

**CITY OF LAURINBURG
COUNCIL MEETING
SEPTEMBER 16, 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 September 16, 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, Curtis B. Leak, Thomas W. Parker, III and Herbert M. Rainer, Jr. Councilmember Amanda B. Faulk was absent from the meeting.

Also present were Dolores A. Hammond, City Clerk, Jennifer A. Tippet, Deputy City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

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

APPROVAL OF MINUTES

Motion was made by Councilmember Leak, seconded by Councilmember DeBerry, and unanimously carried to approve the minutes of the joint meeting of the Laurinburg City Council, the Town of Maxton, and the Laurinburg/Maxton Airport Commission held on August 5, 2008, the agenda workshop held August 12, 2008, the regular meeting held August 26, 2008, and the special meeting held August 28, 2008.

PUBLIC HEARINGS

Mrs. Brandi Deese, City Planner/Zoning Officer, requested that because the petitioners for the amendment to the Unified Development Ordinance were not yet present, Council first conduct the public hearing for the request to rezone property located at 15980 Scotland High School Drive.

CONSIDER ORDINANCE WHICH REZONES FROM RESIDENTIAL-20 TO GENERAL BUSINESS PROPERTY LOCATED AT 15980 SCOTLAND HIGH SCHOOL DRIVE

Mayor Block explained that Mr. J. D. Willis has requested the rezoning of property located at 15980 Scotland High School Drive from Residential-20 to General Business. The request was heard by the Planning Board at its August 12, 2008 meeting and the Planning Board recommended approval of the request by a 6-1 vote.

Mayor Block opened the public hearing.

Mr. J. D. Willis appeared before Council and stated that he would answer any questions concerning his request.

Upon question by Mayor Block, Mr. Willis explained that the Planning Board member that voted in opposition to his request questioned whether, because of the existence of the driving ranges at Cypress Creek Golf Club and Scotch Meadows Country Club, another golf driving range was needed.

Upon question by Councilmember Leak, Mr. Bill Peele, City Planner/Zoning Officer, explained that Mr. Jackson did not see the need for another golf driving range. It was the consensus of the Planning Board that the location was an excellent place for another athletic facility due to the property's location adjacent to Scotland High School's Pate Stadium.

Upon question by Councilmember DeBerry, Mr. Willis explained that the facility would be operable at night because lights would be erected.

Upon questions by Mayor Block, Mr. Willis explained that the driving range would be situated so that the golf balls would be hit away from U.S. 15-401 Bypass and into the woods. He added that he would have soft drinks, water and snacks available.

There being no one present to speak in opposition, Mayor Block closed the public hearing.

Councilmember Leak moved for the adoption of Ordinance No. O-2008-18 which rezones from Residential-20 to General Business property located at 15980 Scotland High School Drive 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 Parker seconded the motion, and it was approved by the following vote:

Ayes: Leak, DeBerry, Parker, Rainer

Nays: None

(Ordinance No. O-2007-18 on file in the City Clerk's Office)

CONSIDER ORDINANCE WHICH AMENDS THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW RESTAURANTS BY CONDITIONAL USE PERMIT IN THE OFFICE/INSTITUTIONAL DISTRICT

Mayor Block explained that Dr. Habiba Tunau and Kenton Spencer have requested an amendment to the Unified Development Ordinance which would allow restaurants in the Office/Institutional (O/I) Zoning District by conditional use permit. This request was heard by the City's Planning Board at its August 12, 2008 meeting, and the Planning Board unanimously recommended approval of the request.

Mayor Block opened the public hearing.

Upon request by Councilmember Leak, Mr. Peele explained that this was a request to allow restaurants by conditional use permit in the O/I zoning district, and that the board should consider if there is a setting where a restaurant may be a suitable and appropriate use in the O/I zoning district that would be compatible with other uses in the O/I zoning district. Mr. Peele added that each request for a conditional use permit for a restaurant in the O/I zoning district would be considered by Council on its own merits to determine if it would be compatible with the uses already existing in the area. He further added that Council would use the parameters for considering any conditional use permit, to wit: 1) whether the development will endanger the public health or safety; 2) whether the development will injure the value of adjoining or abutting property; 3) whether the development will be in harmony with the area in which it is located; and 4) whether the development will be in conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by the Council. Mr. Peele concluded by stating that Planning staff had conducted a survey of 10-15 other towns and that the trend seemed to be that more progressive cities allow restaurants in the O/I zoning district by conditional use permit.

