

**CITY OF LAURINBURG  
COUNCIL MEETING  
MAY 16, 2006  
MUNICIPAL BUILDING  
7:00 P.M.**

**Minutes**

The City Council of the City of Laurinburg held its regular monthly meeting May 16, 2006 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Ann B. Slaughter, Mayor, presiding. The following Councilmembers were present: Rembert DeBerry, Lisa D. Griswold, Curtis B. Leak, Herbert M. Rainer, Jr. and Thomas W. Parker, III.

Also present were: Craig F. Honeycutt, City Manager, Jennifer A. Tippett, Deputy City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Councilmember Griswold gave the invocation.

Mayor Slaughter stated that Mr. Frank Brown, the City's first black police officer had passed away. She expressed appreciation for his service to the city and condolences to his family.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Leak, seconded by Councilmember Griswold, and unanimously carried to approve the proposed minutes of the annual retreat held March 24, 2006, the regular meeting held April 18, 2006 and the special meeting held May 4, 2006.

**PUBLIC HEARING ON A REQUEST TO REZONE PROPERTY LOCATED AT WEST BOULEVARD AND US 401 BY-PASS**

Mayor Slaughter explained that this public hearing is to consider a request by Mr. Joe Mendola, representing Tri-City, Inc. of Rockingham, to rezone an 11.5-acre tract of land located at West Blvd. and US 401 By-Pass from Residential-15 to General Business.

Mr. Joseph Mendola of Tri-City, Inc. appeared before City Council and stated that he was requesting that the property located at West Boulevard and US 401 By-Pass be rezoned from Residential-15 to General Business. Mr. Mendola stated that the highest and best use of the property would be as general business. He stated that at the Planning Board meeting, concern was expressed that there was not a concrete plan for development of the property. Mr. Mendola stated that in the restrictive covenants for Scotsdale subdivision, this tract of land was specifically excluded from the restrictions allowing only residential development and it had been reserved for future development. He also pointed out that in the City's Land Use Plan approved in 1989, the property is not shown as residential, but rather as vacant. In the Land Use Plan, "vacant" is defined as "for future development". Future development does not specify residential or commercial. Mr. Mendola then discussed what he considered were the four key items to consider in this request: endangerment of health and safety; injury to the value of adjoining property; in harmony with the area of development; and in harmony with the land use plan.

Mr. Mendola discussed a proposed conceptual design for commercial development of the property and a conceptual plan for residential development that was based on a plan that had been prepared by attorney Dan Dean several years ago. The proposal is for a 28,000 square foot strip mall of small shops with a 200 foot setback from the back property line and a 6-foot privacy fence. Mr. Mendola concluded his comments by stating that the conceptual plan seems to be a good compromise between the homeowners, the developer, and the property owner.

Mrs. Carol Gibson appeared before City Council and stated that she represents the Purser Family, the current owners

of the property. She stated that she would like the rezoning request to be seen not as a problem but as an opportunity and challenge for Laurinburg to progress. She discussed the history of the property including previous commercial inquiries of the property. Mrs. Gibson stated that it is not fair to the owners to have a valuable piece of property and not be able to sell it because no one wants to buy the property unless it can be rezoned. She stated that one option would be to place low-cost modular homes on the property, but she did not think that is what the Pursers and most of Laurinburg envisioned for this property. She concluded her comments by stating that rezoning the property for general business is not just for Claude Smith (Tri-City, Inc.), but is for the betterment of Mrs. Purser and for Laurinburg.

Mr. Rodney Hassler of 905 East Scotsdale appeared before Council and stated that he represented a group of Scotsdale residents who are opposed to the rezoning request. He stated that the Scotsdale and Westwood area was like an island around which development is taking place. He stated that when people enter Laurinburg, one of the first things they see is the empty Winn Dixie store. He further stated that businesses are being abandoned in Laurinburg, and he added that his fear is that, in the future, the proposed development would be abandoned as well. He concluded his comments by stating that in the neighborhood there are people walking, kids biking and the first concern should be health, safety, and welfare.

Mr. Nathan Monroe of 901 East Scotsdale Road appeared before Council and expressed concern about traffic in the vicinity of the proposed rezoning. He stated that he felt a traffic study should be conducted before a decision is made on this request.

