

**CITY OF LAURINBURG  
COUNCIL MEETING  
JULY 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 July 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: Edward F. Burchins, 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.

**SWEARING IN OF CITY MANAGER**

Mayor Block swore in Edward F. Burchins as City Manager of the City of Laurinburg.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Leak, seconded by Councilmember Faulk, and unanimously carried to approve the proposed minutes from the budget workshop held June 1, 2009.

**PUBLIC HEARING**

**REQUEST TO REZONE FROM RESIDENTIAL-6 TO OFFICE/INSTITUTIONAL PROPERTY LOCATED AT 901 ALEXANDER AVENUE AND TWO (2) ADJOINING LOTS**

Mayor Block explained that Ms. Sabrina Fox, on behalf of New Greater St. James Holiness Church, is requesting that the property located at 901 Alexander Avenue and two (2) vacant lots that the church owns across the street be rezoned from Residential-6 to Office/Institutional in order to construct a picnic shelter. He added that the Laurinburg Planning Board heard this request at its June 9, 2009 meeting and recommended approval of this request by a 5-1 vote. He further added that the City Clerk has notified, by first-class mail, adjacent property owners of this public hearing, and the notice of the hearing was also advertised in *The Laurinburg Exchange*.

Mrs. Brandi Deese, City Planner/Zoning Officer, appeared before Council and explained that the church had recently purchased two (2) lots across from the church (901 Alexander Avenue), and would like to build a picnic shelter. She added that the lots are zoned Residential-6 which would not allow such development. She further added that the church wanted to rezone the church property as well as it is also zoned Residential-6 and encompasses three (3) lots. She further added that most area residents attend this church. Staff felt the rezoning to Office/Institutional would not adversely affect property values and felt that the request was consistent with the regulatory provisions of the Unified Development Ordinance.

Upon question by Mayor Block, Mrs. Deese stated that the dissenting vote was cast by a Planning Board member who expressed concern that other churches in the area would also request rezoning of property to Office/Institutional. She added that the Planning staff does not have a problem with such rezoning and with the uses allowed in the Office/Institutional zoning district.

Deacon Gibson from St. James Holiness Church stated that it took the church several years to purchase the property. He added that the church has improved the looks of the property so that the church and community could get some usage from the property.

Ms. Sabrina Fox appeared before Council on behalf of St. James Holiness Church and described the proposed picnic shelter and other improvements for the property including landscaping. She added that the proposed improvements would definitely be an improvement to the community.

There was no one present to speak against the request.

Councilmember Rainer moved for the adoption of Ordinance No. O-2009-08 which rezones from Residential-6 to Office/Institutional the subject property with the findings 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 DeBerry seconded the motion, and it was approved by the following vote:

Ayes: Rainer, Parker, DeBerry, Leak, Faulk

Nays: None

(Ordinance No. O-2009-08 on file in the City Clerk's Office)

## **DELEGATION**

Mayor Block explained that Mrs. Bridgeman was unable to attend the meeting. He then explained that Mrs. Bridgeman was being recognized for her dedicated service to the Laurinburg/Maxton Airport Commission.

## **PRESENTATION**

Mayor Block recognized Mrs. Dolores A. Hammond, City Clerk, for her work as Interim City Manager from April, 2009 to July, 2009 and presented her with a plaque as follows:

*"The City of Laurinburg  
Certificate of Appreciation*

*Presented to Dee Hammond, Interim City Manager from April to July, 2009*

*A special tribute for her dedicated service as Interim City Manager for the City of Laurinburg.*

*During her months as Interim City Manager she gave unselfishly of her time and talents in helping with the operation of the City and with the needs of Mayor and Council. She strived to ensure the public received quality assistance and she devoted herself to the City of Laurinburg unconditionally. She is a valuable asset to the City and been extremely helpful with the Mayor and Council's needs. We wish her many more years of continued success."*

Mayor Block recognized new members, Kelly Stockhorne and Renee Anderson, of the Laurinburg Junior Service League and presented them with pins to the City of Laurinburg.

