

**CITY OF LAURINBURG
COUNCIL MEETING
APRIL 21, 2009
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 21, 2009 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: Dolores A. Hammond, Interim City Manager, 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 Rainer 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 retreat which was held March 13, 2009, the special meeting held at 6:00 p.m. March 17, 2009 and the regular meeting held March 17, 2009.

PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Block explained that this public hearing is the second of two (2) required by the State in order to apply for CDBG funds. The first public hearing was held at Council's March 17, 2009 regular meeting. The City, on behalf of the Laurinburg Housing Authority, is applying for infrastructure improvements to the proposed Scottish Glen Phase II development. The City will be applying for approximately \$250,000.00 to be used for sidewalk, a sewer line and storm drain line from Scottish Glen down West Boulevard to the bridge over US 74 By-pass, and for turn lanes on West Boulevard into Scottish Glen and the County Complex.

Mayor Block declared the public hearing open.

Mrs. Nancy Walker, Executive Director of the Laurinburg Housing Authority (LHA), appeared before Council and explained that nothing with the LHA project has changed since the March meeting. She added that the total cost of the project for a sidewalk, sewer line, storm drainage improvements and a turn lane on West Boulevard is \$261,000.00 with the grant being in the amount of \$250,000.00 and the developer providing \$11,000.00.

Upon questions by Mayor Block, Mrs. Walker explained that the State was very supportive of the grant application and that the approval of the grant is dependent upon the apartment complex being funded.

There was no one present to speak in opposition.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor and/or Interim City Manager to execute documents related to the CDBG grant for sidewalk, a sewer line and storm drain line from Scottish Glen down West Boulevard to the bridge over US 74 By-pass, and for turn lanes on West Boulevard into Scottish Glen and the County Complex.

REQUEST TO REZONE FROM RESIDENTIAL-6 TO RESIDENTIAL-6 MOBILE HOME PROPERTIES LOCATED AT 10541 AND 10160 TURNPIKE ROAD

Mayor Block explained that Mr. James Graham has requested a zoning change for properties located at 10541 and 10160 Turnpike Road from Residential-6 to Residential-6 Mobile Home and that the request was presented to the Laurinburg Planning Board on March 10, 2009. He added that the City Clerk advertised the notice of the public hearing in *The Laurinburg Exchange* and also notified all adjacent property owners by first-class mail.

Mayor Block explained that a protest petition was received by the City Clerk on April 14, 2009 and has been verified by the City Clerk to be a valid petition. He added that, according to NC General Statute 160A-385, to qualify as a protest petition under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. He stated that because a qualified petition had been filed, the proposed amendment shall not become effective except by favorable vote of three-fourths of all the members of the City Council. He further added that there are 16 property owners within the 100-foot wide buffer, and seven (7) property owners have signed the petition which calculates to 43.75%.

Mayor Block declared the public hearing open.

Mr. James Graham appeared before Council and explained that he was requesting that the properties located at 10541 and 101600 Turnpike Road be rezoned from Residential-6 to Residential-6 Mobile Home. He explained that the property was zoned General Business when he purchased the property. He added that when the City annexed the area, the property was zoned Residential-6. He further added that approximately two (2) to three (3) years ago property in the vicinity of his was rezoned to Residential-6 Mobile Home.

Upon question by Councilmember Leak, Mr. Graham explained that his plans for the property at the moment are only to have his property rezoned. He added that if he chooses to do anything with the property other than place one home on each lot, he would have to reappear before Council and obtain either subdivision approval or a conditional use permit for a manufactured home community.

Upon question by Councilmember DeBerry, Mr. Graham explained that he felt it is in his best interest to rezone his property consistent with most recent rezoning in that area.

Upon question by Councilmember Leak, Mr. Graham explained that the Residential-6 zoning district is the densest residential zoning. He added that on a 3.5 acre tract of land more than one (1) structure would be expected.

Upon question by Councilmember Leak, Mr. Bill Peele explained that the difference between the Residential-6 and the Residential-6 Mobile Home zoning category is that the Residential-6 Mobile Home category allows single and double-wide mobile homes. He added that in the Residential-6 zoning district a home would have to be either a site-built or a modular home.

Upon question by Councilmember Rainer, Mr. Peele explained that, depending upon Mr. Graham's development plans, he may be required to reappear before Council. He added that if Mr. Graham wished to subdivide the property a conditional use permit would be required which would require coming back before Council for site approval. He further added that Mr. Graham could do a minor subdivision with just a few lots out of the entire tract which would not require Council approval.