Mr. Joe Wampler appeared before Council and stated that he had been a resident of Scotsdale since 1967. He stated that sooner or later something would be developed on the property, and that it would not be residential. He discussed the conceptual commercial plan he developed with Mr. Mendola. He stated that the plan shows a 90-foot buffer between residential and commercial property and 110-feet of greenspace. He added that Mr. Mendola is working with the State on the traffic issues.

Mr. Bill Owens appeared before Council and stated that he did not feel any better about the rezoning request than he did at the Planning Board meeting. He added that if Council votes in favor of the rezoning it needs to remember that it will favorably affect only one but will negatively affect all the residents of the neighborhood.

Mr. Rick Hodges of 1102 Taylor Circle appeared before Council and stated that he was not happy about businesses being in that area. He then asked Mr. Mendola if there were any assurances or guarantees that what had been proposed in the conceptual plan would actually occur (as opposed to something else).

In response to inquiry, the Assistant City Attorney stated that once the property is rezoned, the owner can do what he wants with the property as long as it is within the zoning regulations.

Mr. Mendola requested and was granted permission to respond to Mr. Hodges' question. He stated that he would guarantee that the greenspace area to be used as a buffer will be a minimum of 90-feet.

At the request of Mayor Slaughter, Mr. Bill Peele, Planner and Zoning Officer, appeared before Council and reminded Council that the request is for rezoning, not for a conditional use permit. He stated that with a rezoning request, Council has a little more latitude in decision-making. The central issue is whether the proposed amendment advances the public health, safety and welfare of the community. Council should consider the full range of uses allowed in the General Business District and not just one specific use or idea.

Upon question by Councilmember Leak, Mr. Peele stated that any development plan of the property would have to meet all of the State's and the City's storm water runoff regulations.

Following further discussion, Councilmember Parker moved to deny the request to rezone from Residential-15 to General Business property located at West Boulevard and US 401 By-Pass. Councilmember Griswold seconded the motion, and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

## **BUDGET AMENDMENT - LAURINBURG-MAXTON AIRPORT COMMISSION**

Mayor Slaughter explained that Mr. Paul Davis, Interim Executive Director of the Laurinburg-Maxton Airport Commission, is requesting a budget amendment to the 2005-2006 budget in the amount of \$46,113.00 to cover unbudgeted expenses. The Laurinburg-Maxton Airport Commission has approved this amendment. The amendment will be presented to the Maxton Town Council in June for its approval.

Mr. Paul Davis, Interim Executive Director of the Laurinburg-Maxton Airport Commission, appeared before Council and introduced Board Chairperson Lucile Bridgeman, Board member Ella Morris, and JoAnn Gentry, Administrative Officer. He stated that first he wanted to update Council on what had been going on at the Airport as well as things to look for in the future. He explained that last year was a tough year for the Airport Commission due to the loss of two major industrial customers resulting in a loss of 35% of water and sewer income. He added that the revenue from the Laurel Hill Wastewater Plant that the Commission operates was negatively impacted by the decision of MSD to close its facility and the decision by FCC not to expand its facility. He added that the opening for the new Kordsa facility should help replace some of that lost revenue. Mr. Davis explained that the Commission is working with an engineer on an industry that is considering using the airport's water and sewer services that will replace the lost revenue. He also stated he had met with Congressman Robin Hayes seeking funding of \$12,000,000.00 to replace the main runway. He added that the Commission is considering expanding its relationship with training units at Fort Bragg; working with local industry about making the airport a foreign trade zone; continues to be home for the Golden Knights; and continues association with the East Coast Timing Association and the North Carolina Sports Car Club.

Mr. Davis stated that this year's budget was \$46,113.00 over the appropriated amount, and the Commission needed Council's approval of a budget amendment in that amount to avoid an audit exception by the Local Government Commission.

Upon question by Councilmember Rainer, Mr. Davis stated that when the current year's budget was adopted, he had not been employed by the Commission, and there was no salary for a Director included. He added that this amount would not have to come out of Fund Balance.

Following discussion, motion was made by Councilmember Griswold, seconded by Councilmember Parker, and unanimously carried to approve the requested budget amendment to the 2005-2006 Budget for the Laurinburg-Maxton Airport Commission.

## **2006-2007 ADOPTED BUDGET - LAURINBURG-MAXTON AIRPORT COMMISSION**

Mr. Paul Davis, Interim Executive Director of the Laurinburg-Maxton Airport Commission, appeared before Council to present the Commission's 2006-2007 adopted budget. He stated that this was a difficult budget to prepare and that the Commission is still trying to adjust to lost revenue and increased costs. He added that there were no salary increases and no 401K contributions for staff included in the budget.