## **REQUEST TO AMEND ARTICLE X, SECTION 146 OF THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW INDOOR KENNELS IN THE RESIDENTIAL-15 (R-15) ZONING DISTRICT BY CONDITIONAL USE PERMIT**

The City Manager explained that a request had been received to amend Article X, Section 146 of the Unified Development Ordinance to allow indoor kennels in the Residential-15 zoning district at Council's May meeting. He also added that there had been discussion to amend Article XI, Section 178 by imposing additional requirements for the operation of kennels.

Mr. Bill Peele explained that the item before Council was a request by Ms. Barbara Cluck to amend the Unified Development Ordinance to allow indoor kennels by conditional use permit in the Residential-15 zoning district. He added that the public hearing on this matter was held at the May Council meeting but failed to receive a two-third (2/3) majority vote. He further added that Council is acting on the second reading for which a simple majority vote would carry the matter. He further added that, as the City Manager explained, at Council's last work session, an additional condition to the supplemental regulations had been suggested which would impose a minimum lot size of 3 acres for indoor kennel requests in the R-15 zone. He concluded by stating that should Council wish to pursue this change, a slightly different procedure should be followed.

The Assistant City Attorney explained that this matter came before Council at the May 19, 2009 meeting and was voted on receiving approval. He further explained that because it did not have the two-third (2/3) majority vote on the first reading, a second vote was required. He added that the matter was tabled at the June 16, 2009 meeting, therefore, the motion that needs to be voted on a second time is the same motion that was voted on at the May 19, 2009 meeting. He further added that if Council wanted to make any amendment to the original proposal, then the way to handle that would be to vote down the original motion on its second reading. Then a new motion and second could be made and Council could proceed from there.

A roll call vote on the motion to approve Ordinance No. O-2009-03 which was voted on at the May 19, 2009 meeting was then held and the votes were as follows:

Ayes: None

Nays: Rainer, Parker, DeBerry, Leak, Faulk

The Assistant City Attorney explained that the proposed Ordinance No. O-2009-03 was defeated and Council could consider any other motion.

Councilmember Parker motioned to approve proposed Ordinance No. O-2009-03 which amends Article X, Section 146 of the Unified Development Ordinance to allow indoor kennels in the Residential-15 zoning district by conditional use permit and amends Article XI, Section 178, Kennels by imposing additional requirements for the operation of kennels as follows: The use shall comply with all state and local regulations including the licensing agency, the North Carolina Department of Agriculture; for outdoor kennels, the use shall be set back a minimum of 50 feet from an adjoining street right-of-way or property line; for indoor kennels, the minimum set backs shall be the same as for primary structures; indoor kennels in the Residential-15 zoning district are permitted only as an accessory use to a single family residential use; and a minimum lot size of three (3) acres is required. The motion was seconded by Councilmember DeBerry, and the vote was as follows:

Ayes: Parker, DeBerry, Leak, Faulk, Rainer

Nays: None

(Ordinance No. O-2009-03 on file in City Clerk's office)

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

Mayor Block explained that Ms. Barbara Cluck's request for a conditional use permit to operate an indoor kennel at 12501 Blue's Farm Road was also tabled at the June 16, 2009 meeting. He added that in order to obtain a conditional use permit, Ms. Cluck must meet the requirements in Article XI, Section 178 in addition to the following requirements previously imposed by Council:

- Running water must be located at the kennel site
- A compost pile for animal waste must be developed

Councilmember Parker motioned to approve the request for a conditional use permit to operate an indoor kennel at

12501 Blue's Farm Road 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

Additionally, in furtherance of the foregoing the development and use should be subject to the following conditions:

- Running water be located at the kennel site;
- A compost pile for animal waste must be developed.

The motion was seconded by Councilmember Leak and the motion carried unanimously.

