

**CITY OF LAURINBURG
COUNCIL MEETING
SEPTEMBER 22, 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 September 22, 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, Thomas W. Parker, III, and Herbert M. Rainer, Jr. Councilmember Curtis B. Leak was absent due to traveling to Fort McPherson Georgia for a Base Realignment and Closure Relocation Fair.

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 Parker gave the invocation.

APPROVAL OF MINUTES

Motion was made by Councilmember Faulk, seconded by Councilmember DeBerry, and unanimously carried to approve the minutes from the budget meetings held June 4, 2009, June 9, 2009, the meeting held June 11, 2009; the budget meeting held June 15, 2009; and the regular meeting held June 16, 2009.

PUBLIC HEARING ON A RESOLUTION DIRECTING THE STREET IMPROVEMENT PROJECT BE UNDERTAKEN ON DELUCA STREET.

Mayor Block explained that this public hearing is being held to approve proposed Resolution No. R-2009-23 which directs the street improvement project on Deluca Street be undertaken.

Mayor Block stated that the City Clerk has notified all property owners subject to assessment by first class mail and has also advertised the notice of the public hearing in *The Laurinburg Exchange*.

Stacey McQuage, Public Utilities Director, explained that at Council's August meeting, a resolution was passed that street improvements to Deluca Street be considered according to Council's authority to levy special assessments without petition and to set a public hearing to receive citizen input on the proposed street improvements. The street has been a topic of discussion for a number of years. Because of the expense to improve the entire street, no action has previously been taken. Until a more economical solution can be found, staff has found an alternate solution to help improve the street

Council has allotted \$250,000.00 for street maintenance and paving. A portion of these funds will be used to make improvements to a portion of the street, and the remaining funds will be used to resurface streets in other areas.

Mayor Block then declared the public hearing open.

Mr. Sam Kelly, 804 Durso St., spoke in favor of the request. He stated that the street was always dusty or muddy and that this has interfered with the residents' ability to enjoy the outdoors.

There was no one to speak against the request.

Councilmember Parker motioned to approve Resolution No. R-2009-23 which directs the street improvement project to begin on Deluca Street. Councilmember Faulk seconded the motion and the vote was as follows:

Ayes: Parker, Rainer, Faulk, DeBerry

Nays: None

(Resolution No. R-2009-23 is on file in the City Clerk's Office)

ORDINANCE TO REZONE FROM RESIDENTIAL-15 TO GENERAL BUSINESS-CONDITIONAL USE DISTRICT A PARCEL OF LAND LCOATED ADJACENT TO THE PROPOSED STAPLES SITE ON WESTWOOD WAY

Mayor Block explained that this request is to consider proposed Ordinance No. O-2009-13 to rezone from Residential-15 to General Business-Conditional Use District a 5.727 parcel of land located adjacent to the proposed Staples site on Westwood Way.

He then declared the public hearing open.

Mr. Bill Peele, City Zoning Officer, explained that Mr. Kenneth Robinette has requested that an additional 5.727 acre parcel of land, located adjacent to the proposed Staples site on Westwood Way, be rezoned from Residential-15 to General Business-Conditional Use District.

He stated that the Planning Staff has determined that Mr. Robinette's rezoning petition adequately satisfies the regulatory provisions of the Unified Development Ordinance. The Planning Board considered this request at its August 11, 2009 meeting, and by a 4-2 vote recommend the request be approved.

Upon question by Councilmember Faulk, Mr. Peele explained that the Residential-15 zoning district is restricted to single family residential use only.

Upon question by Mayor Block, Mr. Peele stated that the zoning department feels that the conditional use district process allows the City to take advantage of both development and retail recruitment as well as to protect the existing land uses that are in the area. He explained that staff has worked with Mr. Robinette and his staff and have a plan that would adequately serve all parties.

Mayor Block clarified that the proposed request before Council to consider is a conditional use district that approves specific site plans and that any substantial deviation from those plans would have to come back and be approved by Council.

Mr. Peele then stated that this request is a continuation of the site that Council approved a little over two years ago. There will be a two-acre parcel that will remain undeveloped adjacent to Walker Street which is at the northern end of the property.

Mr. Peele explained that the North Carolina Department of Transportation (DOT) has been very open about its involvement in this request. DOT was contacted by Mr. Robinette about improving access to the property and gave him direction on what DOT felt would adequately serve any development along Westwood Way. In the discussions with DOT, DOT suggested a number of improvements which included widening of West Boulevard, the installation of a traffic light at the easternmost entrance to Wal-Mart, and the realignment of the entrance to Westwood Way along with additional lanes off of Hwy. 401. Everything that DOT required be done to maintain the same level of service was agreed upon by Mr. Robinette.

Mr. Peele also explained that in a meeting held with Kevin Hedrick, District Engineer with DOT, Hedrick indicated that after the improvements were made the area probably would not see a great deal of improvement as far as traffic flow in the area, but with the improvements to Westwood Way, the increased traffic would not make traffic flow any worse. In fact, according to him, it would actually improve two intersections that are failing now (left turn out of Glasgow Dr. and the western entrance of Wal-Mart).

