

**CITY OF LAURINBURG  
COUNCIL MEETING  
SEPTEMBER 21, 2010  
MUNICIPAL BUILDING  
303 WEST CHURCH STREET  
LAURINBURG, NC  
7:00 P.M.**

**Minutes**

The City Council of the City of Laurinburg held its regular monthly meeting September 21, 2010 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: Joy Ellison, Curtis B. Leak, Thomas W. Parker, III, Herbert M. Rainer, Jr. and Kenton T. Spencer.

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 Leak gave the invocation.

**CONSENT AGENDA**

The City Manager presented the Consent Agenda indicating all items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote.

The items on the Consent Agenda were as follows:

- a. Minutes from the meetings of March 8, 9, 16, and 18, 2010; March 18, 2010 (citizen input session); April 13 and 20, 2010; May 11, 18, 25 and 26 (joint meeting with Scotland County), 2010
- b. Ordinance No. O-2010-21 which directs the housing inspector to repair or demolish the property located at 1009 Raleigh Street
- c. Accepting piggyback bid from Amick Equipment to purchase a model 600 Street Sweeper in the amount of \$154,192.00
- d. Ordinance No. O-2010-20 which amends the Budget Appropriations Ordinance (O-2010-12) to transfer funds from Contingency (992-509900) to Water Distribution (814-707400) Equipment for the purchase of meters

The Assistant City Attorney stated that he had not had an opportunity to review all of the draft minutes and recommended approval of minutes be removed from the agenda until next month.

Councilmember Spencer moved for the approval of items b., c. and d. on the Consent Agenda and tabling item a. until next month. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Spencer, Rainer, Ellison, Leak, Parker

Nays: None

**PUBLIC HEARINGS**

Due to the fact that the hearing involves a request by his wife, Mayor Block requested to be excused from the upcoming public hearing and that Mayor Pro Tempore Parker to take over the meeting.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to excuse Mayor Block from the hearing due to a conflict of interest.

**ORDINANCE NO. O-2010-18 WHICH REZONES FROM RESIDENTIAL-6 TO GENERAL BUSINESS PROPERTY LOCATED AT 112 TUCKER ST., 928 AND 932 SOUTH MAIN ST.**

Mrs. Brandi Deese, City Planner/Zoning Officer, appeared before Council and explained that Mrs. Desiree Block has requested that the property located at 928 South Main Street, 932 South Main Street and 112 Tucker Street be rezoned from Residential-6 to General Business. She added that the zoning change would allow for development of a topiary garden shop, a catering facility and a restaurant. She stated that, historically, Tucker Street has been the unofficial border at which commercial zoning would expand northward along South Main and Atkinson Streets. She explained that the South Main Street properties appear more conducive to commercial development than the Tucker Street site. She further explained that there were concerns as to parking facilities, buffering measures and landscaping improvements; however, Mrs. Block has provided evidence of how the parking requirements can be met as well as buffering and landscape requirements. She concluded by explaining that the Laurinburg Planning Board considered this matter at its August 11, 2010 meeting and unanimously approved this request.

Upon question by Councilmember Leak, Mrs. Deese explained that Mrs. Block had presented a parking plan at the Planning Board meeting. She added that the plan Mrs. Block proposed provided 21 parking spaces even though the requirement is 20.

Upon question by Councilmember Ellison, Mrs. Deese explained that the General Business zoning district allows a variety of uses including retail, convenience stores, offices, banks, schools, churches, gamerooms, motor vehicle sales, and parking lots.

Upon question by Councilmember Spencer, Mrs. Deese explained that although a salvage yard would be permissible in the General Business zoning district, there are some uses that simply would not work at these locations because of the lots.

Upon question by Councilmember Rainer, Mrs. Deese explained that Mrs. Block's request was for a rezoning and there are not any conditions that Council can place on a straight rezoning request. She added that Council should consider all of the uses that the General Business zone allows for when considering this request.

Upon question by Councilmember Spencer, Mrs. Deese explained that if Council approved the rezoning request, the property would be rezoned until there is a subsequent request to rezone the property. She added that the neighboring properties are zoned Office/Institutional, General Business and Residential.