Discussion ensued concerning the transfer of \$55,878.00 from Fund Balance. Mr. Davis stated that the Commission is required to maintain a Fund Balance just like the City. After this transfer, the balance of the Fund Balance will be around \$150,000.00.

Following further discussion, motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to support the 2006-2007 Adopted Budget of the Laurinburg-Maxton Airport Commission.

The City Manager added that he had discussed the condition of the runway with the County Manager. He added that he would be seeking Council's support in helping to get funding for improvements to the runway.

## **LAURINBURG/SCOTLAND COUNTY AREA CHAMBER OF COMMERCE-REQUEST FOR FUNDING**

Mayor Slaughter explained that Mr. Jim Frank Henderson would address Council on the Chamber's request for economic development funding from the City of Laurinburg.

Mr. Jim Frank Henderson, President of the Laurinburg/Scotland County Area Chamber of Commerce, appeared before Council to request funding for economic development. Mr. Henderson stated that the Chamber is requesting \$33,112.00 during the fiscal year 2006-2007 for continuing efforts in economic development. This request is a 3% increase over FY 2005-2006. The Chamber has requested from the Scotland County Board of Commissioners \$78,334.00, which is also a 3% increase over FY 2005-2006.

Mr. Henderson cited the dedication of the new Kordsa facility which saved 176 jobs in the area as an example of the Chamber's efforts in conjunction with the City and the County. He explained that the Chamber is currently working on the possible \$25,000,000.00 expansion of a local plant.

The City Manager stated that the proposed budget which will be presented to Council at its budget workshop does include the 3% increase requested by the Chamber.

### **CLOSED SESSION**

At 8:17 p.m. motion was made by Councilmember DeBerry to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(3), for the purpose of consulting with the attorney in order to preserve attorney-client privilege. Councilmember Leak seconded the motion and it unanimously carried to adjourn to a closed session.

At 8:26 p.m., upon returning to the council room, motion was made by Councilmember DeBerry, seconded by Councilmember Griswold, and unanimously carried to adjourn the closed session and resume the open meeting.

### **AMENDMENT TO A CONDITIONAL USE PERMIT - 11481 PURCELL ROAD**

The City Manager explained that Mrs. Nancy Pegues is requesting an amendment to a conditional use permit to operate a children's daycare facility at 11481 Purcell Road. Mrs. Pegues was granted a conditional use permit in May 2000 to care for eight children per shift. In December 2004, Mrs. Pegues was granted an amendment to the May 2000 request in order to accommodate 32 children on the first shift and 6 on secondshift. This latest request for an amendment will increase the maximum number of children at the facility to 53 children per shift for first and second shifts. The Laurinburg Planning Board voted 6-1 at its regular meeting held Tuesday, May 9, 2006 to recommend to Council to approve this request.

Motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to set a public hearing to be held Tuesday, June 20, 2006 at 7:00 p.m. in the upstairs council room of the Municipal Building to consider an amendment to a conditional permit issued in May 2000 (as subsequently amended) which permits the operation of a children's daycare facility at 11481 Purcell Road.

### **VOLUNTARY ANNEXATION PETITION**

The City Manager explained that Mr. Randy Johnson has submitted a petition to annex property located on Turnpike Road (Shadow Woods Condominiums). In 2000, Mr. Johnston petitioned to have a portion of this property annexed and the annexation was approved by Council in the year 2000. This petition requests that the remaining portion of the property for Shadow Woods Condominiums be annexed. This resolution will direct the City Clerk to investigate the sufficiency of the petition and to certify the results of the investigation at Council's next scheduled meeting.

Councilmember Parker moved for the adoption of Resolution No. R-2006-14 which directs the City Clerk to investigate the sufficiency of a petition for the voluntary annexation of property located on Turnpike Road. Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

(Resolution No. R-2006-14 on file in the City Clerk's Office)

## **2006 CLEAN WATER BOND**

The City Manager explained that at its April 20, 2006 meeting, the Lumber River Council of Governments' Board of Directors unanimously voted to support this resolution and to request the support of its membership. This resolution supports the enactment of a 2006 Clean Water Bond by the NC General Assembly and calls for the activation of the State Water Infrastructure Council which was created in a previous session of the General Assembly but was never activated. The COG will send all resolutions to the Rural Economic Development Center and the Center will forward the same General Assembly.