Upon question by Councilmember DeBerry, Mr. Peele explained that Mr. Robinette had increased his buffering requirement from 35 feet to 50 feet which would include a 25-foot natural vegetated buffer, a chain link fence, and

landscaped 25-foot buffer.

Upon question by Mayor Block, Mr. Peele stated that the improvements to the property would need to be completed before DOT would grant a driveway permit that accesses the property.

Mr. Charles Vick, representative from the local DOT office in Wagram, NC, stated that the traffic impact analysis for this site cannot really require a developer to improve the existing traffic pattern but can require what changes seem to be necessary to keep the existing level of service (delay, capacity for storage and turn lanes). He stated that the improvements required by DOT should keep the level of service basically as it is now.

Mayor Block asked if there was anyone present to speak in favor of this request.

Mr. Craig McNeil, on behalf of Ken and Claudia Robinette, along with Mr. Robinette's assistant Gail Clark, spoke in favor of this request. McNeill stated that the property was purchased by the Robinettes in 2007. He explained that, through the process of rezoning, a portion of the site was rezoned for a proposed Staples site. He said that originally there was a site plan from DOT which depicted a turning lane and a stop light. He stated that the level of service issue then arose and that a study was done. After the site for the proposed Staples was approved, the issue became that the cost of the installation of the traffic light and the proposed improvements was approximately \$700,000.00. He explained that there was originally a commitment from the NC Senate and House for \$200,000.00 each and that the remainder of the cost would be the developer's responsibility. Since that time, because of the recession and budget cutbacks, the funds from the Senate and House are no longer available.

He then explained that to have only one commercial tenant on the site would not be enough to shoulder the cost of the entire expenditure of \$700,000.00. Therefore, the developer chose to ask to rezone additional property in order to enlist more tenants to help bear the cost of the traffic improvements.

Mr. McNeil gave a brief history on Mr. Robinette's commercial development as well as personal information which included his involvement with Southeastern Economic Development as well as being the Chairman of the Richmond County Commissioners.

He also explained that most tenants are interested in having a new building erected in order to meet their needs and are not interested in vacant buildings. He then explained that when discussing possible locations and vacant buildings that the developer would be willing to bring those potential people in to look at those buildings (e.g. the old Winn Dixie site).

Mr. McNeil stated that Mr. Robinette asked him to express how Mr. Peele and the Laurinburg staff have been very professional and very good to work with.

Upon question by Mayor Block, Mr. McNeil stated that the proposed tenant, Staples, would not locate until a stoplight was erected and that the window of opportunity has now passed. Once the stoplight is installed, the process for the proposed Staples would begin once again.

Mr. Bill Owens, 1103 Dunbar Dr., spoke against this request citing the wording of the "Staples Site" as misleading because there is now no commitment from Staples.

Mr. Nathan Monroe, 901 East Scotsdale Dr., spoke against this request citing the proposed Staples site, the number of retail stores vacant in the Wal-Mart Shopping Center area, and the traffic issues.

Mr. Kenton Spencer, spoke on behalf of Mary Braum, and stated that, because of the type of conditional request, Council may impose conditions and should consider tabling this request until more stringent conditions could be developed and required of the developer.

Mr. Aubrey McDonald, 106 East Scotsdale Dr., spoke in opposition of this request referring to the traffic conditions in the area.

Mayor Block closed the public hearing.

The City Attorney, Charles L. Hicks, Jr., reminded Council regarding this type of rezoning. According to the Unified Development Ordinance (UDO), it is intended that the property shall be reclassified to a conditional use district only in

light of firm plans to develop the property. The UDO also states that in approving a reclassification of property to a conditional use district, the Council may attach reasonable and appropriate conditions to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that Council may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication to the city of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Council.

He further stated that, in addition to the proposals of the site plan, Council has the ability to set whatever restrictions or conditions it wants to set if Council is inclined to approve the petition.

Upon question by Mayor Block, Mr. Hicks stated that the proposal, as he understands it, is that the proposal as set forth on the map that is before Council is the proposal of the petitioner and that the area would have to be developed in accord with the site plan. Council can include any other provisions or restrictions it desires. He also added that, if approved, the UDO also states that Council may approve the reclassification only upon determining that the proposed use will meet all standards and requirements in the regulations that are applicable to the proposed use. In addition to what is set forth in Council's packet, that would need to be an additional finding by Council.

Mr. Peele stated that when staff works with developers, they use the same checklist as when issuing permits for houses, buildings, or any other development. He explained that such is to ensure that every aspect of that development complies with the UDO which sets forth the provisions and regulations staff is required to follow. In discussing the proposed petition, in all cases, the developer exceeded the requirements that are set forth in the UDO. He then stated that, if Council has concerns about specific items and desires that further conditions be imposed upon the developer, they should be reasonable conditions.

Peele also stated that staff tries to work on compatibility issues and works with the developer to make sure that what they are proposing is going to be an asset to the City and to the neighborhood in which it is going to be located. Staff's feeling is that the conditions made were reasonable and openly agreed upon and met by the developer. Mr. Peele stated that he had been working with Mr. Robinette since May and found him to be a man of this word and at that time Staples was very interested in locating at the proposed site.