### **ORDINANCE AMENDING THE 2009-2010 BUDGET APPROPRIATIONS ORDINANCE (O-2009-07)**

The City Manager stated that there were several budget amendments that were necessary and he requested Mrs. Cindy Carpenter, Finance Director to explain.

Mrs. Cindy Carpenter explained that one amendment is to transfer \$9,000.00 from the Materials and Supplies line item in the Engineering Department to the Contingency line item in the Engineering Department. She stated that the second transfer is the sum of \$25,000.00 from the Contingency line item of the Water/Sewer Fund to the Water Construction line item of the Water Production budget.

Councilmember Faulk moved for the adoption of Ordinance No. O-2009-09 which amends the 2009-2010 budget appropriations ordinance. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Faulk, Rainer, Parker, DeBerry, Leak

Nays: None

(Ordinance No. R-2009-0 on file in the City Clerk's office)

### **ORDINANCE WHICH AMENDS ARTICLE II, FIRE PREVENTION CODE, SECTION 18-41. OF THE CODE OF ORDINANCES FOR THE CITY OF LAURINBURG**

The City Manager explained that annually the North Carolina Building Code Council makes a number of amendments to the North Carolina State Building Code including incorporating the 2006 International Fire Code.

Councilmember Parker motioned to approve Ordinance No. O-2009-10. Councilmember Rainer seconded the motion, and the vote was as follows:

Ayes: Parker, Rainer, Faulk, Leak, DeBerry

Nays: None

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

### **RESOLUTION TO DONATE 20 USED UTILITY POLES TO SCOTLAND COUNTY PARKS AND RECREATION**

The City Manager explained that a request from the Scotland County Parks and Recreation Director for 20 used utility poles had been received. He added that the City Manager has the authority to dispose of City property up to \$5,000.00

but does not have the authority to give the property away; therefore, a motion from Council is required to donate the utility poles.

Councilmember Parker motioned to approve Resolution No. R-2009-16 which donates 20 used utility poles to Scotland County Parks and Recreation. Councilmember DeBerry seconded the motion and the vote was as follows:

Ayes: Parker, DeBerry, Leak, Faulk, Rainer

Nays: None

(Resolution No. R-2009-16 on file in the City Clerk's office)

## **RESOLUTIONS WHICH RELATE TO THE FY08 COMMUNITY DEVELOPMENT BLOCK GRANT**

The City Manager explained that there were several resolutions with regard to the Morris and Creedle Streets Community Development Block Grant (CDBG).

Mr. Bill Riemer, Director of Administration and Development, explained that the three (3) resolutions relate to the CDBG project for Morris and Creedle Streets. He further explained that the project entailed replacing approximately 1,700 linear feet of 8-inch sewer on Morris and Creedle Streets and approximately 2,000 linear feet of 20-inch sewer outfall that runs from Carver Street to Caledonia Road. He added that the project has not been designed yet, that the process of environmental review from the State is in progress, and that it should go to bid in November with construction beginning the end of January.

Upon question by Mayor Block, Mr. Riemer explained that Housing and Urban Development is requiring that the City advertise that the project is located in a flood plain. He added that the ad would be in *The Laurinburg Exchange* the next day.

Upon question by Councilmember DeBerry, Mr. Riemer stated that there funds were included in the grant to overlay the streets.

Upon question by Councilmember Rainer, Mr. Riemer explained that he would speak with the contractor to ensure service is not interrupted for customers.

Councilmember Parker motioned to approve Resolution Nos. R-2009-17, R-2009-18, R-2009-19. Councilmember Leak seconded the motion and the vote was as follows:

Ayes: Leak, Faulk, Rainer, Parker, DeBerry

Nays: None

(Resolution Nos. R-2009-17, R-2009-18, and R-2009-19 on file in the City Clerk's office)

The City Manager requested that Mr. Riemer give an overview of the McKay Street project.