Upon question by Councilmember Ellison, Mrs. Deese explained that the conditional use zoning district is a process that was established to address situations where a particular use may be acceptable but not the whole range of uses. She added that this conditional use zoning requires that the developer submit firm development plans. She further added that Mrs. Block indicated that her plans could change.

Mayor Pro Tempore Parker stated that this was an unusual situation that Council was considering in that the request was submitted by the wife of the City's Mayor. He added that she should not be held to a standard any less or any higher than any other citizen. He further added that it is Council's job to do the duty correctly and not to waiver because of who the individual is. He then declared the public hearing open.

Mrs. Desiree Block appeared before Council and explained that she had two (2) parking plans, both of which require her to remove all trees from her property. She further added that she thought the purpose of City ordinances was to address issues such as a salvage yard locating in the General Business district. She explained that she would like to be able develop her property as requested. She further explained that she would prefer not to cut down all the trees on the property; therefore, she had submitted a request to the North Carolina Department of Transportation to permit street parking. She concluded by stating that her neighbors were in favor of her proposal. She thanked Council for considering her request.

Mr. Michael Schmidt appeared before Council to speak in favor of the request. He explained that that he was in favor of the request for several reasons:

1. Because of the economy, the development of small businesses needs to be fostered. The time to rely on big industry and big agriculture are over for Scotland County.

2. Any improvement along Main Street should be considered.
3. Free enterprise is the very substance of America's power.

There was no one present to speak in opposition to the request.

Mayor Pro Tempore Parker closed the public hearing.

Councilmember Rainer expressed concern that the adjoining property owners have assurance that the development of the property would only be as proposed.

Upon question by Councilmember Ellison, Mrs. Deese that the rezoning is not tied to the property owner, it is tied to the land. She further explained that Mrs. Block had requested a rezoning of the properties and any other request such as Conditional Zoning would have to go before Planning Board for a recommendation.

Councilmember Spencer explained that he liked the idea of a restaurant and businesses; however he was concerned with the perpetuity of rezoning the property to General Business because of the variety of businesses that are allowed in the General Business zoning district.

Mayor Pro Tem Parker then closed the public hearing.

Councilmember Spencer made a motion to deny Ordinance No. O-2018-18 which rezones from Residential-6 for General Business property located at 112 Tucker Street, 928 and 932 South Main Street in that the request 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.

Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Spencer, Rainer, Ellison, Leak, Parker

Nays: None

(Ordinance No. O-2010-18 on file in the City Clerk's office)

At 7:37 p.m. Mayor Block rejoined the meeting.

**ORDINANCE NO. O-2010-19 WHICH EXTENDS THE CORPORATE LIMITS OF THE CITY OF LAURINBURG AS REQUESTED BY PETITION TO ANNEX PROPERTY LOCATED ON WAGRAM ROAD (ST. JOHNS HOLINESS CHURCH)**

Mayor Block opened the public hearing.

The City Manager explained that at Council's August 17, 2010 meeting, a resolution was passed to call for a public hearing on the voluntary petition to annex certain property located on Wagram Rd. for the construction of St. John's Holiness Church. He added that the notice of the public hearing was advertised in The Laurinburg Exchange in order that citizens could state their opinions.

There was no one to speak for or against this ordinance.

Mayor Block then closed the public hearing.

Councilmember Parker moved for the adoption of Ordinance No. O-2010-19 which extends the corporate limits of the City of Laurinburg to include property located on Wagram Rd. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Parker, Leak, Ellison, Rainer, Spencer

Nays: None

(Ordinance No. O-2010-19 on file in the City Clerk's)

## **RECOGNITION**

Mayor Block recognized retiring City employee Bill Riemer for his 33 years of service to the City of Laurinburg and presented him with a plaque as follows:

In special tribute to his 33 years of dedicated public service as Director of Administration and Community Development for the City of Laurinburg. The Mayor and City Council of the City of Laurinburg expresses its sincere appreciation for his unselfish and professional services to the citizens of Laurinburg. His sense of community responsibility has made him a most valuable public servant who worked tirelessly and effectively to make our City a better place to live for all the citizens of Laurinburg. We wish him many more years of continued success.