The area in question has a traffic problem that is not going away. The traffic count for that area is 11,000 cars per day.

Mr. Parker stated that he does not believe that someone would construct buildings if a tenant is not already committed.

Mr. McNeil stated that there will be a tenant before any building is constructed. In order to aggressively seek a tenant, it has to be shovel ready. He then stated that the road improvements would be completed, and the buildings will then be constructed when a tenant commits.

Following further discussion, Councilmember Faulk motioned to table the request. Councilmember Rainer seconded the motion, and it was approved by a 3-1 vote with Councilmember Parker casting the dissenting vote.

PUBLIC HEARING ON A REQUEST FOR A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A PHOTOVOLTAIC SOLAR ARRAY (SOLAR FARM) ON A 31.16 ACRES TRACT OF LAND ALONG STEWARTSVILLE ROAD

Mayor Block stated that this a request for a conditional use permit for the development of a Photovoltaic Solar Array (Solar Farm) on 31.16 acres located along Stewartsville Rd.

Mr. Bill Peele, first duly sworn, stated that Mr. Brian Bednar, Birdseye Renewable Energy, has requested that a conditional use permit be granted for the development of a Photovoltaic Solar Array (Solar Farm) on a 31.16 acre site along Stewartsville Road. Mr. Bednar's application for a conditional use permit was reviewed by staff, and it was determined that the subject property is located within the Planning Jurisdiction of the City of Laurinburg; the application is complete; and the proposed development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance. Planning Board unanimously concurred with these findings at its August 11,

2009 meeting and recommended that a conditional use permit be granted.

Upon question by Mayor Block, Mr. Peele stated that the planning department has researched this item and everything seen comes back very positive. Staff feels that this is a step in what the future holds as far as alternative energy sources and that it will be good for the community.

Mayor Block then declared the public hearing open.

Mr. Brian Bednar, first duly sworn, spoke in favor of the request. He informed Council that he is the President of Birdseye Renewable Energy. Also in attendance were Frank Griffin, who is the Vice President of Construction for groSolar and Scott Star, the director of utility sales for groSolar.

He explained that, along with MP2 Capital (financing partner), groSolar and Birdseye Renewable Energy are proposing to construct a solar array for Progress Energy. A contract with Progress Energy is in effect to construct a solar farm on one of two sites in Laurinburg.

He stated that one of the two sites is along Stewartsville Rd. He then stated that the solar array would be a single axis tracking system which means the panels will move in unison to follow the sun everyday so that they will keep a correct and direct alignment with the sun. The purpose of the panels is to absorb, collect, and capture sunlight, convert it into electricity and then transfer it onto the Progress Energy grid. He explained that Progress Energy has a mandate from the State of North Carolina to create an increasing amount of its electricity from renewable sources. He then explained that, to date, this project is the largest to which Progress Energy has committed.

He informed Council that this proposed project is adjacent to Interstate 74 along Stewartsville Road but not visible from Stewartsville Road. Because of the needed acreage to be certain that there is enough space to build the facility as planned, he has included in the conditional use application a portion of the property adjacent and behind the property where the collection equipment is planned to be located. It is a 2.3 megawatt facility equating to approximately 14 acres of solar panels in rows. The movement of the panels will be very slow. He stated that the site is a good site because it has good visibility from Interstate 74.

Mr. Bednar stated that he has spoken with the Scotland House owner about access questions and that they have basically resolved the owner's issues. He then stated that he had spoken with the neighbor across the street from the property and that he has no problems with the request.

He then explained that the bulk of the site would be screened from property owners other than the Scotland House property.

Upon questions by Councilmembers, Mr. Bednar explained the height of the panels and that he did not see any traffic deterrence at this location.

Upon question by Councilmember Rainer, Mr. Bednar stated that the benefits for Laurinburg and Scotland County are that this project would be the largest facility to which Progress Energy has committed and is a real positive commitment for this region. He explained additional benefits such as using local vendors for construction, a local surveyor, and using other local manpower. He said that the project will last 20 years and that there will be ongoing minimal maintenance. He stated that he would expect that the jobs will be local. Another positive would be the economic impact to the area from a tax base point of view.

Mr. Bednar explained that solar energy is a peak shaving mechanism as it produces the most electricity during the daytime and is not a sole source of power

Upon question by Councilmember Faulk, Mr. Bednar stated that an additional benefit of this project is that additional sites could potentially be located in other locations.

Mr. Bednar stated that Laurinburg was selected because of the convenience of Hwy. 74, the topography of the area,

and the abundance of agricultural land. He further added that this area, as far as the State is concerned, is about ideal.

Patricia McDonald, 1407 Stewartsville Rd., first duly sworn, stated that she looks at this as environmentally friendly and atmospherically safe but is concerned why such a project would be located close to housing. She stated that she had conducted research and found that there are indirect impacts on the environment regarding some toxins.

Mr. Bednar stated that there have been, in the manufacturing process, solvents and other chemicals used in the factory setting for the construction of the panels, but that he has found no evidence of any hazards in the finished panels in the field.

