

**CITY OF LAURINBURG
COUNCIL MEETING
AUGUST 22, 2006
MUNICIPAL BUILDING
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held its regular monthly meeting August 22, 2006 at 7:00 p.m. in the council room of the Municipal Building. The following Councilmembers were present: Rembert DeBerry, Lisa D. Griswold, Curtis B. Leak, Thomas W. Parker, III, and Herbert M. Rainer, Jr.

Also present were Craig F. Honeycutt, City Manager, Dolores A. Hammond, City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Councilmember Rainer gave the invocation.

APPROVAL OF MINUTES

Motion was made by Councilmember Leak, seconded by Councilmember Griswold, and unanimously carried to approve the proposed minutes from the regular meeting held July 18, 2006.

DELEGATION

Laurinburg Postmaster – Bob Brooks

Mayor Slaughter explained that Mr. Bob Brooks has been invited to the Council meeting because he is the new Laurinburg Postmaster.

Mr. Brooks thanked Council for the invitation to attend the meeting. He stated that he was appointed in February 1, 2006 to be the Postmaster in Laurinburg. He then gave Council information of his work history. Mr. Brooks concluded by asking if anyone had any questions.

Mayor Slaughter stated that a few years ago there had been some discussion about the post office relocating and inquired if the idea was still being discussed.

Mr. Brooks informed Council that there is no present discussion of relocating the Laurinburg Post Office. He also explained that because of budget restraints there is some consolidating of facilities as well as some downsizing of facilities as well as employees. He stated that the building that the post office occupies is in very good condition and meets the present needs of the post office.

Councilmember Leak stated that he has a concern about the beautification of neighborhoods in the city limits. He stated that he has noticed that mailboxes are being located next to the street and that it appears that the door-to-door service is being eliminated. He then stated that his concern is the potential problem of the theft of mail from street-side mailboxes.

Mr. Brooks explained a national policy that requires that, with any new construction, the mail carrier does not go to the door. He then explained that under the new policy, mail is being delivered to what is called a curbside box or box at the front of the lawn. He further explained that with the mail carrier being able to deliver the mail to the boxes at the street, it is more efficient and takes less time for the postal worker to deliver the mail. He also explained that if a resident moves into an area that already receives door-to-door service and does not want to move the mailbox to the street; the resident is not required to do so. The postal system is encouraging residents to relocate their boxes to the street. He stated that curbside delivery is being required throughout the country.

Mr. Brooks concluded by stating that vandalism is a concern for everyone even with residents that receive door-to door service.

Time Warner Cable – Mary Anne Jacobs

Ms. Mary Anne Jacobs, Director of Public Affairs in the South Carolina Division for Time Warner Cable appeared before Council to provide an update on the franchise transfer from Adelphia Cable to Time Warner Cable. She also introduced Ms. Kathy Brabson, Vice President and General Manager and Mr. Kevin Barrett, former Adelphia Laurinburg General Manager now working with Time Warner Cable.

Ms. Jacobs stated that change is difficult and that Time Warner Cable wanted to make sure that everyone knows who is managing the cable system. She then stated that they were here to answer questions that Council may have and to put a face with their names. She then stated that Time Warner Cable is very excited about serving the City of Laurinburg.

Councilmember Parker thanked them and Time Warner for coming to the meeting and expressed his desire to keep the Raleigh-Durham television stations - Channel 5 and Channel 11 – even though Laurinburg is in the South Carolina Division of Time Warner Cable.

Ms. Kathy Brabson, Vice President, and General Manager of Time Warner Cable appeared before Council and advised Council that, even though Laurinburg falls in the market designation of the South Carolina Division, Time Warner does not anticipate changing those channels. She explained that Time Warner recognizes that the citizens of our community are very interested in retaining Channel 5 and Channel 11. She further explained that the only change that will take place with those channels is improving the quality. She also stated that, through the use of fiber optic signal transfer, there should be a clearer picture. She concluded by stating that, in order to make any changes to the channels, it will take a little bit of technical work and some upgrades that Time Warner anticipates being completed in the second quarter of 2007.

Upon question by Councilmember Parker, Ms. Brabson stated that there will be no loss of Channels 5 and 11 during the switchover, but the signal quality of those channels will stay as they are for a while.

