

**CITY OF LAURINBURG  
COUNCIL MEETING  
NOVEMBER 18, 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 November 18, 2008 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Rembert DeBerry, Mayor Pro Tempore, presiding. The following Councilmembers were present: Amanda B. Faulk, Curtis B. Leak, Thomas W. Parker, III and Herbert M. Rainer, Jr. Mayor Block was absent from the meeting.

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

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

**APPROVAL OF MINUTES**

Motion was made by Councilmember Leak, seconded by Councilmember Faulk, and unanimously carried to approve the minutes of the regular meeting held October 21, 2008.

**PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO BUILD AND OPERATE A RESTAURANT UPON LOTS 5 AND 6, BLOCK B, SECTION ONE, BALMORAL SUBDIVISION**

Mayor Pro Tempore DeBerry explained that Dr. Habiba Tunau and Kenton Spencer have requested approval of a conditional use permit which would allow them to build and operate a restaurant upon Lots 5 and 6 of Block B, Section One of Balmoral Subdivision. This request was heard by the City's Planning Board on October 14, 2008 and was unanimously recommended to City Council for approval.

Mayor Pro Tempore DeBerry opened the public hearing.

Mr. Kenton Spencer, first duly sworn, explained his vision for the specialty restaurant including potential customers, cuisine and hours of operation. He added that the location is suitable for a restaurant, and the entrance to the restaurant will be off the cul-de-sac to reduce traffic on Berwick Drive. He further added that the restaurant would not be open evenings or weekends except on special occasions such as Mother's Day.

Mrs. Brandi Deese, first duly affirmed, explained that Dr. Habiba Tunua and Mr. Kenton Spencer have requested a conditional use permit to construct and operate a restaurant upon Lots 5 and 6, Block B, Section One, in the Balmoral Subdivision located on Berwick Drive. The application for the conditional use permit was reviewed by staff where it was determined that:

- The subject property is located within the planning jurisdiction of the City of Laurinburg.
- The application is complete.
- The proposed development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance.

She added that Planning Board unanimously concurred with these findings at its October 14, 2008 meeting and recommended that a conditional use permit be granted in this matter.

Upon question by Councilmember Parker, Mrs. Deese explained that the parking requirements are the same for a restaurant and for an office. She added that Mr. Spencer's plan included more spaces than was required.

Upon question by Mayor Pro Tempore DeBerry, Mrs. Deese explained that any plans for substantial expansion of the facility would have to be brought back before Council for approval.

Upon question by Councilmember Faulk, Mrs. Deese explained that should the restaurant not succeed, any business locating at the site would have to adhere to the same conditions set by Council on this request.

A discussion ensued concerning possible effects on the neighboring community including increased traffic in the neighborhood and potential odors.

There was no one present to speak in opposition to this request.

Mayor Pro Tempore DeBerry closed the public hearing.

Councilmember Rainer motioned to approve the conditional use permit to construct and operate a restaurant upon Lots 5 and 6, Block B, Section One, Balmoral Subdivision based on the following findings of fact:

- The development is within the planning jurisdiction of the City of Laurinburg;
- The application is complete;
- The development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance;
- The request will not materially endanger the public health or safety;
- The request will not substantially injure the value of the adjoining or abutting property;
- The request will be in harmony with the area in which it is to be located; and
- The request will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by Council.

A lengthy discussion ensued concerning the setting of conditions for the conditional use permit. The Assistant City Attorney explained that the recommendation from Planning Board did not set any conditions on operation of the restaurant.

Upon question by Councilmember Parker, the City Manager explained that the conditions set by Council remain in effect as long as a development is in existence, and upon approval of a conditional use permit by Council, the developer establishes a vested right which allows him up to two (2) years to develop the property.

Upon question by Councilmember Leak, Mrs. Deese explained that Planning Board approved Mr. Spencer's request based on the application submitted including the hours of operation.

Mr. Spencer stated that if Council wished to place a condition that there are no evening hours of operation, he had no problem with such a condition because evening hours are not in his plans.

Upon question by Councilmember Rainer, Mr. Bill Peele, City Planner/Zoning Officer, appeared before Council and explained that when Council is making a motion regarding a conditional use permit request, Council's motion states that the application is complete and in substantial compliance with City regulations. He added that the application includes the site plan and the application letter, and these items are part of the conditional use as part of the application. He further added that in this instance, Mr. Spencer clearly states in his application that he will open from 11:00 a.m. to 3:00 p.m. and occasionally on Mother's Day and other holidays.

