

**CITY OF LAURINBURG
COUNCIL MEETING
APRIL 17, 2007
MUNICIPAL BUILDING
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held its regular monthly meeting April 17, 2007 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, Dolores A. Hammond, City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Mayor Slaughter called the meeting to order at 7:00 p.m. Councilmember Leak 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 retreat held February 26, 2007 and the regular meeting held March 20, 2007.

PUBLIC HEARING TO REZONE FROM RESIDENTIAL-15 TO RESIDENTIAL-20 PROPERTY LOCATED BETWEEN GUM SWAMP CREEK & COUNTRY CLUB ESTATES

Mayor Slaughter explained that the public hearing is for a request to rezone from Residential-15 to Residential-20 property located between Gum Swamp Creek & Country Club Estates in order for the property to be developed as a vineyard.

She then declared the hearing open.

Francesco Buto appeared before Council and stated that he planned to establish a vineyard on the property. He stated that he felt it would be beneficial to the area. Mr. Buto added that his vineyard would be the first organic vineyard in the state. He further added that he had been working with North Carolina State University, Cooperative Extension, and also with the Smiths who own Cypress Bend Vineyards in Wagram.

Mr. George Boyer of 11840 Purcell Road appeared before Council and inquired if the area had been checked for high mercury concentration. He stated that he seemed to remember that a few years ago that an individual who was running for the Mayor ran on cleaning up the area along Gum Swamp where there was a high mercury concentration.

Mayor Slaughter explained that she was not the Mayor that ran during that time. She further explained that several years ago there had been concern about the possibility of a GSX plant opening at the Laurinburg/Maxton Airport and emitting waste into the Lumber River.

Mr. Boyer stated that he had the wrong area and had no further questions.

Upon questions by Councilmember Griswold, Mr. Bill Peele, City Planner and Zoning Officer, stated that all necessary paperwork had been filed for the request and by a unanimous 7-0 vote, the Laurinburg Planning Board recommended approval of this rezoning request.

Councilmember Parker moved for the adoption of Ordinance No. O-2007-04 which is in compliance with the City's Unified Development Ordinance and rezones from Residential-15 to Residential-20 a 77.07-acre tract of land located

between Gum Swamp Creek and Country Club Estates in order to develop a vineyard. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Leak, Griswold, Rainer

Nays: None

(Ordinance No. O-2007-04 on file in the City Clerk's Office)

PRESENTATION TO ROBERT L. MALLOY, RETIRED POLICE CHIEF

Mayor Pro Tem DeBerry presented a certificate of appreciation to Retired Police Chief Robert Malloy and thanked him for his service to the City of Laurinburg.

PRESENTATION TO ANN J. LOWERY, RETIRED ADMINISTRATIVE SUPPORT ASSISTANT-PUBLIC WORKS

Mayor Pro Tem DeBerry presented a certificate of appreciation to Ann J. Lowery and thanked her for her service to the City of Laurinburg.

STORYTELLING FESTIVAL

Jennifer Olszowy appeared before Council and provided an update on the Storytelling Festival to be held May 19 and 20, 2007. She described the marketing and fundraising that has been conducted as well as what is scheduled to occur. She stated that registrations for the event have come in from as far west as Wyoming and also from Pennsylvania, Florida, and North and South Carolina. She encouraged everyone to attend or volunteer.

Upon question by Councilmember Griswold, Ms. Olszowy stated that tickets could be purchased at the Cypress Bend Vineyard Spring Festival, Sunday in the Park, The Daily Grind, or online at the Storytelling Festival's website, www.storytellingfestivalofcarolina.org.

NUISANCE ORDINANCE UPDATE

The City Manager explained that at the City Council retreat in February, the City Council instructed Staff to begin looking at possible ways to strengthen our nuisance ordinances. He stated that Mrs. Deese has researched what other communities have done to strengthen their ordinances.

He then explained that in order to move forward, Staff needs to see what Council would like to incorporate in any changes. He asked Council if there were any suggestions at this time to modify the current ordinance with a draft coming in May.

Mrs. Brandi Deese, City Planner/Zoning Officer, appeared before Council and explained that she had researched how other municipalities deal with excess debris and clutter. She explained that debris and clutter are considered an eyesore before they become a public health hazard. She stated that the City's ordinance currently reads that to be considered a public health hazard the problem has to "cause a fire hazard, the accumulation of stagnant water or the inhabitation of rats, snakes or vermin of any kind". She further explained that those cities and towns with tighter restrictions either state that "the property must be clean and orderly" or they have ordinances that prohibit "actions or activities that will lower property values". She then stated that consultation with several municipalities revealed that both ordinances seem to be working well. Mrs. Deese then explained that after further consideration by staff, staff would like to recommend that Council consider the request to amend the nuisance ordinance to include the following language: "Every owner and occupant or other person in control of any building or land in the City, including vacant property, shall keep such building or land in a clean and orderly condition". She concluded by stating that staff feels it would be more difficult to prove a detriment to property values versus proving that the property is not clean and orderly and that this change will hopefully allow staff to take care of some of the areas of concern.

