

**CITY OF LAURINBURG  
COUNCIL MEETING  
OCTOBER 21, 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 October 21, 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, Thomas W. Parker, III and Herbert M. Rainer, Jr.

Also present were: Craig F. Honeycutt, City Manager, Dolores A. Hammond, City Clerk, and William P. Floyd, Jr., Assistant City Attorney.

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

Mayor Block congratulated Councilmember Parker for having been sworn in as the Chairman of the Lumber River Council of Governments Board of Directors.

Sergeant Jason Butler introduced Sergeant Neil Owen of the Strathclyde Police Force, Oban, Scotland to Council. Sgt. Butler explained that as part of the Sister City Exchange Program, when he went to Oban, he stayed with Sgt. Owen. He added that Sgt. Owen has been in Laurinburg for approximately two (2) weeks as part of the exchange program.

Sgt. Owen stated that on behalf of the 7,200 officers of the Strathclyde Police Force, it was an honor and privilege to visit Laurinburg. He concluded by stating that he felt there were more similarities than differences between the two (2) communities.

Mayor Block presented Sgt. Owen with a City pin.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Leak, seconded by Councilmember DeBerry, and unanimously carried to approve the minutes of the regular meeting held September 16, 2008.

**PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE FROM OFFICE/INSTITUTIONAL TO GENERAL BUSINESS PROPERTY LOCATED AT 452 SOUTH MAIN STREET**

Mayor Block explained that Mr. Lee Howell has requested the rezoning of property located at 452 South Main Street from Office/Institutional to General Business. The request was heard by the Planning Board at its September 9, 2008 meeting, and the Planning Board unanimously recommended approval of the request. He added that the adjoining property owners had been notified about the public hearing by the City Clerk.

Mayor Block opened the public hearing.

Mr. Lee Howell expressed that he would like this property to be rezoned to general business to locate a high-end retail business. He added that he had spoken to Mr. Mike Schmidt and to BB&T, both of whom are nearby property owners, about the rezoning and received no objection to his request.

Upon question by Councilmember Leak, Mrs. Deese stated that there had been no opposition to the request. She added

that Mr. Michael Schmidt had sent a letter in support of the request and a representative from BB&T had sent an email stating that BB&T had no opposition to the request. She further added that Mr. Doug Bowen and Mr. Bert Beacham, residents of McRae Street, had called to inquire about the request and did not voice any objection.

Upon question by Councilmember Parker, Mr. Howell stated that the business would not be open on Sunday or Wednesday night, and therefore, would not conflict with the church.

Upon question by Councilmember Leak, Mr. Howell stated that he had no plans for a car dealership.

Mayor Block expressed concern that once the property is rezoned General Business, if the property changes hands, any use allowed in the General Business district would be allowed.

Mrs. Deese explained that the General Business district was established to accommodate retail and commercial uses, and any retail uses involving sales and services other than that of adult establishments would be permitted in this zone. She added that of the six (6) parcels in this block, five (5) are zoned General Business. She further added that consideration should not be made of the request with regard to only one of the possible uses but rather whether the entire range of permitted uses is appropriate.

She explained that permitted uses in the General Business district include: office, apartment, bank, church, convenience store, medical office, motor vehicles sales, funeral home, dress/shoe shop, and daycare. She added that the following are examples of uses not permitted: adult establishments, concrete plant, shopping center, and paint and auto body shop.

Mayor Block expressed concern that once the property is rezoned to General Business, the City loses control of saying what can be located at the site. He added that South Main Street is a main thoroughfare of the City and that it is in the City's interest to see that it is developed properly.

Upon question by Councilmember Leak, Mr. Howell stated that he had talked with the surrounding property owners and that he has had no opposition to his request.

Councilmember Parker stated that five (5) of the six (6) parcels on that block are zoned General Business and that it would be inconsistent for the property to remain zoned Office/Institutional.

There was no one to speak against the request.

Councilmember Parker moved for the adoption of Ordinance No. O-2008-19 which rezones from Office/Institutional to General Business property located at 452 South Main Street 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: Parker, DeBerry, Leak, Faulk, Rainer

Nays: None

(Ordinance No. O-2007-19 on file in the City Clerk's Office)

## **CERTIFICATION OF FIREFIGHTERS**

The City Manager explained that the certification list of firefighters determines eligibility for the \$50,000.00 line-of-duty death benefit as well as eligibility for Pension Fund credit. He added that failure to report this information is a violation of G.S. 58-86-25 and will automatically result in a loss or reduction of benefits. The Mayor needs to be authorized to execute the document certifying firefighters.