Upon question by Councilmember DeBerry, Mr. Peele explained that in order to develop a mobile home park, Mr. Graham would have to request a conditional use permit from Council.

Upon question by Mayor Block, Mr. Peele explained that a minor subdivision would allow for the development of up to five (5) lots providing each subdivided lot had at least 60 feet of frontage and 6,000 square feet per lot. He added that Mr. Graham could probably get one (1) extra lot out of the one-half (1/2) acre tract and two (2) extra lots out of

the 3-acre tract. He further added that with a minor subdivision Mr. Graham would not be required to install streets because public access exists from either Turnpike Road or Ridgeway Drive.

Upon question by Mayor Block, Mr. Peele explained that the City zoned the property Residential-6 with the intent to eventually phase out mobile homes in the area. He added that there has been very little construction since 1994 in that area. He further added that the City was trying to phase out mobile homes as an investment in the community to maintain property values and stabilize the area with site built homes.

The Assistant City Attorney explained that he wanted to remind Council of its role and function regarding this request. He explained that the ultimate issue is whether the requested amendment advances the public health, safety or welfare. He further explained that, if the rezoning is approved, a question of spot zoning may be raised. He then explained spot zoning and the factors that Council should consider in deciding this amendment request.

Mr. A. B. Chavis appeared before Council and explained that he owns property adjoining Mr. Graham's property. He expressed concern that the location of a mobile home park in the vicinity would be detrimental to the neighborhood and property values.

Ms. Josephine Chavis appeared before Council to express concern about the affect on property values if a mobile home park is located in the neighborhood. She presented two (2) petitions protesting the request. A copy of these petitions is on file in the City Clerk's office.

Ms. Judy McCormick of 10161 Turnpike appeared before Council to express opposition to this request. She explained that she opposes the location of any mobile homes in her neighborhood. She further explained that she spoke in opposition to the location of a mobile home on Ridgeway Drive in August 2006. She also informed Council that Mr. Graham, as a member of the Laurinburg Planning Board in 2006, voted against the request which had been made in 2006. She expressed concern that approval of this request would open the door for the location of more mobile homes in the area and would be a detriment to the neighborhood.

Mr. Ronald Wayne Gibson, Pastor of Trinity Pentecostal Church, appeared before Council to voice opposition to the request explaining that property values would be negatively affected.

Mr. Richard Hafler of 10560 Turnpike Road appeared before Council to voice opposition to the request. He expressed concern that mobile home property would not be properly maintained.

Mr. Don Galloway appeared before Council to express opposition to this request.

Mr. James Graham explained that his original plans for these properties included patio homes similar to what is located at The Colony. He added that since the economy has gone bad and since the City Council had allowed the zoning change in 2006 for the adjoining property on Ridgeway Drive, he decided to seek this zoning change. He further added that, if he developed a mobile home park, he did not intend to buy mobile homes but rather would rent the lots in order to provide affordable housing. He explained that he would fence in any development similar to mobile home parks located at the beach. He also explained that a manufactured home community does not necessarily decrease property values. He explained that lots near the mobile home park near Aurora Street have sold for \$10,000.00 per acre, so he does not think that mobile homes are detrimental to property values.

Mr. Earl Deese appeared before Council to express opposition to the request explaining that property values would be negatively affected if a mobile home park is located in the neighborhood.

Mayor Block closed the public hearing.

Councilmember Parker motioned to deny Ordinance No. O-2009-02 which rezones from Residential-6 to Residential-6 Mobile Home the properties located at 10541 and 10160 Turnpike Road as such rezoning is not consistent with other development in the area, does not advance the public health, safety or welfare and does not provide a positive impact to the public at large. The motion was seconded by Councilmember Leak and the vote was as follows:

Ayes: Parker, Leak, Faulk, Rainer, DeBerry

Nays: None

CONSIDER RESOLUTION REQUESTING STATE ASSISTANCE FOR REPLACEMENT OF OLD WASTEWATER LINE

The Interim City Manager explained that this resolution allows the City to apply for a grant/loan from the State of North Carolina to replace approximately 4,580 linear feet of the Bridge Creek wastewater outfall line. Council adopted Resolution No. R-2009-07 for the replacement of water lines on February 25, 2009. She added that this money is part of the stimulus package from the State, and it is a 0% interest loan with 50% principal forgiveness.

Upon question by Councilmember Rainer, Mr. Bill Riemer, Director of Administration and Development, stated that the project will cost approximately \$600,000.00 to \$700,000.00.