Upon question by Ms. McDonald, Mr. Bednar stated that SAS, a software company in the Raleigh area, has put in a facility about half the size of the proposed solar farm and that Progress Energy has located one in the Wilmington area half the size of this proposed project. He added that Duke Energy is planning to construct an 18 megawatt facility and that North Carolina State University has panels at the NC Solar Center.

Mrs. McDonald asked the question as to whether Mr. Bednar has seen similar projects in close proximity to homes.

Mr. Bednar explained that there is a system that was constructed in Charlotte, NC. The facility is not as large as the proposed solar farm in Laurinburg. He stated that the Charlotte facility is located next to an apartment complex in the midst of a busy road in the center of the City.

He then stated that with solar, because there is no pollution or emissions, it can be safely put in the midst of other uses. He then explained that there is a lot of waste (in the form of lost electricity) transmitting electricity over power lines a great distance. He concluded by stating that, one advantage from an electricity point of view is that there is very little waste of electricity if the electricity is produced nearby and then transmitted to the homes on Stewartsville Road.

Ms. McDonald stated that she is concerned about any health issues and any glare that may occur.

The City Manager, Ed Burchins, first duly sworn, stated that he has worked with the Solar House at NC State and that they have been studying solar panels since 1970. He explained that information about the research they have been conducting is available on their website. He then stated that they have been coordinating their efforts with the UNC School of Medicine. He informed everyone that everything he has read and has seen suggests that there is not any health concerns.

Upon question by Ms. McDonald, Mr. Bednar stated that there will be some trees taken down on the property, but the majority of the trees will remain.

Ms. Linda Covington, first duly sworn, stated that she spoke with someone today and would like to know if this facility will help in Laurinburg or South Carolina as far as energy or light bills.

Mr. Bednar stated that it is hard to segregate where the power goes but that what will happen with the electricity is that it will go onto the electric grid and be distributed to everyone that is connected to it. He explained that, more importantly, the largest benefit from the project will be the tax base, construction, and jobs and that maintenance and ongoing repairs of the facility will be Laurinburg based. He then stated that is not to say that, in the future, someone from McColl could be called in, but the focus will be on Scotland County.

Mr. Bednar also explained that Progress Energy wants to build the facility in North Carolina because it is required to develop renewable energy in North Carolina. He stated that it also makes sense for Birdseye Renewable because Birdseye Renewable is based in North Carolina. He stated that he did not look at any sites in South Carolina.

The City Manager asked if Ms. Covington was referring to distribution of electricity. He explained that the project is not big in terms of electricity production and that the energy would be used in this area.

Barbara McNair, 1402 Stewartsville Road, first duly sworn, stated that she does not have negative comments because

she is not familiar with the project but is curious about how the energy is stored and transmitted out. She is concerned it there will be constant noise at the facility.

Mr. Bednar stated the energy will not be stored. It will flow from the cells which converts light into electricity. There will be a transformer which will have a slight hum but would not be heard more than 15 feet away. It would be transmitted to the regular electric lines and then to the homes.

Councilmember Rainer stated that Stewartsville Road is in District I which he represents and that wants to understand everything he is hearing. His question is, are the concerns that have been expressed about health issues, property value issues, or the close proximity of the facility to homes?

Barbara McNair stated that she had not thought about property values but that is a concern as well as proximity to homes and the health issue.

Upon question by Councilmember Rainer, Mr. Peele stated that he did not recall hearing or reading any comment about health concerns. The concerns were primary related to the impact it would have on the adjoining property. He then stated that everything he read had been positive and encouraging for the future of alternative energy sources.

Councilmember Parker commented that he did not think that the State of North Carolina would mandate something that would cost taxpayers money to subsidize that would be detrimental to someone's health.

Mr. Peele explained that there have been package units for solar operations to power homes for years. He stated that a lot of information he has read was based on smaller packages. They seem to last a long time and work well. They initially were very costly; however, now with some available government credits, they are becoming more affordable, and there probably will be more of them.

Upon question by Councilmember Faulk, Mr. Bednar stated that the project, when completed, will have a total depreciable value of around 15 million dollars. He explained that this figure includes the panels, electrical wiring, and racks together with all the equipment associated with building the project including fencing around it.

Upon question by Mayor Block, Mr. Bednar stated that there is a statewide tax abatement of 80% of the value. He estimates that the county would receive approximately \$35,000.00 a year in taxes.

Councilmember Rainer suggested the possibility of reducing the size of the area that is closest to housing.

Mr. Bednar stated that the contract with Progress Energy is to construct the facility of the size proposed. The layout, however, has not been finalized, and an attempt was made to minimize the impact on the residential homes. He explained that they focused on constructing the bulk of the facility in the large field close to US Highway 74 and down low from Stewartsville Road. He also stated that, to try and keep it as far away from the residential area as possible, the balance of the proposed facility is behind the trees and Scotland House

Upon question by Mayor Block, Mr. Bednar stated that, if successful with the conditional use permit approval, Birdseye will so through with the final due diligence process, the final design on the project, and then the final selection of which of the two sites will be selected. He explained that he estimated completion of all the permitting processes by the end of 2009 with construction commencing and being completed in the first half of 2010.

Mayor Block stated that City property had been considered as a possible site and asked Mr. Bednar about that property.