The Fire Chief recommends the following individuals be certified:

Barnhill, Michael	Evans, Johnny	Sessoms, Christopher	Wilkerson, Timothy
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Bowen, Doug	Garrigus, Bryan	Smith, Harold	Wright, Chad
Brown, Walter	Gibson, Randall	Smith, Neil	
Byrd, Rodney	Johnson, John	Spruill, Alonzo	
Chavis, Randy	Laviner, James	Sweet, James	
Clark, Robert	Laviner, Michael	Thompson, Burnard	
Dial, Benjamin	Locklear, Jr. Donald	Tippett, James	
Donaldson, Chadwick	Locklear, Sr. Donald	Tunstall, Larry	
Drennan, Charles	McIntyre, William	Weaver, James	
Evans, David	Scott, Brandon	Whelpley, Melissa	

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to authorize the Mayor to execute the Annual Certification of Firefighters.

### **RESOLUTION WHICH IMPLEMENTS THE CITY OF LAURINBURG'S IDENTITY THEFT PREVENTION PROGRAM**

The City Manager explained that in accordance with the Federal Trade Commission (FTC) requirements to help deal with identity theft, staff is recommending the proposed resolution to help protect consumer identity. According to the FTC, the City is required to have such a program in place by November 1, 2008.

The City Manager explained that these written procedures would help protect consumer identity and help with the fight against the theft of customer account information. The signals, known as Red Flags, will warn the City's Consumer Billing Department about possible identity theft and place into action procedures to notify the proper authorities. He concluded by stating that in looking at the City's loss prevention policies and procedures, the policy, with minor differences, already mirrors what the City is currently doing in this area.

Following a brief discussion, Councilmember Parker moved for the adoption of Resolution No. R-2008-14 which implements the City of Laurinburg's Identity Theft Prevention Program. Councilmember Faulk seconded the motion, and it was approved by the following vote:

Ayes: Parker, Rainer, Faulk, Leak, DeBerry

Nays: None

(Resolution No. R-2008-14 on file in the City Clerk's Office)

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

The City Manager stated that the proposed resolution lists property that needs to be declared surplus by the City Council. He added that this is a partial list and Council will be presented another list of surplus property at next month's meeting.

Upon question by Councilmember Parker, the City Manager explained that once the items are declared surplus, the City would advertise the items for sale.

Councilmember Parker moved for the adoption of Resolution No. R-2008-15 which declares certain items as surplus property. Councilmember DeBerry seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Leak, Faulk, Rainer

Nays: None

(Resolution No. R-2008-15 on file in the City Clerk's Office)

## **AGREEMENT BETWEEN THE CITY OF LAURINBURG AND THE RURAL ECONOMIC DEVELOPMENT CENTER**

The City Manager stated that the City Council would need to authorize the Mayor to sign the agreement between the Rural Economic Development Center, Inc. and the City of Laurinburg for the McKay Street Inflow and Infiltration Improvements. He explained that the grant award from the Rural Center is \$500,000.00. He added that the total project amount is \$675,000.00, with the City's match being \$175,000.00. He further explained that the project would replace 4,000 linear feet of deteriorating terra cotta sewer lines and either repair or replace 14 manholes.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to authorize the Mayor to execute the agreement between the City of Laurinburg and the Rural Economic Development Center, Inc. for the McKay Street Inflow and Infiltration Improvements project.

## **CONSIDER CONDITIONAL USE PERMIT REQUEST TO BUILD AND OPERATE A RESTAURANT**

The City Manager explained that Dr. Habiba Tunau and Kenton Spencer have requested approval for 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. A public hearing on this matter will need to be set for November 18, 2008.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to set a public hearing to be held Tuesday, November 18, 2008 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, NC on a requested conditional use permit to build and operate a restaurant upon Lots 5 and 6 of Block B, Section One of Balmoral Subdivision.

## **CONSIDER CONDITIONAL USE PERMIT REQUEST TO OPERATE A DAYCARE CENTER AT 11741 CYPRESS DR.**

The City Manager explained that Luther and Margaret Todd are requesting a conditional use permit to operate a day care center at their home located at 11741 Cypress Drive. A public hearing on this matter will need to be set for November 18, 2008.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to set a public hearing to be held Tuesday, November 18, 2008 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, NC on a requested conditional use permit to operate a daycare center at 11741 Cypress Dr.

## **CONSIDER A REQUEST TO REZONE FROM GENERAL BUSINESS TO INDUSTRIAL PROPERTY LOCATED AT 10301 MCCOLL RD.**

The City Manager explained that Mr. Chris Poole has requested property located at 10301 McColl Road to be rezoned from General Business to Industrial to relocate his business (Chris Poole's Paint and Auto Body Repair). A public hearing will need to be set for November 18, 2008 to hear this request.