## **CITIZENS POLICE ACADEMY GRADUATES**

Police Chief John Evans provided a brief history and explanation of the Citizens Police Academy.

Mayor Block then presented Certificates of Completion to the following graduates of the Citizens Police Academy:

- April Benoist
- Desiree Block
- Jesse Hardee
- Shirley McKenzie
- Claudia McPhatter
- Orlando Molina

Mr. Jesse Hardee thanked the Chief and Marc Godwin.

Mayor Block commended the Police Department on the program.

## **TAXATION**

Ms. Janice Morrison, City Tax Collector, stated that this authorization (order to collect taxes) is required by North Carolina General Statute 105-321. The order directs the tax collector to collect taxes charged in the tax records and receipts.

Motion was made by Councilmember Ellison, seconded by Councilmember Parker, and unanimously passed to authorize the Mayor to sign the order to collect taxes.

## **DELEGATION**

### **LAURINBURG MAXTON AIRPORT COMMISSION**

The Mayor explained that following the last City of Laurinburg Council meeting, the Assistant City Attorney and Mr. Terry Garner collaborated and it was their opinion that an indemnification agreement from Umicore be executed for any environmental damage that may exist on the 20.26 acres being conveyed to it.

The Assistant City Attorney explained that Council approved the sale of 20.26 acres of land to Umicore at the previous council meeting. He added that there was question about whether there were any environmental concerns as to the property (which were actually caused by Umicore), and he and Mr. Garner though it appropriate to have indemnification agreement to indemnify the City for any existing environmental issues.

Mr. Garner explained that Mr. Hicks determined that in the future there was a possibility that Umicore could sell the property and a third party could assert a claim for environmental issues; therefore, an indemnification agreement was needed to protect the City and Town of Maxton.

Motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to authorize the Mayor and City Clerk to execute agreement.

## **LITERACY COUNCIL**

Mrs. Diane Altman appeared before City Council and provided a brief history and overview of the Literacy Council. She explained that low literacy continues to be a problem in Scotland County and that the focus of the Literacy Council is adult basic literacy. She added that the Literacy Council also assists people preparing for the GED and also assists those learning English as a Second Language. She briefly discussed the financial difficulties recently experienced by the Literacy Council. She added that students and the board of directors would like for Council to support the Literacy Council, and she invited Council to attend the October 22nd auction fundraiser.

Ms. Carolyn McNeill appeared before Council and explained that she has worked with the Literacy Council since 2005. She gave a brief overview of the types of individuals the Literacy Council helps.

Ms. Altman thanked Council for allowing her and Ms. McNeill to appear before Council and reiterated the great benefit the Literacy Council is to the community.

## **CITY MANAGER REPORTS**

### **RECYCLING CARTS**

The City Manager explained that during Council's last agenda workshop session, Council asked that financing the rollout carts for a three-year period be researched. He further explained that with the award of the grant from the State of \$100,000.00 the City's portion of the purchase of the carts would be \$167,900.00; therefore the cost to the City for the purchase of the 5,700 rollout carts would be \$60,000.00 each year over a three-year period. He added that if the City finances its portion for three (3) years, the State would require that the project be implemented over a three-year period with a portion of the carts bought each year. He further added that staff preferred to buy all the carts at one time so that all citizens have access to the roll-out carts. He explained that he would like to discuss this matter more with the State but that Council could also consider not financing any of this project and simply use funds the City has set aside. He explained that there is money in contingency and Fund Balance appropriations. He stated he feels there is enough money in the budget once the audit is complete where the City could finance its portion with cash. He then stated that staff will continue to explore the three-year period. He stated that that staff would like to have permission to move forward with carts to get them ordered. He then stated that staff will bring back a firm recommendation based on one of those two options at the October meeting and ask for a budget amendment at that time.

Councilmember Leak expressed concern about the State budget shortfall expected next year and the necessity of the City holding onto its reserves.

Councilmember Parker motioned, seconded by Councilmember Ellison, and unanimously carried to fund the carts as presented by the City Manager over a three-year period.

A discussion ensued concerning the logistical issues with purchasing the carts split over a three-year period. Mr. Harold Haywood explained that it should not be a logistic problem but that there could be feedback from residents because of one area of the City having carts and another area not having the carts.

