work for the staff since it is only dealing with one property.

The City Attorney stated that the proposed resolution authorizes the City Manager to initiate steps in establishing a Historic Preservation Commission by reviewing alternatives for the Commission and presenting the necessary ordinance and policies to City Council for consideration. It does not deal specifically with the subject property.

Councilmember Leak moved for the adoption of Resolution No. R-2006-07 which authorizes the City Manager to initiate steps to establish a Historic Preservation Commission by reviewing alternatives for the Commission and to present the necessary ordinance and policies to City Council for consideration. Councilmember DeBerry seconded the motion, and it was adopted by the following vote:

Ayes: Leak, DeBerry, Parker, Rainer, Griswold

Nays: None

(Resolution No. R-2006-07 on file in the City Clerk's Office)

## **AWARD OF BID – 2006 STREET RESURFACING PROJECT**

The City Manager explained that bids were let Thursday, March 16, 2006 for the 2006 Street Resurfacing project. He stated that Hudson Paving Company of Rockingham, NC was low bidder for this contract in the amount of \$156,240.00. He then stated that this figure is under the budgeted amount of \$169,000.00. The City Manager concluded by stating that staff's recommendation is to award to Hudson Paving the contract based on its low bid.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to accept the low bid of Hudson Paving Company in the amount of \$156,240.00 for the 2006 Street Resurfacing Project.

## **RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS PROPERTY AND AUTHORIZING THE DEPOSITION**

The City Manager explained that the Finance Department, the Police Department, and Public Works have items which they would like to declare surplus. He then explained that the Finance Department replaced the safe that was being used in Light and Water in 2001, and the old safe is no longer being used by any City department. He also explained that the Police Department has a new computer system and all equipment was replaced, and that Public Works has cell phones and a longleaf box that is no longer needed.

Councilmember Parker moved for the adoption of Resolution No. R-2006-08 which declares certain items to be surplus property and authorizes their disposition. Councilmember Rainer seconded the motion, and it was adopted by the following vote:

Ayes: Parker, Rainer, Griswold, Leak, DeBerry

Nays: None

(Resolution No. R-2006-08 on file in the City Clerk's Office)

## **REQUEST FOR A CONDITIONAL USE PERMIT TO CONVERT THE FORMER CENTRAL SCHOOL PROPERTY TO ELDERLY APARTMENTS AND TO SET A PUBLIC HEARING**

The City Manager explained that Mr. Scott Redinger on behalf of Opportunities, Inc. is requesting a conditional use permit to allow the conversion of Central School located at 305 McRae Street to an elderly apartment complex. The Laurinburg Planning Board heard this request at its regular meeting held March 14, 2006 and recommends approval of the request.

Motion was made by Councilmember Leak, seconded by Councilmember Rainer, and unanimously carried to set a public hearing for Tuesday, April 18, 2006 at 7:00 p.m. in the council chambers of the Municipal Building to consider a request for a conditional use permit to convert the former Central School located at 305 McRae Street to elderly apartments.

## **REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 56-UNIT APARTMENT COMPLEX LOCATED ON PLAZA ROAD AND TO SET A PUBLIC HEARING**

The City Manager explained that Mr. Brad Parker of Greenway Development Company is requesting a conditional use permit to construct a 56-unit apartment complex on Plaza Rd. The Laurinburg Planning Board heard this request at its regular meeting held March 14, 2006 and recommends approval of the request.

Councilmember Parker stated that he has a financial interest in the request for a conditional use permit to construct apartments on McColl Road (the next agenda item) in that he is the owner of the property in question. He also stated that the request for a conditional use permit regarding the Plaza Road property could have a bearing on the McColl Road request because both are in competition with one another for financing of the projects. Councilmember Parker requested to be excused from voting on both issues.