Councilmember Parker stated that he knows Time Warner has a program line-up that is geared toward North Carolina and wanted to know if Laurinburg would receive that program line-up.

Ms. Brabson stated that, at the present, she is not certain about that particular program line-up but that she will put it on her list and research it for Council.

Upon question by Councilmember Rainer, Ms. Brabson stated that Time Warner Cable would offer many options of programming from On Demand Services to Caller ID that appears on the television screen. She also stated that there would be basic services for those who prefer a more narrow selection.

Councilmember Leak expressed his concern and desire to continue receiving the Raleigh channels.

A discussion ensued concerning the new legislation where the State has undertaken responsibility for franchise agreements with cable companies. The City Manager, Mr. Honeycutt, stated that because of the new legislation municipalities would now be able to collect franchise fees from Direct TV and other satellite companies.

The City Manager also informed Council that the work of the consultants that were previously retained to negotiate the City's renewal of its franchise agreement had been put on hold at this time. He concluded by stating that he will keep Council informed of any changes.

Laurinburg/Maxton Airport Commission

Mayor Slaughter explained that Mac Henderson, Chairman of the Laurinburg/Maxton Airport Commission would like

to address Council regarding the sale of .807 acres of property at the Laurinburg/Maxton Airport.

Mac Henderson appeared before Council to ask for approval for the sale of .807 acres of land at the Laurinburg/Maxton Airport to Crestview Residential Properties, LLC for the sum of \$2,900.00. Crestview Residential Properties purchased property in 2003 at the Airport and would like to purchase additional property in order to expand its facility.

Councilmember Parker moved for the adoption of Resolution No. R-2006-27 which approves the sale of land at the Laurinburg/Maxton Airport as above set forth. Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Rainer, Griswold, Leak, DeBerry

Nays: None

(Resolution No. R-2006-27 on file in the City Clerk's Office)

AGREEMENT BETWEEN THE CITY OF LAURINBURG AND SOUTHEASTERN UTILITIES DEVELOPMENT, INC.

The City Manager explained that the City, working jointly with Southeastern Utilities Development, Inc. is looking to enter into a joint agreement that will enable the City to offer to provide wireless broadband communication to our citizens and for commercial establishments.

He stated that the proposed agreement has been thoroughly reviewed by the City Attorney as well as the attorney for Southeastern Utilities Development, Inc.

Councilmember Griswold asked to be excused from voting on this issue because her law partner has provided legal services to Southeastern Utilities Development, Inc. in connection with the proposed agreement.

Motion was made by Councilmember Leak, seconded by Councilmember DeBerry, and unanimously carried to allow Councilmember Griswold to be excused from voting on the agreement between the City of Laurinburg and Southeastern Utilities Development, Inc.

Upon question by the City Manager, Harold Smith, City of Laurinburg Public Works Director, stated that, contingent on Council approval, the next step would be getting the equipment in to start providing wireless broadband service. He then stated that Motorola would be shipping the equipment by the end of September and that it would be around the middle of October before residential service could be provided. He concluded by stating that a proposed rate schedule would be presented to Council at its September meeting.

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor to execute the agreement between the City of Laurinburg and Southeastern Utilities Development, Inc. to provide wireless broadband communication. Councilmember Griswold did not vote on the motion inasmuch as she had been excused from voting.

REQUEST TO REZONE FROM RESIDENTIAL-6 TO RESIDENTIAL-6 MOBILE HOME PROPERTY LOCATED AT 10425 TURNPIKE ROAD

The City Manager explained that Mrs. Vera Chavis McCall is requesting that property located at 10425 Turnpike Rd. be rezoned from Residential-6 to Residential 6-Mobile Home so that she can locate a mobile home on the lot.

Motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to set a public hearing Tuesday, September 19, 2006 at 7:00 p.m. in the council room of the Municipal Building to consider the request to rezone the property from Residential-6 to Residential-6 Mobile Home.

REQUEST FOR A CONDITIONAL USE PERMIT TO LOCATE A SALVAGE YARD AND METAL RECYCLING CENTER AT 10461 BARNES BRIDGE ROAD

The City Manager explained that Mr. William F. Moser representing Mr. Troy Martin of Cheraw Iron and Metal, Inc. is requesting a conditional use permit to operate a salvage yard and metal recycling center at 10461 Barnes Bridge Rd.

