

**CITY OF LAURINBURG
COUNCIL MEETING
APRIL 22, 2008
MUNICIPAL BUILDING
303 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held its regular monthly meeting April 22, 2008 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Matthew Block, Mayor, presiding. The following Councilmembers were present: Rembert DeBerry, Amanda B. Faulk, Curtis B. Leak, and Herbert M. Rainer, Jr. Councilmember Thomas W. Parker, III arrived at 7:03 p.m.

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

Mayor Block 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 annual planning retreat held March 14 & 15, 2008; the regular meeting held March 18, 2008; and the recessed meeting from March 18, 2008 held on March 27, 2008.

CEMETERY ORDINANCE – MOLLIE FLOWERS, GOSPEL MUSIC STORE

Mayor Block explained that Ms. Flowers is present to address City Council on the cemetery ordinance and the solar crosses in the cemetery.

Mrs. Mollie Flowers appeared before Council by first introducing her husband Buddy and stating that they own and operate the Gospel Music Store in downtown Laurinburg.

Mrs. Flowers informed Council that they are representing a lot of people in the community in regards to the recently amended cemetery ordinance which addresses solar lighted crosses and flags being placed in the cemetery. She stated that they are representing at least 4,271 citizens who signed a petition as well as many more that could not attend the meeting or sign the petition.

Mrs. Flowers stated that she would like to address the issues that those in favor of the removal of the above stated items have raised which are as follows:

1. Mollie is doing this because it is about the money

She informed Council that her bookstore sells the solar powered crosses and in 2006-2007 the sale of the crosses only contributed one-tenth of one percent to the total sales volume of the store. Mrs. Flowers then proceeded to describe her store and business to Councilmembers.

2. The solar powered crosses are tacky, creepy, look like a Halloween or circus presentation and are the work of the devil

Mrs. Flower stated "What can I say?"

3. There is a large, pressing concern that rows and rows of the solar-powered crosses could result in aircraft choosing the wrong landing strip

Mrs. Flowers stated that the cemetery does not look like Arlington National Cemetery yet. She also stated that any airplane pilot would choose one of the city streets with the street lights on both sides for guidance in case of emergency rather than the cemetery.

4. Many of the crosses are in the ground get in the way of the mower and the mower hits and damages them. The mower then runs over the damaged parts and it is a hazard to the maintenance workers. The crosses are designed to go in the flower vase or urn on the headstone

Mrs. Flowers explained that the crosses are off the ground when in the vases and have no contact with the mower. She then explained that flowers are more dangerous because of the plastic materials they are made of and the wire that holds them in place.

5. During the day, the crosses that have been out in the weather for a while look aged and ugly

Mrs. Flowers stated that flowers have less tolerance to the outdoors than flags or crosses

6. Someone suggested a large cross be erected.

Mrs. Flowers explained this would not work because of the number of different religions with and some not accepting or honoring the cross

7. Windstorms tear up a cemetery.

Mrs. Flowers commented that storms also tear up yards and things get picked up and put back in place. Can the cemetery not be treated the same?

8. Several cities were contacted about cemetery regulations.

Mrs. Flowers stated, "Why other cities.? Why not be unique.?"

Mrs. Flowers then explained that on a positive note beauty is in the eye of the beholder, and that the crosses are beautiful at night. She stated that as people are traveling through the community they could make a decision to move to Laurinburg just because of what the cross means.

Mrs. Flowers continued to address Council with an appeal to leave the solar powered crosses and flags in the cemetery.

She concluded by stating that if the ordinance is not reversed or amended, the citizens she represents would like to have a public input meeting to further discuss the change.

ST. ANDREWS PRESBYTERIAN COLLEGE CAMPAIGN UPDATE - MEREDITH BOUNDS

Mayor Block explained that Mrs. Meredith Bounds, Director of the Laurinburg Area Campaign for St. Andrews College, would like to update the City Council and citizens on the progress of the campaign.

Mrs. Bounds updated Council on the Laurinburg Area Campaign for St. Andrews Presbyterian College. She stated that the campaign ends May 31, 2008. She explained that St. Andrews is a major contributor to the quality of life in Laurinburg and Scotland County. She then listed benefits of being a college town.

She also stated that the community benefits from college employment with the college having 250 employees and an annual payroll of seven million dollars.