Mr. Bednar explained that the timing and a few constraints made the City property less attractive. He added that one of the criteria asked of Birdseye was that the location be visible to the public. The City property was not as visible as either of the other two (2) sites, and furthermore, the City property does not have any direct access.

Mayor Block then declared the public hearing closed.

Councilmember Parker motioned to approve the conditional use permit request 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 Faulk seconded the motion. Vote was taken on the motion with a tie vote of 2-2 with Councilmembers Parker and Faulk voting in favor of the motion and Councilmembers DeBerry and Rainer casting dissenting votes. Mayor Block voted in favor of the request so it passed by a 3-2 vote.

PUBLIC HEARING ON A REQUEST FOR A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A PHOTOVOLTAIC SOLAR ARRAY (SOLAR FARM) ON A 64.78 ACRES TRACT OF LAND ALONG MCCOLL ROAD

Mayor Block stated that this is a request for a conditional use permit for the development of a Photovoltaic Solar Array (Solar Farm) on 64.78-acre site along McColl Road.

Mr. Bill Peele, first duly sworn, stated that Mr. Brian Bednar of Birdseye Renewable Energy has requested that a Conditional Use Permit be granted for the development of a Photovoltaic Solar Array (Solar Farm) on a 64.78-acre site along McColl Road.

He stated that Mr. Bednar's application for a 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 and the proposed development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance. Planning Board unanimously concurred with these findings at its August 11, 2009 meeting and recommended that a conditional use permit be granted in this matter.

Upon question by Mayor Block, Mr. Peele stated that a lady that owns property across the street from the subject property had called and written the City and Mr. Bednar with concerns about the request.

Mayor Block then declared the public hearing open.

Mr. Brian Bednar, Birdseye Renewable, first duly sworn, stated that this is an alternate site being considered for the solar farm facility. He explained that the parameters for the facility are exactly the same as the previously discussed site which is a 2.3 megawatt solar array mounted on a single axis tracker system which is designed to absorb, collect and capture sunlight, convert it into electricity, and transmit the electricity onto Progress Energy's electrical grid. This site is on US Highway 401 South (McColl Road) near Tartan Road. He further explained that there is a borrow pit on the property from which was previously stripped all top soil. He then explained that the intent is to place as much the array within that old borrow pit site with the balance of the system to be placed on the field adjacent. This site will be minimally visible from US Highway 401. There will be a section at the borrow pit that will be somewhat visible, but in general it will be mostly screened from the road by a large number of trees that are in place. The facility itself will cover about 14 acres, plus or minus, and will include the same type of equipment as explained in the previous request. The layout would be a slightly different shape, but essentially, for all intent and purposes, would be similar to the site previously discussed with a chain link fence around it for security.

Upon question by Mayor Block, Mr. Bednar stated that one of the criteria for selecting sites was to find locations that had reasonable access to existing power lines. He stated that this site will tie directly into the power lines at the

intersection of Tartan Road and US Highway 401 on the site side of the road.

Ms. Leatha Johnson, first duly sworn, spoke in opposition to this request. Ms. Johnson stated that she now resides in Decatur, Georgia. She explained that she was born in Scotland County, raised in Scotland County, and that her mother, father, and siblings worked hard to obtain the property they own in Scotland County which is located next to the proposed site.

She stated that the solar panels appear to be right in her property's backyard. She then explained that her understanding is that the site is 64 acres and that all of the property is around her family's property. She informed Council that she had researched solar panels and that the panels have not been researched enough for anyone to know what can happen in the future. She stated her research indicated that the panels generate electricity through nuclear fusion. Ms. Johnson stated that her research reveals that nuclear fusion is used in atom bombs, hydrogen bombs, and are used in nuclear power plants. She also stated the no one knows how long these panels could harm the human body. She continued by stating that her concerns are the environmental issues, health issues, and property values. Ms. Johnson stated that she feels as though all of her and her family's dreams are being ripped away because they do not want to live in an area where they are not sure about the health issues (for people living near a solar farm).

Mr. John McNair, 1402 Stewartsville Road, first duly sworn, spoke in opposition to this request. He stated that his concern is health issues. He informed Council that he worked for REA Magnet Wire for 33 years and, because of the job and the chemicals he handled, was haz-mat trained by the State of North Carolina. He stated that if Council approves the request, it should be aware of any potential health issues and should keep a check on the facility.

Ms. Francine McLaurin, first duly sworn, stated she had a few questions. She stated that she had researched solar farms and that Person County uses sheep for landscaping purposes. She wanted to know what type landscaping Birdseye Renewable proposed to use and how they would maintain the acreage.

Mr. Bednar stated that they are not planning to use sheep. He explained that they will probably use some sort low growing ground cover. Low growing grass has been considered as well. He then explained that he had consulted with the North Carolina Cooperative Extension Department and that Fescue generally tops out at about three feet. He then stated that is the reason why the solar panels are about three-four feet high off the ground. The cover would be trimmed down but would be let grow naturally to avoid erosion. He then stated that he was not sure if the cover would grow in the borrow pit because it does not have top soil and that would be determined later. Mr. Bendar stated that every other year the site would have to be sprayed with a specific herbicide to eliminate the growth of any trees.