A brief discussion ensued and Mayor Block suggested that staff present a plan for distributing the carts.

The Assistant City Attorney stated that a motion and second was necessary to approve the piggyback bid.

Motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to approve the piggyback bid from Schaefer Systems International to purchase roll-out carts in the amount of \$267,900.00 contingent upon receiving the State's approval to purchase the carts over a three-year period.

## **RESOLUTION NO. R-2010-18 WHICH AMENDS THE CITY OF LAURINBURG'S PERSONNEL POLICY BY ADDING SECTION 13.1 VOLUNTARY SHARED SICK LEAVE**

The City Manager explained that during Council's agenda workshop, he requested that Council consider a shared sick leave policy for employees. He added that Mr. Bob Bell, Human Resources Officer, is submitting a proposed voluntary shared leave policy for Council review and direction.

Mr. Bob Bell, Human Resources Officer, explained that there have been several requests over the years for a voluntary shared sick leave policy. He added that he surveyed fellow human relations personnel and received a group of policies and melded them together to form the proposed policy. He explained that there are times prolonged medical conditions cause employees to use up their available leave both sick and vacation and that they have to go on leave without pay. He further explained that such a policy would allow fellow employees to donate their sick time to a sick employee who needs the time. He concluded by stating that this policy allows an employee to donate no less than eight (8) hours, and no more than 40 hours.

A lengthy discussion ensued concerning the need for restrictions on the maximum donation of time.

Motion was made by Councilmember Spencer, seconded by Councilmember Parker, and unanimously carried to table this matter.

## **DESIGNATE VOTING DELEGATE AND ALTERNATE VOTING DELEGATE FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM) ANNUAL CONFERENCE**

The City Manager explained that during discussion at Council workshop, the suggested voting delegate for the North Carolina League of Municipalities (NCLM) Annual Conference is the City Manager, Ed Burchins, and the alternate delegate is Councilmember Leak.

Motion was made by Councilmember Parker, seconded by Councilmember Spencer, and unanimously carried to appoint the City Manager as the voting delegate and Councilmember Leak as the alternate voting delegate to the NCLM Annual Conference.

## **APPOINTMENTS**

The City Manager explained that at the February 16, 2010 council meeting, Council appointed three (3) adult leaders for the Youth Advisory Council; however, since that time two (2) of the appointees had to tender resignations from the Youth Advisory Council. He further explained that following a meeting of some of the members of the Youth Advisory Council, a recommendation was made that Councilmember Spencer and Ms. Johnnerlyn Johnson be appointed for 3 year terms.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously approved to appoint Ms. Johnnerlyn Johnson and Councilmember Ken Spencer as adult advisors to the City of Laurinburg Youth Advisory Council for three year terms.

## **RETREAT ITEMS**

The City Manager explained that council members were asked to submit items for discussion at the retreat. He stated that items submitted, in no particular order, were:

1. Industrial park site selection
2. City's approach/role in economic development
3. Brief update on automated meter reading program
4. Concept of outdoor theater in downtown area
5. Microenterprise or self-help financing
6. Employee succession planning
7. Converting armory into community recreation center

8. Potential partnership with Richmond Community College and Scotland County to build another branch of RCC somewhere in proximity of downtown
9. Concept to work well together and effectively with other government agencies in our community
10. Review the costs of certain requirements for development, such as curb and gutter, to determine whether that is something that is an expense that keeps people from developing land
11. Ms. Ellison's issue that is centered around quality of life issues and economic development as a means of developing the community and attracting commercial, retail and industrial growth.v

Following a lengthy discussion, it was consensus of Council for council members to choose the top five (5) items to discuss at the Retreat and provide the list to the City Manager prior to the Retreat on Friday.

#### **PUBLIC COMMENT**

There was no one present to speak during the public comment period.

#### **RECESS**

Motion was made by Councilmember Spencer, seconded by Councilmember Parker, and unanimously carried to recess the meeting to Friday, September 24, 2010 at 3:00 p.m. to be held at Richmond Community College, 600 McLean St., Room 130, Laurinburg, NC.

The meeting recessed at 9:15 p.m.

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Matthew Block, Mayor Dolores A. Hammond, City Clerk