She concluded by thanking Council for their support throughout the years and asked Councilmembers and the public to think about contributing to the campaign. She also encouraged Councilmembers to share with their constituents the positive aspects of Laurinburg being home to a college.

COMMUNITY GARDEN LOCATED AT LAURINBURG PRESBYTERIAN CHURCH – SAM THOMPSON

Mayor Block explained that Mr. Sam Thompson would like to update the City Council on the Community Garden located at the Laurinburg Presbyterian Church.

Mr. Thompson provided Council with an update on the Community Garden. More than thirty (30) families are expected to participate with many already having begun cultivating and planting.

He then shared his vision along with ideas about how to attract and retain people in the community. He stated that sponsoring and promoting community activities that are inexpensive and fun, stimulate minds and keep the community active would attract more people. He listed several activities such as the community garden, tennis leagues, and others.

Mr. Thompson then asked Council to endorse the “active community concept”. He stated that a beginning to this concept would be to waive the water tap fee for the Community Garden. He explained that another active role for City, in his proposed concept, would be for the City to co-sponsor the Community Garden with an agreement between the City of Laurinburg and the Community Garden and to continue with other initiatives using existing resources.

He then concluded by stating that if these initiatives for an active community could get started that Laurinburg would be an even nicer place in which to live.

A discussion ensued by Council about the Community Garden and the active community concept. There was a consensus among Council that the City could not waive the water tap fee.

Councilmember Leak suggested that Mr. Thompson consider the program the City has for payments of water tap fees which is to pay one-half the fee with the balance payable over a twelve month time frame.

The City Attorney stated that from a legal standpoint unless the City was involved in the project it should not enter into a sponsorship agreement due to the potential liability it might incur. He explained that the City can endorse and support the project from a community perspective, but advised that the City not enter into an agreement unless it planned to control the project.

UTILITY CHARGES - James L. “Sunbeam” Sutherland, III

Mr. Sutherland did not appear to speak.

CONSIDER RESOLUTION NO. R-2008-05 WHICH WITHDRAWS A PORTION OF A 40-FOOT EASEMENT AT SHADOW WOODS CONDOMINIUMS LOCATED ON KENWYN DR.

The City Manager explained that Randy Johnson is requesting that the City withdraw 10-feet of 40-foot wide easement at Phase 8 of Shadow Woods Development due to the encroachment of a condominium being built on the easement. He stated that the reduced easement will not hinder the City in its responsibilities for upkeep of the utilities at this location. He concluded by stating that the resolution has been reviewed and recommended by the City Attorney.

Councilmember Parker moved for the adoption of Resolution No. R-2008-05 which withdraws 10-feet from a 40-foot wide easement at Shadow Woods Condominiums located on Kenwyn Dr. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Leak, Faulk, Rainer
Nays: None
(Resolution No. R-2008-05 on file in Clerk's Office)

NEIGHBOR TO NEIGHBOR WARM PROGRAM

The City Manager stated that at the City Council retreat, City Council discussed the proposed City of Laurinburg Neighbor to Neighbor WARM policy. He explained that this policy would allow citizens, businesses, etc. the opportunity to donate to a fund to help city residents with their utility bills during the winter months. He then stated that the program will be administered by Church Community Services (CCS). He also explained that WARM is not an acronym for anything at this time but that if anyone has suggestions to please let him know.

The City Manager then explained that, under the proposal, a utility customer could be eligible two times per calendar year for assistance, but that total assistance per calendar year could not exceed \$200 (actual funds distributed being dependent upon funds received for program). He further explained that eligibility for this program would be determined by CCS with only City residents (either City/Progress Energy/Lumber River EMC customers) being allowed to participate. Residency requirements would be confirmed by the City. He stated that the program would offer the assistance through the heating season from November through March. He further stated that the program would allow citizens to either voluntarily round-up their utility bill or donate to a special fund for the program.

Upon question by Councilmember Leak, the City Manager stated that water and sewer customers would also be allowed to contribute to the fund.

He concluded by stating that Ms. Leslie Womack with CCS is present if Council has any questions.

Ms. Womack explained that presently funds are distributed to Lumber River EMC customers for five counties and that, because there is a limited amount of funds, they are distributed to Lumber River EMC customers only. She then explained that the funds for Lumber River EMC customers help approximately eight families per year and that the City's proposed WARM program would help many more.