Ms. McLaurin stated that her brother owns an apartment building near the McColl Road site and that his concern is the effect on the adjoining property values. His concern is a possible loss of value and revenue.

Upon question by Mayor Block, Ms. McLaurin stated her brother owns the Pointe South Apartments located at 9360-9426 McColl Road.

She also asked what would be the reason for choosing one site over the other and would both sites be considered for development.

Mayor Block stated that if both requests are approved, it would be for the development of the project. He explained that the City's understanding is that Mr. Bendar's plans are to only use one site.

Mr. Bednar stated that the contract is for one facility. He explained that they are several steps involved in analyzing the sites in order to choose the appropriate site. Once the conditional use process is completed, they will then exercise due diligence and wait for the final input from Progress Energy to make the final decision. He then explained that both sites are pretty much equal as far as attractiveness. The economics are pretty comparable as well. He then stated that when they are allowed to complete the final engineering and design work with the utilities to get the final design complete, then the evaluation will be conducted to determine the buildability of the projects. The decision of which area to utilize and build upon will not be until made until the project analysis is in its final stage.

Ms. McLaurin stated that she has heard a lot of discussion concerning Base Realignment and Closure (BRAC) with Scotland County being included as within the affected area. She inquired as to whether the solar panel issue had been addressed as far as property values, people moving to the area, tenants, and concerns about health issues of those living near the proposed sites. She asked that Council consider these concerns and address whether the solar farm would be a positive or negative for the community.

Mr. Bednar stated that he is aware of where Ms. McLaurin's brother's apartments are situated and that the facility would be approximately 300-400 feet away from them. He pointed out that there are also a lot of scrub woods between the apartments and the site and that the visual impact would be minimal.

Upon question by Mayor Block, Mr. Bednar stated that the fenced in area of the facility would cover about 18 acres. The solar panels will be approximately 50-100 feet away from the adjoining property owners.

Upon question by Councilmember Rainer, Mr. Bednar explained that Ms. Johnson's site seems to be the largest concern and that the panels would be within 100-feet of her property and 300-400 feet of the apartments. A six-foot chain link fence would be erected around the facility.

Upon question by Ms. McLaurin, Mr. Bednar stated that an approval process for landscaping is required by the City. There has not been a lot of conversation about the landscaping requirements at this time and that would be discussed when a site plan is presented for approval to the City's Planning Department.

Mr. Bednar then mentioned that he had had a conversation with Ms. Johnson and that he had advised her to contact the NC Solar Center for more information on solar farms. He stated that he had contacted the Center and that they did not have knowledge of any of the hazards that persons have spoken about as a result of their internet research.

Mr. Chris Covington, first duly sworn, asked how Council could possibly vote and say yes to facts and figures that have not been presented. He stated that he is not convinced that this is a good idea for the City of Laurinburg and the people that pay taxes as it may be putting them in jeopardy. Mr. Covington posed a question to Mr. Bednar whether he would have a problem with this type facility being located in his backyard.

Mr. Bednar responded "no".

Mr. Covington stated that people in Laurinburg work hard try to keep the city the best it can be. He then stated that Council holds people lives in their hands because no one knows what the effects could be. He concluded by stating that he is from the Stewartsville Road area, grew up in Laurinburg, went to High School here, and currently resides in Laurinburg. He further stated that he is concerned about making progress in Laurinburg when all the facts are not known.

Councilmember Faulk motioned to table this request in order to have someone from the NC Solar Center address Council to address some of the health concerns that have been raised. This would allow Council to make a more informed decision on the request.

Councilmember Rainer questioned the first request approval and asked if that motion and approval could be rescinded based on the request by Councilmember Faulk.

The City Attorney stated that a motion could be made to rescind the vote.

Councilmember Rained seconded the motion to table the request on McColl Road, and it carried by a vote of 3-1 with Councilmember Parker casting the dissenting vote.

Councilmember Rainer moved to rescind the vote that was cast on the Stewartsville Road request and to re-open the hearing at the next Council meeting in order to consider any additional evidence that might be presented.

Councilmember Parker expressed the opinion that he felt that there had not been any credible evidence presented that

would indicate that approval of either request would create any type of hazard.

Councilmember DeBerry seconded the motion to rescind the previous vote on the Stewartsville Road request, and it carried by a 3-1 vote with Councilmember Parker casting the dissenting vote.

LAURNBURG DOWNTOWN REVITALIZATION CORPORATION (LDRC)

Mrs. Terry Gallman, President, LDRC, informed Council that there are 88 businesses in the taxable downtown district. She stated that one year ago there were 18 available businesses in the area and today there are only 9 empty buildings. She explained that projects in the area include the Scots for Youth green space between the Wachovia Building and the Daily Grind and a Fountain in the parking lot of the AB Gibson Building. LDRC applied to and received from Lowe's a grant for landscaping as part of the Lowe's Heroes campaign. LDRC hopes to have the landscaping completed this fall. LDRC is waiting on a pump to be repaired so that the fountain can be turned on again.

She also stated that LDRC has finished paying for the sidewalk and the lamp post improvements in the downtown area.