Upon question by Councilmember Rainer, Mrs. Brandi Deese, City Planner/Zoning Officer, stated that Southern Pines, Aberdeen, Cary, Sanford, Matthews, Thomasville, Apex and Carrboro allow restaurants in the O/I zoning district by conditional use permit. Plymouth, Rockingham and Monroe do not allow restaurants in the O/I district. She added that some of the cities that do not allow restaurants in the O/I zone had never had a request to change their ordinances.

Mr. Kenton Spencer appeared before Council and explained that he and Dr. Habiba Tunau had submitted a request to amend the Unified Development Ordinance to permit restaurants in the Office/Institutional zoning district by conditional use permit.

Upon question by Councilmember Rainer, Mr. Spencer stated that the restaurant would be located in the area surrounding the hospital near Dr. Tunau's current office. He described his vision for the restaurant including potential customers, cuisine and hours of operation.

There was no one present to speak against this request.

Mayor Block closed the public hearing.

Councilmember Parker made a motion to approve Ordinance No. O-2008-17 which allows restaurants in the Office/Institutional Zoning District by conditional use permit. The motion was seconded by Councilmember Rainer and it was approved as follows:

Ayes: Parker, Rainer, DeBerry, Leak

Nays: None

(Ordinance No. O-2008-17 is on file in Clerk's Office).

DELEGATION

Mayor Block explained that Ms. Hattie Ray and Mr. George Ellis would like to comment on the recent increase of the City's electric rate.

Mr. George Ellis, pastor of Union Grove Baptist Church at 1019 Shaw Street, appeared before Council and explained that he represented the Scotland County Ministerial Alliance. Mr. Ellis explained that the Alliance is concerned about the increasing cost of electricity for citizens and would like the City to develop a plan to be of service to the citizens. Ms. Hattie Ray appeared before Council and expressed concern about the electric rate increase and its effects on citizens, particularly those living on fixed incomes. She requested that Council institute a reasonable installment payment program to allow citizens to pay their delinquent utility bills over time without the threat of termination of service.

Mayor Block thanked Mr. Ellis and Ms. Ray for their comments. He explained that the cost of electricity for the City is increasing and that the City has not passed all of the increases on to its customers. He added that Council understood that it is difficult for some citizens.

Councilmember Leak explained that since 2000, the City has been absorbing electric rate increases and not passing those increases to its customers. He added that the City has several programs in place to help its citizens. He then requested Diane Chavis, Consumer Billing Supervisor, discuss the programs offered by the City to assist its citizens with their utility bills.

Ms. Diane Chavis appeared before Council and discussed the equal monthly payment plan, the Winter Assistance for Residential eMergency (WARM) program, energy audits, off-peak billing, Load Management, and Medical Alert program. She explained that because of the continual increase of the prices of coal and gas, the City's costs have increased and the City in the past has absorbed those increases; however, as the costs continue to increase, the City has had to increase its rates.

Councilmember Parker explained that he felt Ms. Ray needed to present her concerns to North Carolina Eastern Municipal Power Agency (NCEMPA), the City's electrical provider. He explained that he felt NCEMPA would listen to citizens' concerns.

Upon question by Ms. Ray, Councilmember Parker advised that one of the best programs the City offers its customers is the equal payment plan. He advised Ms. Ray and other citizens to meet with Ms. Chavis to determine the best time to enroll in the plan.

Councilmember Rainer expressed appreciation and empathy for the concerns expressed and suggested that Council have the City Manager take an in-depth look at electric rates.

Following further discussion, motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried for the City Manager to write a letter to NCEMPA (and include a video copy of this portion of the meeting) addressing the following items: 1) Council's concern about the difficulty citizens are experiencing paying

electric bills; 2) Council's request that NCEMPA look for ways to cut its expenses; 3) determination of whether NCEMPA will reduce its price to the City if the prices of oil and coal are reduced; 4) explanation of why debt service has increased; and 5) Council's displeasure at NCEMPA holding its annual meeting in South Carolina.

Upon question by Mayor Block, Councilmember Parker explained that the recently implemented price increase of 13% was derived because Council requested that Ned Fowler, the City's Electrical Engineer, determine how much of an increase was necessary to cover the City's increased costs and not make a profit.