Ms. Womack stated that in addition to donating money through utility billing that citizens could also donate to CCS.

The City Manager stated that flyers would be included in utility billing explaining the WARM program for all city utility customers.

Motion was made by Councilmember Faulk, seconded by Councilmember Leak, and unanimously carried that staff implement the Neighbor to Neighbor WARM program.

BACK PAYMENTS FOR AVAILABILITY FEES

The City Manager explained that, as Council is aware, since annexation in 1994, the City has had several issues where the City has billed customers (either property owners or renters) for availability fees but have not received payment. He then explained that, since no service had to be disconnected, many residents have been allowed to accumulate large bills without payment to the City.

He stated that, to rectify this situation, the City could allow for these customers a one-time offer to pay only the most recent 12 months' charges with the understanding that they would pay future charges each month. Furthermore, the availability fees for water and sewer would be charged to the property owners not the renters.

The City Manager stated if a customer did not choose to take advantage of the one-time offer, the City would initiate court proceedings for collection. He also stated that availability fees for services that are offered to the premises (but not used) would be the responsibility of the property owner, not the tenant, if it was a landlord/tenant situation. He explained that if the Occupant (tenant or property owner) does not pay for services actually provided then the appropriate steps would be taken for collection. He then noted that there is a proposed change to come back before

Council. He then explained that the proposed change would address garbage pick up and the garbage fee not being paid. He further explained that the City would pick up the garbage container until the bill is settled and that a re-stocking fee would be applied.

Mrs. Diane Chavis, Customer Service Supervisor, appeared before Council to express her opinion on this proposed policy change. She stated that she does not think it is fair to the customers that are paying and have been paying their availability fee. She explained that there are 34 customers that have not paid. She then stated that in her opinion it would be best to drop any penalties that they have incurred but require each customer to pay the appropriate fees. She further stated that if the City forgives the 34 customers that have not paid, then other customers that have paid my take issue with the process. She suggested giving the customer a one time option of dropping the penalties and twelve months within which to pay the delinquent fees. She added that if the fees are then not paid the City should take legal proceedings to collect. She further explained that the City could also collect through the debt set-off program.

Councilmember Faulk asked that Council be provided with the total amount of penalties incurred by the 34 customers.

Upon comment by Councilmember Parker, Mrs. Chavis explained that some customers had been taken to small claims court but that only a few have paid the delinquent fees.

Councilmember Leak suggested that this item be tabled until the City Manager and staff can agree as to the best solution for this issue.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to table this item until Council's meeting in May, 2008.

GUIDELINES FOR BEAUTIFICATION COMMITTEE

The City Manager explained that in working with the Mayor and the City's Beautification Director Pete Morris an outline for the formation of a Council appointed beautification committee has been prepared and presented to Council. He stated that if approved, the appointments for the committee would be made at the May meeting.

The City Manager stated that changes have been made in the guidelines to reflect a reduced number of committee members. He also stated that the quorum number needs to be changed because of the change in the number of appointees.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to approve the proposed guidelines with the amendments reducing the number of members to eight and the number constituting a quorum to five. A copy of the guidelines is attached

REQUEST FOR PROPOSAL – SOLID WASTE

The City Manager stated that, at its retreat in March, Council stated that they would like to see if there were options to the manner in which the City handles its solid waste program and if the City is being as efficient as possible. He explained that a request for proposal to contract for all solid waste services currently offered by the City at the current level of service has been formulated by City Staff. He then stated that proposals would be mailed out by April 25 with a deadline for response back to the City by May 15.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried that staff advertise the request for proposal for solid waste collection.

LOAD MANAGEMENT UPDATE

The City Manager stated that as requested by the City Council at its retreat in March, Council asked that Staff work towards increasing participation in the load management programs offered by the City. He explained that a flyer was placed in the City's utility bill for April outlining the program, and currently seven citizens have requested that

switches be added to their units.

A discussion ensued concerning the load management program and Council encouraged staff to promote the program as aggressively as they can.