LDRC, on an annual basis, as a group promotes events such as Christmas on Main, the Children's art festival, and smaller events and hopes to add at least one more event in 2010.

One of the goals and projects of LDRC is to improve parking lots in the downtown area, the first priority being the one at Atkinson and Railroad Streets.

She explained that, along with the City's Planning Department, LDRC would like to develop building codes or ordinances that would give a uniform look to downtown and prevent unsightly awnings or paint colors from being used.

She stated that there had been discussions for a few years about Main Street becoming a one way street with angled parking. She explained that LDRC conducted a charrette this year that found that there is a lot of room around the Helping Hand which could be developed for parking for the courthouse. This would free up parking spaces in the downtown area.

She also noted that there are lights in the planters that are not working and requested that the City take a look at the situation.

There are new businesses in downtown with interested, energetic people who want to succeed. They realize that, if all of downtown succeeds, it would help each of the businesses.

Mrs. Gallman concluded by stating that LDRC would provide Council with an update on activities quarterly and that they are in the process of hiring an administrative assistant.

AWARD OF CONTRACT

The City Manager stated that as discussed at the budget meeting, this request is to purchase two aerial trucks for the City's Electric Department. The trucks total \$115,000.00. Two older chassis were used and saved the City about \$60,140.00. He explained that staff is requesting that Altec Manufacturing be awarded the contract in the amount of \$115,000.00 for two (2) 55-foot aerial devices on 2004 chassis.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to award to the low bidder Altec Manufacturing in the amount of \$115,000.00 the contract to purchase two (2) 55-foot aerial devices for the City's Electric Department.

REQUEST TO SET PUBLIC HEARING FOR LEVY OF ASSESSMENTS FOR STREET IMPROVEMENTS ON A 230-FOOT± PORTION OF PEELE STREET.

The City Manager explained that Council should consider approving Resolution No. R-2009-24 which, with Council's authority to levy special assessments without petition for street improvements, sets a public hearing for the levying of assessments for improvements to approximately 230 ft., more or less, of Peele St.

Councilmember Parker motioned to approve Resolution No. R-2009-24 which sets a public hearing on street improvements to Peele St. Councilmember DeBerry seconded the motion and the vote was as follows:

Ayes: Parker, DeBerry, Faulk, Rainer

Nays: None

(Resolution No. R-2009-24 is on file in the City Clerk's Office)

REQUEST TO ACCEPT TERMS OF AN APPLICATION FOR THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

The City Manager stated that Council had received a report from Laurinburg Police Chief John Evans concerning the acceptance of the North Carolina Governor's Highway Safety Program grant along with a budget amendment to the 2009-2010 Budget Appropriations Ordinance in the amount of \$113,310.00. This grant covers one position and equipment for the police Department. The resolution would accept the grant. The budget amendment would include the officer's salary plus benefits together with necessary patrol vehicle with all equipment, i.e. computer, camera system, radar, uniforms, weapon. The total grant is \$113,310.00 over the course of the grant. The City's match for the \$113,310.00 grant is \$16,996.00

The City Manager's recommendation is that Council approve the Resolution accepting the grant and the budget amendment in the amount of \$113,310.00.

Councilmember Parker motioned to approve Resolution No. R-2009-25 which accepts application terms for the NC Governor's Highway Safety Program and to adopt Ordinance No. O-2009-14 which amends the 2009-2010 Budget Appropriations Ordinance (O-2009-07). Councilmember DeBerry seconded the motion, and the vote was as follows:

Ayes: Parker, Rainer, Faulk, DeBerry

Nays: None

(Resolution No. R-2009-25 and Ordinance No. O-2009-14 is on file in the City Clerk's Office)

NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)

The City Manager explained that the NCLM requires that a voting delegate and an alternate voting delegate be appointed to represent the municipality at the Annual Business Meeting at the League's conference to be held October 25-27, 2009.

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to appoint City Manager, Ed Burchins, as the voting delegate and Councilmember Curtis Leak as the alternate voting delegate.

DISPOSITON OF RECORDS

The City Manager explained that the following list of records, according to the North Carolina Records Retention and Disposition Schedule, can now be disposed of:

ACCOUNTING DEPARTMENT

Daily Cash Receipts 2003-2006

Cash Express Drafts June 2003

Daily Cash Journals 2003-2006

A/P Invoices July 03-June 05

A/P Disbursements Reports July 04-June 05

Cash Receipts Journals June 03-July 05

Auditors Information 2001-2002
P/R Bank Statements 1999-2004
Budget Information 2002-2003
Fixed Assets 2002-03
Electric Deregulations 2002-03
Void Checks 2002-2005
PO Liquidation 2003-05
City Bills 2004-05
Cleared Checks 2003-2005
Invoice Maintenance 2003-2005
Payroll Check Copies 01-04

PERSONNEL DEPARTMENT

Employment Applications 2004-2007
Salary Survey 2005-2007
Manuals to Include: State Pesticide Regulations (1995),
 OSHA Manual (1993)
 Hazardous Materials (1993)
 Protective Equipment (1993)
Police Applications- 2004
Drug Test Results and license checks for potential employees- Prior to 2007

TAX DEPARTMENT

Garnishment Forms 2000
Mortgage Company Payments 2002
County Scroll 97-98
Tax Scrolls 93-94,95, 90-92, 93, 96-97
County Abstracts 90-93

ENGINEERING

Maps-2002

POLICE

Handwritten reports (now in computer) 2004-2008
Telephone Logs (now in computer) 2004-2008
911 Print Outs prior to 2008

Customer Service

Billing 2001-2005, 1999
Bank Drafts 2005
Business License June 04-June 06
Journals from 2005
Return Check Information 2005-2006
Drafts 2003, 2006
Teller Receipts 2006, 2000
Charge Cards 2001

He further explained that no action was required and that Council was being advised for informational purposes only.