Councilmember Parker motioned to approve Resolution No. R-2009-10 requesting State assistance for replacement of approximately 4,580 linear feet of the Bridge Creek wastewater outfall line. The motion was seconded by Councilmember Faulk, and the vote was as follows:

Ayes: Parker, Faulk, Rainer, DeBerry, Leak

Nays: None

(Resolution No. R-2009-10 on file in the City Clerk's office)

CONSIDER RESOLUTION OPPOSING HB 1252 AND SB 1004

The Interim City Manager explained that the proposed resolution opposes House Bill 1252 and Senate Bill 1004 which place prohibitive restrictions on cities and towns that seek to provide communications. She added that these bills hinder local governments from providing needed communications services in underserved areas and would shut down cities' and towns' ability to provide fiber optic network as part of their infrastructure. She further explained that these bills would also prohibit cities and towns from receiving funds from the \$4.7 billion available from the federal stimulus package for development of rural communications infrastructure. She further added that, if approved by Council, a copy of the resolution will be mailed to our legislators.

Councilmember Parker motioned to approve Resolution No. R-2009-11 which opposes HB 1252 and SB 1004 which place prohibitive restrictions on cities and towns that seek to provide communications. The motion was seconded by Councilmember Rainer, and the vote was as follows:

Ayes: Parker, Rainer, Leak, Faulk, DeBerry

Nays: None

(Resolution No. R-2009-11 on file in the City Clerk's office)

It was suggested that the Interim City Manager determine the sponsors of the bills and send them a copy of the resolution.

REQUEST FOR AMENDMENT TO ARTICLE X SECTION 146 OF THE UNIFIED DEVELOPMENT ORDINANCE

The Interim City Manager explained that Ms. Barbara Cluck is requesting an amendment to Article X, Section 146 of the Unified Development Ordinance to allow indoor kennels by conditional use permit in the Residential-15 zoning district. She added that the Laurinburg Planning Board met on April 14, 2009 and by a vote of 3-3 was unable to make a recommendation to Council. She further added that a public hearing will need to be set to be held on Tuesday, May 19, 2009 at 7:00 p.m. in the council room of the Municipal Building located at 303 West Church Street.

Motion was made by Councilmember Parker, seconded by Councilmember Rainer, and unanimously carried to set a

public hearing on Tuesday, May 19, 2009 at 7:00 p.m. in the council room of the Municipal Building located at 303 West Church Street to consider a request to amend Article X, Section 146 of the Unified Development Ordinance to allow indoor kennels by conditional use permit in the Residential-15 zoning district.

REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE AN INDOOR KENNEL AT 12501 BLUE'S FARM ROAD

The Interim City Manager explained that Ms. Barbara Cluck is requesting a conditional use permit to operate an indoor kennel at 12501 Blue's Farm Road. She added that the Laurinburg Planning Board at its April 14, 2009 meeting recommended approval of the proposed request by a 4-2 vote. She further explained that the request for a conditional use permit is contingent on the amendment to the Unified Development Ordinance to allow indoor kennels in the Residential-15 zoning district and that a public hearing will need to be set on Tuesday, May 19, 2009 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church Street.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to set a public hearing on Tuesday, May 19, 2009 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church Street to consider a request for a conditional use permit to operate an indoor kennel at 12501 Blue's Farm Road.

AGREEMENT BETWEEN THE CITY OF LAURINBURG AND THE SCOTLAND COUNTY BOARD OF ELECTIONS

The Interim City Manager explained that the Scotland County Board of Elections is requesting an updated agreement in order to conduct the City's municipal elections. She added that the purpose of the updated agreement is to include the preaudited statement and also noted that the City has authorized absentee voting.

Motion was made by Councilmember Faulk, seconded by Councilmember Parker, and unanimously carried to authorize the Mayor to execute the proposed agreement between the City of Laurinburg and the Scotland County Board of Elections to conduct the 2009 Municipal Elections. Copy of the agreement is on file in the City Clerk's office.

SET MUNICIPAL ELECTION CANDIDATE FEE

The Interim City Manager explained that according to GS 163-294.2(e), the filing fee for the primary or election shall be fixed by the governing board no later than the day before candidates are permitted to begin filing notices of candidacy. She added that there shall be a minimum filing fee of \$5.00. She further added that the governing board shall have the authority to set the filing fee at no less than \$5.00 nor more than one percent (1%) of the annual salary of the office sought unless that percentage shall be less than \$5.00, in which case the minimum filing fee of \$5.00 will be charged, and the fee shall be paid to the Board of Elections at the time notice of candidacy is filed.