REQUEST TO REZONE FROM OFFICE/INSTITUTIONAL TO GENERAL BUSINESS PROPERTY LOCATED AT 452 SOUTH MAIN STREET

The City Clerk explained that Mr. Lee Howell is requesting to rezone from Office/Institutional to General Business property located at 452 South Main Street for a high-end retail business. She added that the Laurinburg Planning Board heard this request at its September 9, 2008 meeting and recommended approval by a 5-1 vote. She stated that Council will need to set a public hearing to consider this request.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to set a public hearing to be held Tuesday, October 21, 2008 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church Street, Laurinburg, NC.

DONATION OF PROPERTY

The City Clerk explained that Mr. Murphy Evans has offered to donate to the City approximately nine (9) to twelve (12) acres of property at Commonwealth Avenue. She added that staff at this time has no recommendation and would like Council's direction on how to proceed.

Councilmember Rainer expressed concern about the cost of the environmental studies and title search that would need to be conducted before acceptance of the property.

Upon question by Councilmember Parker, the City Clerk stated that the tax value of the property is \$50,000.00. She added that if the City accepts the property, the City would lose the tax revenue since the property would no longer be on the tax roll.

Following further discussion, Councilmember Parker suggested that this matter be added to the retreat agenda and there was no action taken on the matter.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES VOTING DELEGATE AND ALTERNATE VOTING DELEGATE

The City Clerk explained that City Council needs to appoint a voting delegate and alternate voting delegate for the business meeting of the North Carolina League of Municipalities Annual Conference. She added that historically, the City Manager has served as the voting delegate; however, if Council would like, this can be changed.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to appoint the City Manager as the voting delegate and Councilmember Leak as the alternate voting delegate for the upcoming business meeting of the North Carolina League of Municipalities Annual Conference.

COUNCIL RETREAT

The City Clerk explained that Council has discussed the idea of a retreat in November. She stated that the City Manager had provided some possible dates for the retreat and those dates are November 7, November 20 and November 21. She further added that this would be a one-half day retreat to go over items in detail and would last from approximately 1:00 p.m. until 7:00 p.m.

The City Clerk reminded Council that in previous years the Citizen Input Meeting has been held in November.

Following discussion, it was consensus of Council to schedule the Citizen Input Session on Thursday, November 6, 2008 at 7:00 p.m. in the board room of the Scotland County School Board contingent upon the board room's availability.

Following discussion, it was consensus of Council to schedule the retreat on Friday, November 21, 2008 at 2:00 p.m. in the council chambers of the Municipal Building.

Following discussion, it was consensus of Council to not hold the agenda meeting in October.

APPOINTMENT

Mayor Block explained that he would like to reappoint John Clark to the Laurinburg Housing Authority Board of Directors for a five-year term. He added that Mr. Clark is interested in serving another term.

Councilmember Leak requested that the City Clerk send Mr. Clark a letter thanking him for his service on the Board and his willingness to continue to serve.

OTHER

Rezoning Requests

Mayor Block requested that he be provided a copy of any rezoning request when it is received by the City.

Lumber River Council of Government Employee

Councilmember Parker stated that the husband of Dana Powell, a Lumber River Council of Government employee, died over the weekend. He added that he had worked with Mrs. Powell on getting a grant for the school system and that she is a good employee. He further added that the City Clerk sent flowers on Council's behalf.

Ditches

Councilmember DeBerry stated that he had been getting a lot of calls about ditches in the City. He explained that the ditch cleaning crew was cut from the budget this year, and because of the large amount of rain the area has received this summer, the ditches are overgrown and water is not flowing properly.

Councilmember Leak stated that the City needs to look at ways to close open ditches throughout the City.

The City Clerk explained that, in the past, a citizen would request closing a ditch by petition.

Further discussion ensued concerning ditch cleaning and ditch crews. There was no action taken on this item.

Mosquito Spraying

Councilmember Rainer expressed concern over the mosquito-spraying methods utilized by the City and questioned if the current methods are effective.

Mr. Stacey McQuage, Public Utilities Director, explained that citizens see the truck spraying through neighborhoods and feel the City is killing mosquitoes. He explained that there are other methods for addressing the mosquito problem.

Following further discussion, it was consensus of Council for staff to research mosquito control further and for this item to be discussed at the retreat.

The City Clerk requested that Council contact the City Manager with any other items they would like on the retreat agenda.

PUBLIC COMMENT

There was no one present to speak.

ADJOURNMENT

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

The meeting adjourned at 8:44 p.m.

Matthew Block, Mayor

Dolores A. Hammond, City Clerk