

**CITY OF LAURINBURG
COUNCIL MEETING
SEPTEMBER 18, 2007
MUNICIPAL BUILDING
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held its regular monthly meeting September 18, 2007 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, Amanda B. Faulk, Curtis B. Leak, Thomas W. Parker, III, and Herbert M. Rainer, Jr.

Also present were Craig F. Honeycutt, City Manager, Dolores A. Hammond, City Clerk, and J. Robert Gordon, City Attorney.

Mayor Slaughter called the meeting to order at 7:00 p.m. Councilmember DeBerry gave the invocation.

APPROVAL OF MINUTES

Motion was made by Councilmember Leak, seconded by Councilmember Faulk, and unanimously carried to approve the proposed minutes from the regular meeting held August 21, 2007.

PUBLIC HEARING TO REZONE FROM RESIDENTIAL-6 TO GENERAL BUSINESS PROPERTY LOCATED IN THE 600 BLOCK OF EAST CHURCH ST.

Mayor Slaughter explained that Devin Russo has requested that property located in the 600 block of East Church Street be rezoned from Residential-6 to General Business to develop an automobile fabrication and repair shop at this location. She stated that the Planning Board at its meeting on August 14, 2007 recommended 5-1 to approve the rezoning request.

She then declared the public hearing open.

Mr. Devin Russo appeared before City Council and explained that he was requesting the rezoning of four (4) lots in the 600 block of East Church Street from Residential-6 to General Business in order to build and operate a custom chassis and fabrication shop. He explained that the business would specialize in building chassis for show and off-road use. He stated that aftermarket accessories would be installed. He then explained that welding and shaping metal will be a big part of the business, so welders, torches, saws; air compressors and air-operated tools such as impact, air ratchets and air hammers will be utilized. He then stated that all work will be done within the confines of the building in order to reduce noise production and that there will not be a steady stream of vehicles in and out of the shop. Mr. Russo explained that the work is very tedious; he works on just a few vehicles at a time, and there will be no reason to have numerous vehicles parked outside the shop. He added that because the operation will not be a body shop, large quantities of paints, thinners or other harsh chemicals would not be of concern. Mr. Russo discussed the size of the lots and the size and location and construction of the proposed metal building. He stated that the metal building would be surrounded by an 8-foot cyclone fence for security. He added that the front of the building facing East Church Street may not have fencing, but he will discuss his fencing plans with the City Planning Officer to ensure that his plan meets all requirements. He concluded by stating that Leyland cypress trees will also be planted in order to protect the proposed site from residential neighbors.

Upon question by Councilmember DeBerry, Mr. Russo explained that, although he can work on engines, engines are not his specialty; therefore, there would not be a lot of engine noise generated from his business.

Upon question by Councilmember Rainer, Mr. Russo stated that the Leyland Cypress trees would not be very large but

would be evenly spaced around the outside of his property.

Upon question by Councilmember Parker, Mr. Russo stated that the hours of operation of his business would be 8:00 a.m. until 5:00 p.m., Monday through Friday. He added that he might occasionally work on Saturday.

Ms. Connie Silva of 408 Second Street appeared before Council and explained that her concerns include noise, the appearance of a cyclone fence in the neighborhood, the safety of welding gases, and that the rezoning might be considered spot zoning.

Mr. Freddie Hatcher of 414 Second Street appeared before Council and expressed concern about the problems associated with activity from the bus station. He explained that he works at a car shop and it is noisy. He also expressed concern about the safety of children playing in the area. He concluded his comments by stating that since Johnny Evans became Interim Police Chief, problem activity at the bus station had been reduced by 25%, and he thanked Interim Chief Evans.

Mayor Slaughter closed the public hearing.

Mayor Slaughter explained that a protest petition has been lodged against the rezoning request, and the petition is valid and certified by the City Clerk. She then explained that with a protest petition, a vote of a minimum of four (4) in favor is required before any approval can be given.

Upon question by Councilmember Leak, Mr. Bill Peele, City Planner/Zoning Officer, explained that Mr. Russo's plan would have to be in compliance with every element of the City's Unified Development Ordinance before a zoning permit would be issued.

Upon question by Councilmember Parker, Mr. Peele explained that the General Business zoning district is a retail and general business type zoning that would allow anything from convenience stores, restaurants, motels, machine shops, and churches to banks. He added that the General Business zone allows everything short of industrial-type uses.