Motion was made by Councilmember DeBerry, seconded by Councilmember Parker, and unanimously carried to set a public hearing to be held Tuesday, November 18, 2008 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, NC on a request to rezone from General Business to Industrial property located at 10301 McColl Road.

## **UPDATE ON LEGION PARK AND CONSIDER IN-KIND SERVICES**

The City Manager explained that, as part of the upgrades at Legion Park, the City was asked to participate with the County, the school system and Post 50 in a meeting to discuss proposed renovations. During that meeting, the City

Manager stated that he felt that the City would not have funds to directly help with the renovation cost; however, the City could provide “in-kind” help, similar to what was done in the past at Morgan Park when it was under construction. Some of the in-kind services the City could provide include:

- Grading of parking lots
- Landscaping (design and installation, trees)
- Utility replacement (water/sewer/electrical)

The City Manager explained that no direct funding or cost, other than labor or equipment usage, would be borne by the City. He added that, if agreeable with the City Council, this would be the City’s part of the renovations. Staff will keep up with time and costs and report back to the City Council once completed.

Further discussion ensued concerning the proposed improvements and the joint effort by the different parties.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to provide in-kind services for the renovations to Legion Park with no overtime expenditures of staff and the amount of in-kind services not to exceed \$50,000.00.

## **CHANGES IN CONSUMER BILLING SCHEDULE**

The City Manager stated that at the last City Council meeting much discussion took place with respect to the timing of bills. He added that many of the citizens at the meeting felt that the short time between receipt and due date of bills was causing too many problems for City customers. He further added that in working with the Consumer Billing Department, staff would like to recommend the following changes to the Consumer Billing Department utility billing schedule:

<u>Current:</u>	<u>Proposed Change Date:</u>
Bills Due: 10 <sup>th</sup> of each month	15 <sup>th</sup>
Late Fees Added: 15 <sup>th</sup> of each month	20 <sup>th</sup>
Disconnects Begin: 20 <sup>th</sup> of each month	25 <sup>th</sup>

Motion was made by Councilmember DeBerry, seconded by Councilmember Parker, and unanimously carried to approve the change in the consumer billing schedule.

Upon question by Councilmember Rainer, the City Manager stated the there had been no response to the City’s letter to the North Carolina Eastern Municipal Power Agency (NCEMPA) concerning the electric rates. He added that he will be attending the NCEMPA board meeting tomorrow. A discussion ensued concerning the cost of fuel and coal.

## **APPOINTMENTS**

The Mayor stated that currently there are two appointments that the City needs to consider for the Laurinburg Downtown Revitalization Corporation (LDRC) Board as their terms have expired. Those two appointments are board positions previously held by Chuck No and Neil Smith. He explained that, according to the LDRC Executive Board, Mr. No is not interested in being reappointed but that Mr. Smith has shown interest in being reappointed. Mr. Ed Herring has agreed to be appointed in Mr. No’s position if approved by the City Council. Mr. Smith and Mr. Herring would serve for two-year terms expiring September 30, 2010.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to appoint Neil Smith and Ed Herring to the Laurinburg Downtown Revitalization Corporation (LDRC) Board for two-year terms expiring September 30, 2010.

## **PUBLIC COMMENT**

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

## **OTHER**

Councilmember Parker encouraged everyone to attend the opening of the Storytelling Center located in downtown Laurinburg on Saturday, October 25, 2008.

Councilmember Leak encouraged everyone to attend a youth community awareness event at Graham Temple Church on Saturday, October 25, 2008 from 12:30 p.m. until 5:30 p.m. He added that the Church is located on Wagram Street.

Police Chief John Evans stated that Halloween is Friday, October 31, 2008, and trick or treating for children 12 and under would be held from 6:00 p.m. until 8:00 p.m.

Upon question by Councilmember Rainer, Mayor Block explained that the proposed indoor recreation center and swimming pool at Morgan Park are in the Recreation Master Plan to be completed in 2016. He added that he would like to discuss recreation at the upcoming retreat.

Councilmember Leak requested that Mayor Block present a monthly report to Council on the Parks and Recreation Advisory Board meetings.

Councilmember Rainer expressed concern about the lack of indoor recreation facilities for citizens of the City of Laurinburg.

Mayor Block stated that the City of Laurinburg will hold a Citizen Input meeting on Thursday, November 6, 2008 at 7:00 p.m. in the A.B. Gibson Center.

## **ADJOURNMENT**

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

The meeting adjourned at 7: 55 p.m.

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Matthew Block, Mayor

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Dolores A. Hammond, City Clerk