Following further discussion, Councilmember Rainer amended his motion to approve the conditional use permit to construct and operate a restaurant upon Lots 5 and 6, Block B, Section One, Balmoral Subdivision with the following

conditions on the conditional use permit:

- Hours of operation for the restaurant will be 11:00 a.m. until 3:00 p.m., Monday through Friday, and occasional openings for special occasions such as Mother's Day or Father's Day, but not limited to those specific occasions

and based on the following findings of fact:

- The development is within the planning jurisdiction of the City of Laurinburg;
- The application is complete;
- The development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance;
- The request will not materially endanger the public health or safety;
- The request will not substantially injure the value of the adjoining or abutting property;
- The request will be in harmony with the area in which it is to be located; and
- The request will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by Council.

Councilmember Leak seconded the motion and it was unanimously approved.

### **PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CHILD CARE CENTER AT 11741 CYPRESS DRIVE**

Mayor Pro Tempore DeBerry explained that Mr. and Mrs. Luther Todd have requested a conditional use permit to operate a child care center at their home located at 11741 Cypress Drive.

Mayor Pro Tempore DeBerry opened the public hearing.

Mrs. Brandi Deese, first duly affirmed, explained that the application for the conditional use permit was reviewed by staff where it was determined that:

- The subject property is located within the planning jurisdiction of the City of Laurinburg.
- The application is complete
- The proposed development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance.

Mrs. Deese added that Planning Board unanimously concurred with these findings at its October 14, 2008 meeting and recommended that a conditional use permit be granted in this matter.

Margaret Todd, first duly affirmed, explained that she wanted to operate a day care center in her home located at 11741 Cypress Drive. She added that she would build a room on the back of her residence to house the children and a fence would be erected in the back yard. She further added that she had been in the daycare business for over 20 years.

There was no one present to speak in opposition to this request.

Mayor Pro Tempore DeBerry closed the public hearing.

Councilmember Rainer motioned to approve the conditional use permit request to operate a child care center at 11741 Cypress Drive based upon the following findings of fact:

- The development is within the planning jurisdiction of the City of Laurinburg;
- The application is complete;
- The development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance;

- The request will not materially endanger the public health or safety;
- The request will not substantially injure the value of the adjoining or abutting property;
- The request will be in harmony with the area in which it is to be located; and
- The request will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by Council

Councilmember Parker seconded the motion and it was unanimously approved.

## **PUBLIC HEARING TO CONSIDER REQUEST TO REZONE FROM GENERAL BUSINESS TO INDUSTRIAL PROPERTY LOCATED AT 10301 MCCOLL ROAD**

Mayor Pro Tempore DeBerry explained that Mr. Chris Poole has requested that the property located at 10301 McColl Road be rezoned from General Business to Industrial in order to relocate his auto body shop from its current location at Lee's Mill Road.

Mayor Pro Tempore DeBerry opened the public hearing.

Mr. Chris Poole appeared before Council and explained that he is requesting that the property located at 10301 McColl Road be rezoned to allow him to move his auto body repair business from Lee's Mill Road to a better, more visible location. He added that the vehicles will be stored in the rear of the building.

There was no one present to speak in opposition to this request.

Mayor Pro Tempore DeBerry closed the public hearing.

Councilmember Faulk moved for the adoption of Ordinance No. O-2008-20 which rezones from General Business to Industrial property located at 10301 McColl Road in that the rezoning is consistent with other development in the area; it advances the public health, safety and welfare; and provides a positive impact to the public at large. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Faulk, Leak, Parker, Rainer, DeBerry

Nays: None

(Ordinance No. O-2008-20 on file in the City Clerk's Office)

## **PRESENTATION BY BEAUTIFICATION COMMITTEE CHAIRPERSON, ADDIE PRATT**

Mrs. Addie Pratt, Chairperson of the Beautification Committee, appeared before Council to provide a quarterly report on activities of the Beautification Committee. She explained that the Committee is requesting some clarification regarding what efforts of the Committee are to be spent supervising the Beautification Department. She further explained that, according to the Rules and Guidelines presented to the Committee by the City Council, the Committee is to provide advice to City Council about different programs or activities which would enhance the appearance and beautification of the City of Laurinburg. In the Committee's first meeting, the members were also told that the Committee was to review the time and money spent within the Beautification Department.