Upon question by Councilmember DeBerry, Mr. Peele explained that when zoning is projected, planners look at variables such as traffic, what is located in the area, and the likelihood of the property developing as it is currently zoned. He added that on the north end of town a lot of the parcels along North Main Street are already zoned commercial even though there are houses located on the property. He stated that the City was not trying to create a trend but to instead create an area that was conducive to commercial development which is how the City projects the area would develop. Mr. Peele added that there has been very little development along East Church Street since he has worked at the City. He concluded by stating that often property is left zoned a certain way, and if a proposal is submitted, the change in zoning establishes a trend similar to South Main Street where property is moving to commercial and Office/Institutional.

Upon question by Councilmember Rainer, Mr. Peele explained that the old high school site is zoned Office/Institutional and going east from it to the property where the used tire business was formerly located is zoned General Business. Residential-6 zoning picks up from there and goes to the City Limit.

Upon question by Councilmember Parker, Mr. Peele explained that the General Business zoning was in place when City zoning went into effect.

Motion was made by Councilmember Leak to approve Ordinance O-2007-16 to rezone from Residential-6 to General Business property located in the 600 block of East Church Street with the findings that it is consistent with other development in the area, that it advances the public health, safety or welfare, and provides a positive impact to the public at large; that the proposed development meets all standards and requirements in the regulations that are applicable to the proposed use; and that it be subject to the conditions set forth on the submitted site plan. Councilmember DeBerry seconded the motion. The vote was as follows with the motion being defeated:

Ayes: Leak, DeBerry

Nays: Parker, Rainer, Faulk
(Ordinance No. O-2007-16 on file in the City Clerk's Office)

BOY SCOUT TROOP 447

Mayor Slaughter welcomed members of Boy Scout Troop 447, First United Methodist Church, who are working on their citizenship badges. She explained that she wanted them to experience the public hearing. She presented them with city pins.

CITY INTERN

Mayor Slaughter welcomed Kate McRae, a high school intern working with the City.

LAURINBURG DOWNTOWN REVITALIZATION CORPORATION

The City Manager explained that the City's appointments of Craig Honeycutt, Lisa Blalock, and Frances Willis' two-year terms ended on August 31, 2007. He stated that if Council approves, Mr. Honeycutt and Mrs. Willis have agreed to serve if reappointed. He then explained that since these are City appointees, the other position could be a City Council member or another member at the choosing of Council. These terms would expire August 31, 2009.

Councilmember Faulk explained that she was willing to serve in the slot vacated by Councilmember Blalock. She explained that there are a total of five (5) positions to be appointed by City Council and that she can make recommendations for the other vacant positions if Council so desired.

Following discussion, motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to appoint Craig Honeycutt, Frances Willis and Amanda Faulk to the Laurinburg Downtown Revitalization Corporation Board and for councilmembers to suggest additional names of persons willing to serve in the remaining two (2) board positions.

REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A DAYCARE CENTER AT 913 ISABELLE STREET

The City Manager explained that Ms. Shirley A. Campbell has requested a Conditional Use Permit to operate a children's daycare center at 913 Isabelle Street. He stated that Council needs to set a public hearing on the request for the October 16, 2007 City Council meeting. Ms. Campbell presented her case to the Laurinburg Planning Board on September 11, 2007, and it was recommended unanimously to approve the request.

Motion was made by Councilmember DeBerry, seconded by Councilmember Parker, and unanimously carried to set a public hearing for Tuesday, October 16, 2007 at 7:00 p.m. in the council room of the Municipal Building to consider a request for a conditional use permit to operate a daycare center at 913 Isabelle Street.

ORDINANCE TO AMEND THE 2007-2008 BUDGET APPROPRIATION ORDINANCE (ORDINANCE NO. O-2007-11)

The City Manager explained that with the approval of the Buxton contract at the August meeting, Council needs to appropriate funding for the project. The proposed ordinance would amend the City's Annual Budget Appropriation Ordinance (Ordinance No. O-2007-11) by allocating the following amounts in the General Fund:

\$30,000.00 revenue from the General Fund Appropriated (10-439900) to Contract Services (660504500)

Councilmember Parker moved for the adoption of Ordinance No. O-2007-17 which amends the 2007-2008 Budget Appropriation Ordinance (Ordinance No. O-2007-11) in order to allocate funds in the General Fund. Councilmember Rainer seconded the motion, and it was adopted by the following vote:

Ayes: Parker, Rainer, Faulk, Leak, DeBerry

Nays: None

(Ordinance No. O-2007-17 on file in the City Clerk's Office)

DISCUSSION CONCERNING FUNDS FOR TRAFFIC IMPROVEMENTS ON WEST BOULEVARD

The City Manager explained that when Council approved the rezoning request for the location of Staples off West Boulevard, a traffic study was required by the Department of Transportation (DOT) to look at improvements to the ingress and egress of the site, with the improvements being a cost that the developer would incur. He stated that the proposed cost of the improvements (widening stacking lanes, a new traffic signal, improvements on 401 and the improvements at the Westwood/West Boulevard intersection) are approximately \$600,000.00-\$700,000.00.