Councilmember Griswold moved for the adoption of Resolution No. R-2006-15 which supports the enactment of a 2006 Clean Water Bond. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

(Resolution No. R-2006-15 on file in the City Clerk's Office)

## **NC GENERAL ASSEMBLY FUNDING FOR THE FORT BRAGG/POPE AIR FORCE BASE REGIONAL LAND USE ADVISORY COMMISSION (RLUAC)**

The City Manager explained that Mr. James Dougherty, Executive Director, RLUAC is requesting that all members adopt a resolution which seeks funding for the RLUAC from the North Carolina General Assembly. The local government dues only generate approximately \$11,000.00 annually. The resolution requests that the General Assembly approve an annual and reoccurring appropriation of \$35,000.00 to support the RLUAC budget. The City's annual dues are \$500.00.

Councilmember Parker moved for the adoption of Resolution No. R-2006-16 which seeks funding from the North Carolina General Assembly for the support of the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission (RLUAC). Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

(Resolution No. R-2006-16 on file in the City Clerk's Office)

## **RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY**

The City Manager explained that Council approved an amendment to the City's personnel policy in February regarding Fire Department employees. In that amendment, the annual vacation leave and sick leave were miscalculated and this amendment will correct the previous Resolution.

The Assistant City Attorney recommended that for purposes of clarity that the definition of a pay period be included and suggested the following wording be added in Sections 2 and 4: "one pay period equals two weeks".

Councilmember Parker moved for the adoption of Resolution No. R-2006-17 as amended by the City Attorney which amends the City of Laurinburg Personnel Policy regarding annual vacation and sick leave. Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

(Resolution No. R-2006-17 on file in the City Clerk's Office)

## **UPDATE ON SPEED LIMIT STUDY**

The City Manager stated that the Chief of Police was directed by Council during its July 2005 meeting to conduct a speed limit study for speed limit reduction on streets that do not have much traffic other than the persons who live in the area. At that meeting, Chief Malloy informed Council that his department did not have the equipment to conduct a study at that time. He stated that he had applied for equipment through a grant and once the department had the equipment that it would acquire from the grant, he would begin the study. This direction from Council was the result of a citizen request that the speed limit in Camellia Acres Subdivision be reduced. This necessary equipment has now been received by the Police Department and a study of that area has been conducted. Council was provided with the results.

Mayor Slaughter stated that there was no action on this item.

The City Manager stated that if there are any questions or if there are other streets that Council could identify for a speed limit study, it should let staff know.

### **REVISION TO THE 1995 WATER AGREEMENT BETWEEN THE CITY OF LAURINBURG AND SCOTLAND COUNTY**

The City Manager stated that in looking at the 1995 Water Agreement between the City and Scotland County, staff has identified areas where it would like to recommend to both the City Council and to the County Board of Commissioners possible changes, and they are:

- Addition of wording of ORC (Operator of Responsible Charge). When the original agreement was approved in 1995, this was not a requirement by the State. The City has served as the ORC, but it is felt that wording needs to be added to the agreement to clarify the City's role.
- Change in Fee Structure - Currently the administration charge is \$2.50 per bill per month that the County pays the City for billing and collection of their system. The fee has not been adjusted since 1995. Staff recommends the administration charge be increased to \$2.75 per bill per month. Currently the City also collects \$5,000.00 annually for maintenance fees, and staff suggests that the fee be increased to \$12,000.00.

The City Manager concluded his comments by stating that County staff is also recommending these changes.

Motion was made by Councilmember Griswold, seconded by Councilmember Parker, and unanimously carried to approve changes to the 1995 Water Agreement between the City and Scotland County effective July 1, 2006 and to authorize Mayor to execute appropriate documents amending the previous agreement.

### **RECOMMENDATION AND PROPOSAL FOR TRAFFIC ENGINEER TO EVALUATE ALTERNATIVES FOR PEDESTRIAN AND PUBLIC SAFETY AT LAUCHWOOD DRIVE AND DOGWOOD MILE**

The City Manager stated that at the April meeting, Dr. John Deegan of St. Andrews Presbyterian College made a presentation to City Council on concerns the college has with traffic and pedestrian issues at the Lauchwood Drive/Dogwood Mile intersection. The City Council instructed the City Manager to work with St. Andrews to come up with possible solutions to the concerns that it has. He explained that he and the Mayor met with Dr. Deegan last week and discussed different options. However, during the meeting he and the Mayor (along with Dr. Deegan) felt that it would be beneficial to have the advice of a traffic engineer as to options and recommendations that will address the issues fully.