Mr. Riemer explained that the McKay Street project grant award is for \$500,000.00 with the City's contribution being \$175,000.00 for a total project cost of \$675,000.00. He added that the contract has been let to Southeast Pipe, Inc. and that work should start in the next few weeks on slip-lining of approximately 2,585 linear feet of 18-inch sanitary sewer lines and reinstatement of services along McKay Street. He explained that the reason this line is being slip-lined instead of replaced is because of the depth of the sewer line.

Upon question by Mayor Block, Mr. Riemer explained for major projects, the City asks for financials and references from the contractor. He added that when grants are involved, there are firms that are black-listed.

The City Manager added that the engineer has a responsibility to pre-qualify a contractor.

## **DISCUSSION ON COUNCIL TRAVEL**

The City Manager explained that staff needed to find out if Council wanted to travel to any of the following conferences: North Carolina Black Caucus Conference, ElectriCities Conference, the North Carolina Municipal Clerks' Association Conference, or the North Carolina League of Municipalities Annual Meeting in Greenville. He added that once staff knows Council's wishes, a budget amendment can be prepared.

The City Clerk explained that \$2,500.00 was put in Contingency for Council's travels in the FY 2009-2010 budget.

Further discussion ensued and there was no action on this matter.

## **APPOINTMENTS OF CITY MANAGER**

Mayor Block stated that Council needed to consider appointments of the City Manager to some of the positions that the former City Manager had.

The following discussions ensued concerning the following committees:

*Regional Land Use Advisory Committee (RLUAC):* The City Clerk stated that Council had asked for a volunteer from the Management Team to serve on this committee, and Mr. Bob Bell, Human Resources/Risk Management Director volunteered.

*Lumber River RPO TTC Committee:* The City Clerk stated that this appointment is made by the Scotland County Board of Commissioners; therefore, a request to have the City Manager appointed would have to be made to the Commissioners.

*Scotland Development Corporation:* The City Clerk stated that a nomination of the City Manager would have to be provided to the Board of Scotland Development Corporation for consideration.

*BRAC:* Councilmember Parker stated that he was the municipal representative for Scotland County on the BRAC Committee. He added that Greg Icard is the representative for Scotland County and is the only voting member for the County.

The City Clerk stated that the former City Manager attended on behalf of the Chamber of Commerce.

*Laurinburg Downtown Revitalization Corporation (LDRC):* Upon question by Councilmember Faulk, the City Clerk stated that the City's appointments to the LDRC board would be up for discussion next month. She added that there has been a change in LDRC's bylaws and the City will only have two (2) appointments.

*Scotland Civic Center:* The City Clerk stated that she was not sure of the status of the Scotland Civic Center board because it has not met in the last two (2) years.

*Retail Subcommittee:* Following a lengthy discussion, Councilmember Faulk suggested that Mrs. Brandi Deese, City Planner/Zoning Officer, serve on this committee.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to appoint Mr. Bob Bell to the Regional Land Use Advisory Committee (RLUAC) and Mrs. Brandi Deese to the Retail Subcommittee.

## **OTHER**

Mayor Block recognized the presence of Mr. Paul Davis, former Executive Director of the Laurinburg/Maxton Airport Commission.

Mayor Block recognized the presence of Ms. Theresa Lamson, President of the Laurinburg/Scotland County Area

Chamber of Commerce. Ms. Lamson reminded everyone about the Welcome Reception for the City Manager and Mr. Stout, the School Superintendent, on Tuesday, August 4, 2009 at the Storytelling Festival office. She added that the National Night Out will also be celebrated downtown that evening.

## **PUBLIC COMMENT**

Councilmember Parker stated that Greg Icard, Scotland County Development Director, had notified him that a new business offering 25 jobs would be locating in Scotland County.

## **ADJOURNMENT**

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

The meeting adjourned at 7:50 p.m.

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Matthew Block, Mayor

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Dolores A. Hammond, City Clerk