The City Manager explained that during this time, there has been a new development approved by Tricor at the Wal-Mart site for an additional 24,000 square feet of retail development. He then explained that Mr. Kenneth Robinette would like to request that City Council ask the DOT to help with the funding of this project, since it will benefit the additional development in this area (including the existing Wal-Mart) and not just his development. He stated that the funds requested would be funding from the DOT Board members' discretionary funds with no City expenditures required to complete the project.

Upon question by Councilmember Rainer, the City Manager explained that if DOT does not provide funding for the traffic improvements, the developer of Staples would be required to fund the improvements. He further explained that the developer had indicated that the improvements might be too expensive for it to fund by itself. He stated that since the improvements would benefit the new retail development, Westwood and Scotsdale Subdivisions, and Wal-Mart, the developer and Staples felt that DOT should help with the funding of the improvements.

Councilmember Parker explained that the Tricor property is already zoned General Business; that traffic improvements would not be a prerequisite to any new development on that property, and that the traffic situation will only get worse. He further explained that the ingress/egress plan submitted by Wal-Mart for its expansion several years ago was inadequate, and DOT erred when it approved the plan.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor to execute a letter to the North Carolina Department of Transportation asking that it help with the funding of the above project.

APPOINTMENT OF AN ADDITIONAL ASSISTANT CITY ATTORNEY

The City Manager explained that at the recommendation of City Attorney Bob Gordon, he would like the City to appoint Bill Floyd of Gordon, Hicks & Floyd, P.A. as an additional Assistant City Attorney for the City of Laurinburg, replacing Mr. John Horne.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to appoint Mr. Bill Floyd, of Gordon, Hicks & Floyd, P.A. as an additional Assistant City Attorney for the City of Laurinburg.

LUMBER RIVER COUNCIL OF GOVERNMENT'S (COG) ANNUAL DINNER MEETING

The City Manager explained that the COG's annual dinner is scheduled for Thursday, October 18, 2007 at 6:00 p.m. at the Southeastern NC Agricultural Center in Lumberton. He stated that if any councilmember is interested in attending, please let the City Clerk know. He also stated that the theme of the dinner is a "60's" dinner.

INDUSTRIAL DEVELOPMENT FUND GRANT FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE

The City Manager explained that the City has applied for an Industrial Development Fund grant from the NC

Department of Commerce for the sewer line relocation at Laurinburg/Maxton Airport (LMA) for \$105,300.00. He then explained that the City received notification that the grant was approved, and Council has to authorize the Mayor to enter into the grant agreement. He stated that no matching funds are required for the grant and that once the grant is completed, the lines will be dedicated to LMA.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to authorize the Mayor to execute agreement between the City of Laurinburg and the North Carolina Department of Commerce.

APPOINTMENT TO THE LOCAL FIREMEN'S RELIEF FUND

The City Manager explained that the two-year term of the City Manager has expired, and he is willing to serve on the Board again if re-appointed.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to re-appoint the City Manager to another two-year term to the Local Firemen's Relief Fund.

DESIGNATE A VOTING DELEGATE AND AN ALTERNATE DELEGATE FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONFERENCE

The City Manager explained that the City needs to appoint a member of its delegation to be the voting delegate for the NCLM Annual Conference October 14-16 in Fayetteville. He stated that it has been the past practice of the City Council to appoint the City Manager as the voting delegate and the Mayor as the alternate.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to appoint the City Manager as the voting delegate and to appoint Mayor Slaughter as the alternate voting delegate at the NCLM Annual Conference.

IT DIRECTOR

The City Manager introduced Mr. Marcus Smith, the City's IT Director, to Council.

PUBLIC COMMENT PERIOD

Mayor Slaughter reminded everyone that the rules and regulations of the public comment period are printed on the back of the meeting agenda.

Councilmember Parker explained that although Boy Scout Troop 447 had left, he wanted to encourage them to take full advantage of the opportunities offered by Boy Scouts and become an Eagle Scout. He explained that becoming an Eagle Scout is a defining moment in a young man's life.

There was no one else present to speak.

ADJOURNMENT

Motion was made by Councilmember DeBerry, seconded by Councilmember Parker, and unanimously carried to adjourn the meeting.

The meeting was adjourned at 7:50 p.m.

Ann B. Slaughter, Mayor

Dolores A. Hammond, City Clerk