The Interim City Manager explained that prior to the 2007 election, Council voted to increase filing fees to \$25.00 for Mayor and Councilmember. She added that prior to 2007, the filing fees were \$5.00 for Councilmembers and \$10.00 for Mayor.

Members whose terms expire in 2009: Parker, Rainer, and DeBerry

Motion was made by Councilmember Faulk, seconded by Councilmember Leak, and unanimously carried to set the municipal election candidate fee for Mayor and Councilmembers at \$25.00.

The Interim City Manager explained that because the July 4th holiday will be observed on Friday, July 3rd, the filing time will begin on Monday, July 6th at 8:00 a.m. and conclude on Friday, July 17th at noon.

HIRING FREEZE

The Interim City Manager explained that Stacey McQuage, Public Utilities Director, is requesting that Council consider lifting the hiring freeze in order to fill a street maintenance worker position that has been vacant since January 2009. She added that with the grass cutting season and mosquito season upon us, he feels the position needs to be filled.

A discussion ensued concerning the cost of filling the position versus bidding out grass mowing and edging. Councilmember Leak suggested that the City contract out the mowing and edging, and a discussion ensued concerning bidding out the mowing.

Mr. McQuage explained that the street maintenance worker position has other duties in addition to mowing, which include, but are not limited to, pothole patching, bridge and street repair, operating dump trucks, using high pressure water storm drain cleaners, and making sidewalk and shoulder repairs.

Further discussion ensued concerning bidding out mowing, and it was consensus among Councilmembers that Mr. McQuage get bid estimates to mow the rights-of-way that is his department's responsibility.

A discussion then ensued concerning the work of the Beautification Department and the recommendations of the Beautification Committee that were presented to Council.

Councilmember Parker stated that Council's desires of staff have changed, and beautification is now very important along with the budget. He explained that now is a perfect time for Council to provide staff with its expectations so that staff can realign City services to meet those expectations.

Upon question by Mayor Block, it was consensus of Council that staff bid out the mowing along US Highway 401 from Wallace Trucking to Blue's Farm Road.

Upon question by Mr. Riemer, it was consensus of Council for Mayor Block and Mr. Riemer to determine the extent of the mowing on US Highway 401 including whether the entire right-of-way would be mowed or simply ditch bank to ditch bank. Mayor Block stated that a map would be developed and provided to Council in the next weekly update.

Upon question by Councilmember Leak, Mr. McQuage explained that the mosquito spraying program would begin mid-May. He explained that the machines will be calibrated the first week in May and that he is required to provide the public two (2) weeks notice before spraying commences.

Mayor Block explained that he had discussed beautification and the recommendation of the Beautification Committee to focus more attention on thoroughfares with most members of Council. He further explained that many of the medians are overgrown and that grass is growing over the curbs and into the gutters along Main Street and Church Street. He added that he would like for the Beautification Department to start tomorrow on these jobs as it is a priority and that if the department is unable to complete all of its tasks, then he would like the department to provide an explanation as to why.

Following further discussion, it was consensus of Council for the Beautification Department to begin edging and/or spraying rights-of-way and medians on Church Street east and west from city limit to city limit and on Main Street from Aberdeen Road to US Highway 401 South at Mi Casita's.

REQUEST FROM INTERIM CITY MANAGER TO CHANGE TRAVEL ALLOWANCE

Mayor Block explained that since Council's March meeting and the appointment of the Interim City Manager, a request has been made to change the travel allowance allotment. He added that having to keep up with mileage on a daily basis is a cumbersome task for the Interim City Manager. He noted that she has to travel for City business several times a day. He stated that, in lieu of in-City business travel being reimbursed based on mileage, the request is to reimburse the Interim City Manager a fee of \$100.00 per month for in-City business travel.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to reimburse the Interim City Manager a flat fee of \$100.00 per month for in-City business travel.

PROCLAMATION FOR ARBOR DAY

Mayor Block explained that the City will be receiving its 30th Tree City designation on April 24, 2009. He added that the City is also receiving an American Liberty Elm and commemorative elm restoration plaque. He further added that a celebration will be held behind City Hall in the park on Friday, April 24 at 10:00 a.m. in combination with National Arbor Day, and the Forestry Service will be participating with education booths and games for children. He extended an invitation for everyone to join the Beautification Department to celebrate this event.

APPOINTMENTS

The Interim City Manager explained that a list of committees that the former City Manager served on and a list of the meetings he attended had been requested. Discussion then ensued concerning the various committees and meetings as follows:

Chamber Board of Directors - The Interim City Manager explained that this was a Chamber appointment.

NCEMPA Board of Commissioners - The Interim City Manager explained that the former Manager was the voting delegate and the Mayor is the alternate voting delegate. She added that this is an important appointment.