Motion was made by Councilmember Rainer, seconded by Councilmember DeBerry, and unanimously carried to allow Councilmember Parker to be excused from voting on the Plaza Road request and the McColl Road request.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to set a public hearing for Tuesday, April 18, 2006 at 7:00 p.m. in the council chambers of the Municipal Building to consider a request for a conditional use permit to construct a 56-unit apartment complex located on Plaza Road. Councilmember Parker did not vote on the motion inasmuch as he had been excused.

### **REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 40-UNIT MULTIFAMILY APARTMENT COMPLEX LOCATED ON McCOLL ROAD AND TO SET A PUBLIC HEARING**

The City Manager explained that Ms. Holly Smith of Caiseal Development is requesting a conditional use permit to construct a 40-unit apartment complex located on McColl Road. The Laurinburg Planning Board heard this request at its regular meeting held March 14, 2006 and recommends approval of the request.

Motion was made by Councilmember DeBerry, seconded by Councilmember Rainer, and unanimously carried to set a public hearing for Tuesday, April 18, 2006 at 7:00 p.m. in the council chambers of the Municipal Building to consider a request for a conditional use permit to construct a 40-unit apartment complex located on McColl Road. Councilmember Parker did not vote on the motion inasmuch as he had been excused.

### **REQUEST FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT TO OPERATE A CHILDREN'S DAYCARE FACILITY AT 707 WEST ALLEN LANE AND TO SET A PUBLIC HEARING**

The City Manager explained that Mr. Darwin Williams is requesting an amendment to a conditional use permit to operate a children's daycare facility at 707 West Allen Lane. He then explained Mr. Williams was granted a conditional use permit in June 2005 to operate a children's daycare facility for eight children. He stated that this amendment is requesting that the facility be allowed to accommodate fifteen children. The Laurinburg Planning Board heard this request at its regular meeting held March 14, 2006 and recommends approval of the request.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to set a public hearing for Tuesday, April 18, 2006 at 7:00 p.m. in the council chambers of the Municipal Building to consider a request for an amendment to the conditional use permit to operate a children's daycare facility at 707 West Allen Lane.

### **COMMUNITY ACCESS CHANNEL RULES AND REGULATIONS REVISIONS**

The City Manager stated that the Community Access Channel Committee met on February 28 to discuss possible changes to the rules and regulations governing the public access channel. He then explained that part of the proposed changes deal with not allowing "ballot issues" to be part of the programming. He further explained that advertising for legally qualified candidates for public office is now prohibited and that, with the proposed changes, advertising for "ballot issues" (such as school bonds) would also be prohibited.

He also explained that the other changes deal with limiting weekly programming requests (programming to be aired only twice in a one week period and with no programs to exceed two hours) and make provision for continuing a series time slot (a program must contain at least 50% new material).

The City Manager stated that this is a joint committee between the City and the County and the County will also need to approve these revisions before they become effective.

Upon question by Councilmember Leak, the City Manager stated that it is believed that the transfer of ownership from Adelphia to Time Warner Cable will occur in June.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to approve the proposed changes to the Community Access Channel Rules and Regulations.

## **LETTER OF SUPPORT - SCOTLAND WARRIORS ACHIEVING TRIUMPH BASKETBALL TEAM**

The City Manager explained that the City has been requested by Gilbert Abraham to send a letter of support of the Scotland Warriors Achieving Triumph (SWAT) basketball team. He further explained that SWAT is designed as an outlet for our community's youth as its purpose is to help give them the opportunity to cultivate skills and receive essential training that will assist them in their athletic and life skills.

Councilmember Griswold suggested a correction to the proposed letter of support by adding the word "and" in the second sentence as follows: "It is our assertion that the Scotland SWAT basketball team will benefit the students and the great City of Laurinburg ...".

Following discussion, motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to send letter of support as amended to the Scotland Warriors Achieving Triumph Basketball Team.

## **LAUCHWOOD DRIVE – SIDEWALK/UTILITIES**

The City Manager explained that the City has been awarded funding for the upgrading of Lauchwood Drive from the North Carolina Moving Ahead Fund of the Department of Transportation (DOT). He stated that the contract was to have been let in June 2006 but that now it has been delayed until December 2006.