Mrs. Pratt discussed the priorities identified thus far by the Committee:

- Litter. She explained that because the Image Committee of the Chamber focuses on litter, the Committee tabled this priority until contacted by the Image Committee for assistance.
- Sidewalks. She explained that the Committee identified sidewalks in need of repair, cleaning and clearing, and also the need for additional sidewalks for high traffic areas such as at Wal-Mart. She added that Mayor Block indicated that he will contact the North Carolina Department of Transportation (DOT) concerning funding for new sidewalks.
- Untended and neglected lots in high-visibility areas. She explained that the Committee has prepared a

resolution for Council's consideration to change the procedures for dealing with such lots. She explained that the Committee is requesting that the City's Street Department monitor on a monthly basis those lots that are regularly reported as neglected in the high-visibility areas and the rights-of-way and highways into and out of the City. She added that the Committee would like for the Street Department to work more closely with DOT to ensure the rights-of-ways and medians along the State highways are mowed more than the current four (4) times per year, with a concentration on mowing prior to special events in the City such as the John Blue Festival, Kuumba Festival, softball tournaments and any other events that draw people to Laurinburg. She concluded by stating that the Street Department would need a flair mower costing \$120,000.00 in order to mow the rights-of-way and medians along the State highways.

- Edging and curbing.
- Reviewing Beautification Department budget and time management.

Mrs. Pratt concluded her comments by stating the Committee has developed a list of priorities with their intention to focus on one issue at a time before moving on to another priority.

Mayor Pro Tempore thanked Mrs. Pratt and the Beautification Committee for the time put in to making Laurinburg a better city.

Following a brief discussion, it was consensus of Council to discuss the Beautification Committee report as well as its request for clarification on review of the Beautification Department budget and time management at the Council Retreat to be held Friday, November 20, 2008.

## **RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS PROPERTY**

The City Manager explained that the proposed resolution declares six (6) former police cars and a 1989 pickup truck from a drug seizure surplus. He explained that if the resolution is approved the police cars will be sold through the North Carolina League of Municipalities surplus vehicle program. He added that an individual has expressed interest in purchasing the truck. He concluded his comments by stating that the police cars are completely worn out.

Councilmember Faulk moved for the adoption of Resolution No. R-2008-16 which declares certain items as surplus property and no longer needed by the City. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Faulk, Parker, DeBerry, Leak, Rainer

Nays: None

(Resolution No. R-2008-16 on file in the City Clerk's Office)

## **AGENDA WORKSHOP**

The City Manager explained that in the past the City Council has held agenda workshops the Tuesday prior to the regular City Council meeting to discuss the upcoming monthly agenda; however, these meetings have been cancelled since September due to scheduling conflicts. He added that if agreeable to the City Council, staff would look at the possibility of starting the meetings back beginning January 13, 2009 at 7:00 p.m. in the Barrett Building. He concluded by stating that he had just been informed that the Chamber banquet will be held January 13, 2009.

Following discussion, it was consensus of Council to begin holding the agenda workshops closer to budget discussion, perhaps beginning in March or April, 2009.

## **RETREAT**

The City Manager explained that the Council will hold its annual Fall Retreat on Friday, November 21, 2008 beginning at 2:00 p.m. in the council chambers. He added that Mr. Ken Raber of Electricities will be unable to attend the retreat

to discuss rates because of a board meeting. He further added that Mr. Raber would like to reschedule.

A discussion ensued concerning a possible rate increase by Electricities. The City Manager stated that the following day he would be attending the Rate Committee and Board of Directors meetings.

Councilmember Leak requested that the City Manager provide Council with the amount of the City's debt with the Northeastern Municipal Power Agency (NCEMPA).

Councilmember Leak requested that, because of the Waverly Mills' closing, the situation in East Laurinburg be added to the Retreat agenda. The City Manager stated that he would meet with the Mayor of East Laurinburg if Council wished.

## **PUBLIC COMMENT**

There was on one present to speak during the public comment period.

## **OTHER**

Councilmember Faulk explained that Theresa Lamson, President of the Laurinburg/Scotland County Area Chamber of Commerce, requested that she announce that the Chamber is sponsoring a Minority Breakfast on December 4, 2008 from 7:30 to 9:00 a.m. at Bright Hopewell Baptist Church. She added that the event is for all minority business owners and the cost is \$5.00.

Councilmember Parker stated that the Lumber River Council of Government will be holding an Open House Thursday, November 20, 2008.

## **ADJOURNMENT**

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

The meeting adjourned at 8:24 p.m.

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Rembert DeBerry, Mayor Pro Tempore

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Jennifer A. Tippet, Deputy City Clerk