ADOPTION OF WORK SESSIONS SCHEDULE

The City Manager stated that, at the retreat in March, Council agreed to hold agenda workshops to help prepare for the budget season as well as to allow for discussion of regular monthly agendas. He then stated that the consensus was to hold the meetings the Tuesday before the regular monthly meeting. He also stated that Council had also discussed holding them until June and then determining at that point if additional meetings were necessary. He explained that the workshops will begin at 6:30 p.m. in the upstairs council room of the Municipal Building unless a Laurinburg Planning Board meeting is being held at that time. He further stated that, if a meeting is being held by the Planning Board, then Council's meeting will be held in the conference room of the Barrett Building located at 305 W. Church Street. The dates are as follows:

May 13, 2008

June 10, 2008

Motion was made by Councilmember Leak, seconded by Councilmember Parker, and unanimously carried to adopt the workshop sessions dates as presented.

POSSIBLE DATES FOR JOINT MEETING WITH SCOTLAND COUNTY

The City Manager stated that a joint City/County meeting has been requested by the City. He explained that in discussions with the County, they would like to meet anytime after the first week of May. He then stated that the agenda will be informal. He concluded by stating that the Scotland County Commissioners are recommending the date of May 8, 2008.

Following a brief discussion, motion by Councilmember Leak, seconded by Councilmember Faulk was unanimously carried that the joint meeting with Scotland County Commissioners be held Thursday, May 8, 2008 at The Highlands located on Plant Road.

BUXTON

The City Manager explained that at the December City Council meeting, Council had identified five out of ten potential Buxton matches to begin the process for compiling marketing packages. He stated that the retailers identified at that time were:

Chick-Fil-A

Texas Roadhouse

Kohl's

Applebee's

Cinemark (movie theater)

He then explained that a press release had been provided to the media updating the City's efforts so far. He then stated that the City still has five additional retailers to identify. He concluded by stating that, once Council identifies the remaining five retailers, work will begin on the additional packages to move forward in contacting the companies.

Councilmember Faulk stated that Cinemark was chosen by Buxton as a potential match, but that when contacted, stated that the City did not fit their demographics.

Councilmember Parker stated that, given that the City did not fit Cinemark's demographics, the City should ask

Buxton for a replacement selection.

The City Manager stated that he would contact Buxton and ask for a replacement selection.

Councilmember Parker suggested tabling the final selections until the May agenda/workshop.

Mayor Block stated that he feels that the 45,000 draw area is not representative of the number of people that would come to Laurinburg. He suggested that a conversation be had with Buxton to discuss the possibility that the amount of drive time be increased from a 15-minute drive to a 20-30 minute drive from surrounding areas to Laurinburg.

Motion was made by Councilmember Faulk, seconded by Councilmember Parker, and unanimously carried to table the Buxton discussion until the agenda/workshop session of Council on May 13, 2008.

APPOINTMENT

Mayor Block explained that Scotland County is in the process of forming a BRAC (Base Realignment and Closure) Steering Committee made up of representatives from all municipalities and the Chamber to help the community prepare for BRAC. He stated that the County has asked for one representative from each unit.

Mayor Block indicated his willingness to be appointed to the Committee.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to appoint Mayor Block to the Scotland County BRAC steering committee.

PUBLIC COMMENT

Mr. Barry Strickland, Mr. Tom Waters, Mr. Hal Culberson, and Ms. Rachel Reed appeared before Council to state their opinions on the cemetery ordinance. They all expressed their desire that Council reverse their decision and to allow the solar powered crosses and flags to remain in the cemetery.

Mrs. Flowers then asked if she and other volunteers could participate in Litter Sweep Day by cleaning the cemetery and putting the crosses which are now on the ground in the vases.

The City Manager stated that the City has set a grace period of January 1, 2009 within which for all items to be removed that are not in compliance with the ordinance; therefore, it would be a choice for Mrs. Flowers and her volunteers to do so.

Councilmember Parker stated that the agenda item concerning utility charges was not discussed because the speaker was not present. He then stated that he would like the City Attorney to review the City's ordinance with reference to the word "customer" and give his legal opinion on the ordinance and whether the wording should be clarified.

The City Manager stated he would work with the Attorney and look at revisions or clarification to what is already in place.

ADJOURNMENT

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

The meeting was adjourned at 8:45 p.m.

Matthew Block, Mayor

Dolores A. Hammond, City Clerk