He also stated that as part of this widening and upgrading, the City will have to relocate water/sewer and electrical utilities that are currently in the DOT easement. He then explained that the City is currently working with DOT on this issue and preliminary cost estimates for utility relocation were \$600,000.00. However, staff feels that that by doing the necessary work in house, the City's cost will be much cheaper.

He further explained that a big concern is the lack of sidewalks on Lauchwood Drive. He then explained that sidewalks are not part of the North Carolina Moving Ahead project and that they will have to be paid for by the City. He then stated that staff has looked at the cost and a preliminary estimate is \$134,000.00. He concluded by stating that there are options available and that staff requests that Council allow staff to begin looking at grant and other funding opportunities (including working with Scotland Memorial Hospital) to come up with a plan to install sidewalks during the construction.

The City Manager informed Council that Scotland Healthcare System has committed \$15,000.00 towards the sidewalk project.

A discussion ensued concerning the location of sidewalks. The City Manager explained that the sidewalk would be located on the Holly Square side, the north side of Lauchwood, and then cross over to the south side near the doctor's offices.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to have staff look into grant and other funding opportunities to install sidewalks along Lauchwood Drive.

## **CITY MANAGER REPORT**

The City Manager provided the following information to Council:

*Pate's Water System* – All of the City's hurdles with the Local Government Commission have been cleared, and the City is now waiting for approval from the NC Utility Commission. Final transfer is expected to occur May 1, 2006.

*Volunteers Needed for Greenway Committee* – Bob Bell is currently heading up a Greenway Subcommittee for the Scotland County Parks and Recreation Committee. If there are any persons that Council would like to recommend for this committee, please let either Bob or the City Manager know.

*10-Year Plan Retreat March 24* – The Retreat will be held on March 24 beginning at 1:00 p.m.

*Reception on April 18* – Pete Morris, Beautification Director, has scheduled a reception on April 18 at 6:30 pm before the April Council meeting to honor and recognize the City's volunteer adopt-a-spot group leaders. April is Litter Awareness Month, and during the council meeting, the volunteer group leaders will be presented certificates that recognize their anti-litter efforts.

*COG Annual Dues* – Councilmember Leak requested at the last council meeting to be informed of the annual COG dues. The dues are \$4,921.00.

## **OTHER**

Mr. Pete Morris, Beautification Director, stated that he and the Mayor had recently traveled to Raleigh for a meeting at which the City received its 27<sup>th</sup> consecutive Tree City Award. The City is one of only five cities to receive this award 27 or more consecutive times.

Councilmember Leak stated that staff needed to inspect the tree trimming work in the South Pine Street area.

Mr. Morris explained that the Electric Department informed him that new poles were being installed and that it was necessary to severely trim the trees in order to replace the poles.

The City Manager stated that a new process for trimming trees would be started soon. This process will involve the Beautification Director with tree trimming done by the Electric Department. This will ensure that the trimming is done in the most arbor culturally sound way.

## **PUBLIC COMMENT PERIOD**

There was no one present to speak during the Public Comment Period.

## **CLOSED SESSION**

At 8:22 p.m. motion was made by Councilmember DeBerry to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(4) for the purpose of discussing matters relating to the location or expansion of industries in the area served by this public body and to review minutes and/or general accounts of previous closed sessions. The motion was seconded by Councilmember Leak and unanimously carried.

At 9:01 p.m., upon returning to the council room, motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to adjourn the closed session and resume the open meeting.

## **RECESS**

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak and unanimously carried to recess the meeting until Friday, March 24, 2006 at 1:00 p.m. in the council room of the Municipal Building located at 303 West Church St., Laurinburg, NC for the purpose of Council's Annual Planning Retreat.

The meeting was recessed at 9:02 p.m.

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Ann B. Slaughter, Mayor

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Dolores A. Hammond, CMC, City Clerk