It was the consensus of Council to appoint the Interim City Manager as the voting delegate to NCEMPA and Councilmember Curtis Leak as the alternate voting delegate.

NCEMPA Rate Committee - The Interim City Manager explained that NCEMPA will appoint someone to this committee.

Lumber River RPO TCC Committee - The Interim City Manager reported that this is a Scotland County appointment, and the County appointed the Interim City Manager to this Committee at its April 6, 2009 meeting.

RLUAC Board of Directors - Following discussion, the Interim City Manager will ask a Management Team member to fill this position.

RLUAC Board - The Interim City Manager stated she did not know the difference between the RLUAC Board of Directors and the RLUAC Board.

Scotland Economic Development Committee - The Interim City Manager explained that the City Manager serves as ex-officio member according to the by-laws.

Scotland Development Corporation - The Interim City Manager explained that a nomination from the Mayor will be considered by the Corporation. She added that she had been asked to serve on this board.

The Assistant City Attorney recommended that, if he chose to do so, the Mayor write a letter nominating the Interim City Manager to serve on the board of Scotland Development Corporation.

Scotland County Civic Center - The Interim City Manager explained that this committee handles Scotland Place and that there have been no meetings in the last several years.

It was consensus of Council that the Deputy City Clerk attend any meetings if necessary.

Retail Subcommittee - Mayor Block stated he would be happy to serve on this committee.

County Leaders Meeting - The Interim City Manager explained that this was an informal group that met and is not an appointment.

NCLM Finance and Administration Committee - The Interim City Manager reported that the League will make this appointment.

LDRC - The Interim City Manager explained that she had been asked to serve on this board.

A discussion ensued concerning the attendance of Ms. Barbara Alexander, LDRC secretary, at Council meetings to provide updates on downtown. It was consensus of Council that the Interim City Manager would provide the LDRC minutes in the agenda packets for Council.

LMA Commission - The Interim City Manager explained that Council had directed the former City Manager attend these meetings. Following a brief discussion, it was consensus of Council for the Interim City Manager to attend these meetings.

BRAC Chamber Meetings and BRAC Meetings - Councilmember Parker explained that he attends the BRAC meetings and sometimes attends the BRAC Chamber meetings. He added that Scotland County has the seat on the BRAC Board of Directors.

Mayor Block explained that when the BRAC meetings are in Laurinburg he attends. He recommended that the Interim City Manager be appointed as the alternate to attend the meetings if he is unable.

COG Regional Managers Meeting - The Interim City Manager explained this was a monthly meeting attended by managers of COG members. She added that she would attend.

Following discussion, motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to appoint the Interim City Manager as the voting delegate on the NCEMPA Board of Commissioners with Councilmember Leak as the alternate voting delegate.

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PUBLIC COMMENT

Councilmember Parker encouraged everyone to attend the Storytelling Festival this weekend as it is vital to the community. He added that the Festival will be downtown at the Storytelling Festival of the Carolinas Friday night and will be held at the John Blue House on Saturday and Sunday. He further added that this weekend is also St. Andrews College Alumni Weekend.

Mayor Block stated that the Scotland Memorial Fitness Festival is also this weekend.

Mayor Block stated that the St. Andrews Presbyterian College graduation is coming up and encouraged attendance by Council. He added that the College is in the midst of its fundraising campaign and is at 65% of its goal. He explained that the College provides jobs in the community and is an asset to the community. He encouraged financial support not just by the amount raised but also the number of donors. He added that when the College goes through its certification process, it looks good to have a broad base of support.

CLOSED SESSION

The Assistant City Attorney explained that before Council went into closed session, he wanted to remind Council that no action could be taken during closed session, and that only discussion could occur.

At 8:50 p.m. motion was made by Councilmember DeBerry to go into closed session, pursuant to North Carolina General Statute 143-318.11(a)(6), to discuss the qualifications, competence, performance, character, fitness, conditions

of appointment, or conditions of initial employment of an individual public officer or employee and, pursuant to North Carolina General Statute 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other business in the area served by the public body, including agreement on a tentative list of economic development incentives. Councilmember Leak seconded the motion, and it unanimously carried to go into closed session.

At 9:20 p.m., upon returning to the council room, motion was made by Councilmember DeBerry, seconded by Councilmember Parker, and unanimously carried to adjourn the closed session and resume the open meeting.

ADJOURNMENT

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

The meeting adjourned at 9:21 p.m.

Matthew Block, Mayor

—Dolores A. Hammond, City Clerk