The City Manager stated that Dr. Deegan has agreed for St. Andrews to split the cost of the traffic engineer with the City. The City Manager explained that he had prepared a Request for Proposal that would be sent to traffic engineers. An estimated cost for the study is between \$5,000.00 and \$8,000.00.

Following discussion, Councilmember Griswold moved to authorize staff to send out Requests for Proposals for a

traffic engineer to study the issues at the Lauchwood Drive/Dogwood Mile intersection. Councilmember Parker seconded the motion and it was approved by the following vote:

Ayes: Griswold, Parker, Leak, Rainer, DeBerry

Nays: None

### **SCOTLAND COMMUNITY FREE HEALTH CLINIC UPDATE**

The City Manager stated that Doris Douglas with the Scotland Community Free Health Clinic located at the County Governmental Complex requested a waiver for water and sewer taps for the clinic. At the last City Council meeting, Council instructed staff to come up with possible options for helping the clinic with tap fees. He added that in working with staff, the suggestion was to delay billing of the tap fees until the Clinic obtains its 501-C(3) status and begins receiving grant funding to pay for their operations. Once the grant funding is received, the tap fees would then be billed over a 12-month period.

Motion was made by Councilmember Parker, seconded by Councilmember Griswold, and unanimously carried to delay the fees for water and sewer taps for the Scotland Community Free Health Clinic until the Clinic obtains 501-C(3) status, and then bill the fees over a 12-month period.

### **PUBLIC HEARING ON THE CITY OF LAURINBURG'S PROPOSED 2006-2007 BUDGET**

The City Manager stated that the 2006-2007 proposed budget would be presented to Council at a meeting to be held June 5, 2006. A public hearing needs to be set in order to hear public comment on the proposed budget.

Motion was made by Councilmember Parker, seconded by Councilmember Griswold, and unanimously carried to set a public hearing on Tuesday, June 20, 2006 at 7:00 p.m. in the upstairs council room of the Municipal Building for citizen input on the 2006-2007 proposed budget.

### **AGREEMENT BETWEEN THE CITY OF LAURINBURG AND SOUTHEASTERN UTILITIES DEVELOPMENT**

The City Manager explained that the draft agreement is not ready for Council to consider so this matter will be taken up at a later date.

### **CITY MANAGER UPDATE**

The City Manager explained that he and Harold Smith, Interim Fire Chief, have had good meetings with the Scotland County Fire Commission about changing the distribution of the fire tax. He added that he is waiting on the Commission's recommendation.

The City Manager stated that staff had met with County representatives regarding combining the City and County GIS systems. He expects an agreement in June.

The City Manager concluded his update by stating that public notices regarding the old hospital demolition have been mailed as Council requested.

### **OTHER**

Since the State now has an estimated budget surplus, following discussion, motion was made by Councilmember Parker, seconded by Councilmember Griswold, and unanimously carried to request the State to consider returning the money it withheld from the City during the State budget crisis of 2002.

Following discussion, motion was made by Councilmember Rainer, seconded by Councilmember Leak, and

unanimously carried for the City Manager to write the Governor and the State representatives asking them to support an increase in the minimum wage.

### **PUBLIC COMMENT PERIOD**

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

### **CLOSED SESSION**

At 8:50 p.m. motion was made by Councilmember DeBerry to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(6), to discuss the qualifications, competency performance, character, fitness, condition of appointment or conditions of initial appointment of an individual public officer or employee (to wit: the City Manager) and to review minutes and/or general accounts of previous closed sessions. Councilmember Griswold seconded the motion and it unanimously carried to adjourn to a closed session.

At 9:14 p.m., upon returning to the council room, motion was made by Councilmember DeBerry, seconded by Councilmember Griswold, and unanimously carried to adjourn the closed session and resume the open meeting.

### **RECESS**

Motion was made by Councilmember Parker, seconded by Councilmember Griswold, and unanimously carried to recess the meeting.

The meeting was recessed until Monday, June 5, 2006 at 7:00 p.m. in the upstairs council room of the Municipal Building. The meeting recessed at 9:15 p.m.

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Ann B. Slaughter, Mayor

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Jennifer A. Tippett, CMC, City Clerk