ADDITION OF COUNCIL MEETINGS

The City Manager stated that special meetings have been called for the agenda workshops and in order to include these meetings as regular Council meetings, Council needs to approve the following meeting dates:

October 13, 2009

November 10, 2009

December 15, 2009

January 12, 2010

February 9, 2010

March 9, 2010

April 13, 2010

May 11, 2010

June 15, 2010

July 13, 2010

August 10, 2010

September 14, 2010

October 12, 2010

November 9, 2010

December 14, 2010

Motion was made by Councilmember Parker, seconded by Councilmember Faulk, and unanimously carried to adopt the schedule of agenda workshop sessions as rendered.

APPOINTMENTS

Local Firemen's Relief Fund Board

According to GS 58-84-46, on or before October 31 of each year the clerk or finance officer of each city that has a local board of trustees under GG 58-84-30 shall file a certificate of eligibility with the Commissioner. This report is vital for the qualification for the City's fire district(s) to receive the coming year's Firefighter's Relief Fund monies. He added that he will see that this is done.

Mr. Burchins stated that as of July the Local Firefighter's Relief Fund had a total of \$241,834.00 in the fund. He stated that he will report back to Council as to what these funds are used for and when a meeting will be scheduled.

Assistant Fire Chief Evans stated that these monies come directly from the State for volunteer firemen only.

Motion was made by Councilmember Faulk, seconded by Councilmember Parker, and unanimously carried to appoint City Manager, Ed Burchins, to the Local Firemen's Relief Fund Board.

Laurinburg Housing Authority

The City's appointee to the Laurinburg Housing Authority has informed the Laurinburg Housing Authority Director that she no longer wishes to serve on the Board and has resigned.

Mayor Block appointed Mrs. Martha Fulton to the Board of the Laurinburg Housing Authority. This is a five-year term which will expire June 20, 2014. He stated that Mrs. Fulton is eager to accept the appointment.

Beautification Committee

The Mayor explained that Mrs. Barbara Alexander, Laurinburg Downtown Revitalization Corporation (LDRC) representative, has accepted another position with another entity. Mr. Charles McEachin, District I representative, also needs to be replaced.

Mayor Block also stated that the appointee named by the Scotland High School National Honor Society has graduated and that Jaimika Patel, current President, is willing to serve in this role.

Motion was made by Councilmember Faulk, seconded by Councilmember Parker, and unanimously carried to appoint Terry Gallman to fill the unexpired term of Barbara Alexander and to appoint Mr. Kenny Bethea to replace Mr. Charles McEachin with terms to expire May 31, 2010. Jaimika Patel, President, Scotland High School National Honor Society is also appointed to fill the high school vacancy.

PUBLIC COMMENT

There was no one present to present in comments.

Councilmember Parker stated that he and the Manager attended a water conference today and that, because the Manager is to complete a study in the next 90 days for regional water, Council needs to give him the resources necessary to meet this obligation.

Councilmember DeBerry stated he does not have a problem with the study but would like the County to share in the expense.

Councilmember Parker stated that another suggestion would be that, since the City is in and has been in the water business (and the County no longer is), the County relinquish its water responsibilities to the City and that the City hold the County harmless.

Councilmember Parker also stated that water discussions have been an ongoing issue and that the Lumber River Council of Governments will have a water report at its annual retreat in February. He encouraged all Councilmembers to attend this session.

Councilmember Parker stated that he had been approached by citizens and asked how the City is participating in the money coming from the Federal Government and whether cities Laurinburg's size have received many federal dollars.

The City Manager stated that in some respects it has but mainly for road construction projects. He stated that there are regulations ready to be released for alternative energy and broadband.

He also stated that the monies awarded were to those that had shovel ready projects that were ready to go. The next monies were awarded to entitlement cities (50,000+ populations). He said that Laurinburg is in the next tier and that

applications should be available at the end of October.

The City Manager stated that federal money will be applied for through the City of Laurinburg.

The City Manager stated that he will need to bring a budget amendment before Council at the next meeting in order to expend funds for the water study. He then stated that he will ask for funds from other municipalities to offset the cost of the engineering study.

Councilmember Parker motioned to authorize the expenditure of up to \$25,000.00 from fund balance to conduct a water study. Councilmember Rainer seconded the motion and it unanimously carried.

The City Manager stated he was going to reach out to Pinehurst and the municipalities in Moore County to help with the cost.

ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Matthew Block, Mayor

Dolores A. Hammond, City Clerk