Councilmember Parker stated that this location is a gateway into Scotland County from South Carolina and urged everyone to take a hard look at this request.

Motion was made by Councilmember Rainer, seconded by Councilmember Griswold, and unanimously carried to set a public hearing Tuesday, September 19, 2006 at 7:00 p.m. in the council room of the Municipal Building to consider the request for a conditional use permit to operate a salvage yard and recycling center at 10461 Barnes Bridge Road.

RESOLUTION WHICH APPROVES THE SALE OF LAND AT THE CORNER OF DICKSON AND MCCALLUM STREETS (FORMER COMMUNITY DEVELOPMENT PROJECT AREA)

The City Manager explained that Mr. Lawrence Jackson has asked to purchase property located at the corner of Dickson and McCallum Streets. Mr. Jackson already owns the lot abutting this property and intends to move a house onto the property for rental purposes. The property has been appraised for \$1,200.00. Mr. Jackson has paid this amount and is awaiting Council approval and the sale.

Councilmember Leak expressed concern about the type of structure that would be moved onto the property. He stated that a structure had been relocated to a lot on his street and that it was now vacant and in disrepair. He stated that, when the City sells City property, the City should have some sort of procedure in place to make certain that the neighborhood is protected from housing being located on the property that is not up to standard.

The City Manager explained that the structure would have to meet building codes in order for the resident to receive a certificate of occupancy which gives the City some control. He further explained that after receiving the certificate of occupancy the City has no control over the residence unless the house becomes substandard. He then suggested that the City could look into requiring a performance bond before a building permit is issued on property sold by the City.

Bill Peele, City Zoning Officer, explained that in order to relocate a house to another site, the house has to comply with the same standards as new construction.

Upon further discussion, motion was made by Councilmember Parker to table this request until the September meeting in order to give the Assistant City Attorney appropriate time to research possible stipulations that the City could impose on property sold by the City to ensure that the community is protected and that the same situation that happened in Councilmember Leak's neighborhood would not happen again. Councilmember Leak seconded the motion.

Councilmember Griswold stated that she did not want to discourage people from purchasing property from the City and using it. She also stated that she did not want to assume that someone is going to put something inappropriate on the property purchased from the City, but at the same time, she wants to protect the City from incidents occurring that leaves the property in disrepair.

The Assistant City Attorney asked if Council wanted a performance bond requirement for any and all new construction.

The consensus from Council was no, but would like some type of stipulation for relocating a structure to an existing lot that the City sells.

Upon the vote on the motion to table, the votes were as follows:

Ayes: Parker, Rainer, Griswold, Leak, DeBerry

Nays: None

AWARD OF BID – 1215 SAFE JETVAC TRUCK

The City Manager explained that General Statute 143-129(g) entitled “Waiver of Bidding for Previously Bid Contracts” allows for the exception to the competitive biddings laws. The City of Raleigh bid this piece of equipment in December 2005 with Rodders and Jets Supply Company of Sumter, South Carolina being the low bidder. He stated that Rodders and Jets Supply Co. have agreed to offer an extension of the Raleigh bid to the City of Laurinburg. He then stated that the purchase amount of this piece of equipment is \$246,611.00 and is below what was budgeted.

The City Manager further explained that a notice to bidders has been advertised in *The Laurinburg Exchange* and that a copy of the notice has been included in Council’s agenda packet along with information regarding the Raleigh bid and information regarding “piggyback” bidding.

Motion was made by Councilmember Parker, seconded by Councilmember DeBerry, and unanimously carried to award to Rodders and Jets Supply Company of Sumter, SC the contract to purchase a 1215 Jetvac Truck by “piggyback” bid in the amount of \$246,611.00

AWARD OF BID – AUTOMATED GARBAGE TRUCK (WITHDRAWN)

The City Manager explained that the proposed award of bid for an automated garbage truck was a “piggyback” bid with a bid submitted to the City of Oak Creek, Wisconsin. He concluded by stating that some questions have arisen with the bidding by the City of Oak Creek, Wisconsin and before moving forward, he suggested, that the City delay any action at this time. No action was taken on the proposed bid.

RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS PROPERTY

The City Manager explained that Laurinburg Police Chief Malloy has requested that the vehicles in the attached Resolution be declared as surplus property. These vehicles are no longer in use by the City.

Councilmember Parker moved for the adoption of Resolution No. R-2006-29 which declares certain items as surplus property. Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Griswold, Leak, DeBerry, Rainer

Nays: None

(Resolution No. R-2006-29 on file in the City Clerk’s Office)

ORDINANCE AMENDING ARTICLE II, FIRE PREVENTNION CODE, SECTION 18-41. ADOPTED OF THE CODE OF ORDINANCES OF THE CITY OF LAURINBURG

The City Manager explained that “Article II, Fire Prevention Code; Section 18-41. Adopted.” of the Code of Ordinances, City of Laurinburg, provides for the operation of our Fire Department under the North Carolina State Building Code Fire Code. He stated that as amendments are made to the State Code, it is necessary that the City amend its code to incorporate these revisions. He explained that this amendment would incorporate the 2003 International Fire Code with North Carolina Amendments of the NC State Building Code, 2006 Edition. He concluded by stating that, since the revisions are extremely lengthy, copies have not been made and provided to each Councilmember; however, he stated that if anyone would like to review the proposed changes, a copy of the Code is in the City Clerk’s Office.

Councilmember Parker moved for the adoption of Ordinance No. O-2006-13 which amends “Article II, Fire Prevention Code; Section 18-41. Adopted” of the Code of Ordinances for the City of Laurinburg. Councilmember Griswold seconded the motion, and it was approved by the following vote:

Ayes: Parker, Griswold, Leak, DeBerry, Rainer

Nays: None

(Ordinance No. O-2006-13 on file in the City Clerk’s Office)

OLD MARKET FURNITURE BUILDING

The City Manager explained that the City has been approached by Phillip McRae and Sandhills Mediation, Inc. about the possibility of donating the old Market Furniture Building to the City. He then explained that the Laurinburg Downtown Revitalization Corporation had been asked about its position on such a donation, but that he does not have a recommendation from them at this time.

He stated that enclosed in Council's agenda packet is the original letter to the Mayor stating the willingness of the owner of the property, Sandhills Mediation, Inc., to donate the building, the Mayor's written response, and information on the history of the building, along with cost estimates to renovate and demolish the building.

He then explained that a decision does not need to be made at this meeting, but that Mr. McRae has asked for a decision by September 19.

The City Manager then thanked Bill Peele, City Zoning Officer, on the work he did getting the information together for Council.

Councilmember Leak stated that there is a lot of history connected to the building and because it is downtown, he would like to see how the whole community could come together and save the building.

Councilmember Griswold stated that she was interested in the City acquiring the building to see if there is something that could be done to renovate it or find the necessary funds in order to tear it down.

The City Manager stated he had talked with Nancy Walker, Laurinburg Housing Authority Director, about tax credits that might be available for renovation of the building and that she seemed interested but has her hands full with other projects.

Following a discussion concerning the costs to tear down or renovate the building, the possible use of the area as a park, as well as the historical significance of the building, Council asked staff to look into possible funding that may be available to help with the preservation or tearing down of the building.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Mayor Slaughter explained that the North Carolina League of Municipalities Annual Conference will be held on October 15-17 in Greensboro. She stated that if any Councilmembers are interested in attending, please let the City Clerk know as soon as possible. She also pointed out that Council's regular monthly October Council meeting is currently scheduled to be on October 17, and that, if we have a number of Councilmembers who attend the League Conference, we may want to consider moving the meeting to October 24.

Several Councilmembers indicated a desire to attend the conference; therefore, Councilmember Parker moved to change the October meeting date from October 17, 2006 to October 24, 2006. Councilmember Griswold seconded the motion and it unanimously carried.

PUBLIC COMMENT PERIOD

There was no one present to speak during the Public Comment Period.

ADJOURNMENT

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

The meeting was adjourned at 8:28 p.m.

Ann B. Slaughter, Mayor

Dolores A. Hammond, MMC, City Clerk