The City Manager explained that staff needed to know if the suggested change is the direction in which Council wants

to move.

Upon question by Councilmember Leak, Mrs. Deese explained that both residential and commercial property would be regulated.

Councilmember Griswold explained that she felt this was moving in the right direction and that any wording of an ordinance should be approved by the City Attorney to ensure it is in compliance with statutes.

There was consensus that the ordinance be amended to include staff's recommendation and that the City Attorney review the proposed ordinance to ensure that it complies with State statutes.

REQUEST TO REZONE FROM RESIDENTIAL-15 TO GENERAL BUSINESS CONDITIONAL USE DISTRICT PROPERTY LOCATED AT US 401 BY-PASS SOUTH AND WEST BOULEVARD

The City Manager explained that Mr. Kenneth Robinette is requesting that a 3.4-acre tract of land located at the intersection of US 15-401 By-Pass and West Boulevard be rezoned from Residential-15 to General Business Conditional Use District. Mr. Robinette is interested in developing the property in order to locate a "Staples".

The Laurinburg Planning Board heard this request at its meeting on Tuesday, April 10, 2007 and by a vote of 4-2 recommends approval of this request.

Upon question by Councilmember Leak, Mr. Bill Peele, City Planner/Zoning Officer, explained that the remainder of the 11-acre tract of which this 3.4-acre tract is a part would have to also come before Council for any further rezoning.

Upon question by Councilmember Griswold, the City Manager explained that the traffic impact study should be completed in time for the public hearing and will be part of the information for Council to consider at the public hearing.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to set a public hearing for Tuesday, May 22, 2007 at 7:00 p.m. in the council room of the Municipal Building to consider a request to rezone from Residential-15 to General Business Conditional Use District property located at US 401 By-Pass South and West Boulevard.

RESOLUTION WHICH AMENDS THE CITY OF LAURINBURG PERSONNEL POLICY TO INCLUDE SECTION 12. SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS

The City Manager explained that at Council's March meeting, at the recommendation of the City Attorney, the proposed policy was tabled. He stated that he, the Human Resources Director and City Attorney met on April 5 to discuss the proposed policy change. He then stated that the proposed resolution amendment to the personnel policy better clarifies the City's policy with compliance to the General Statutes on special separation allowance for law enforcement officers.

The Assistant City Attorney stated he had reviewed the proposed policy with the City Manager and the Human Resource Officer, and he felt that the revisions were in line with what they indicated they wanted to recommend to Council.

Upon question by Councilmember Rainer, the City Manager explained that the major changes to the policy clarify the policy with regard to eligibility for the special separation allowance for an individual who thereafter becomes re-employed by any state or local government. Also, it makes it clear that once an individual no longer is eligible to receive the separation allowance, he would have to complete five years of creditable service before being allowed to once again received it (assuming he otherwise meets the eligibility requirements).

Councilmember Griswold moved for the adoption of Resolution No. R-2007-04, which amends the City of Laurinburg Personnel Policy to include Section 12. Special Separation Allowance for Law Enforcement Officers. Councilmember

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

Ayes: Griswold, Rainer, Parker, Griswold, Leak

Nays: None

(Resolution No. R-2007-04 on file in the City Clerk's Office)

RESOLUTION WHICH SETS A PUBLIC HEARING ON THE QUESTION OF VOLUNTARY ANNEXION LOCATED ON NORTH TURNPIKE

The City Manager explained that Mr. and Mrs. G. Brooks Baines submitted a petition on February 13, 2007 to annex a 1.27 acre tract of land along North Turnpike Road that is contiguous with the existing City Limit line.

The City Clerk has certified the sufficiency of the petition and found that it is signed by all appropriate property owners.

Councilmember Griswold moved for the adoption of Resolution No. R-2007-06, which sets a public hearing to be held Tuesday, May 22, 2007 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, NC. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Rainer, Parker, DeBerry, Leak

Nays: None

(Resolution No. R-2007-06 on file in the City Clerk's Office)

RESOLUTION APPROVING THE SALE OF LAND IN THE FORMER COMMUNITY DEVELOPMENT PROJECT AREA OF CAROLINA PARK

The City Manager explained that Mr. William Manning has asked to purchase a city lot on the corner of Greensboro and Fayetteville Streets at the appraised price of \$1,500.00

Councilmember Leak expressed concern about the placement of any building on the property that would devalue property in the neighborhood.

Mrs. Deese, City Planner/Zoning Officer, stated that any building located on the property would have to conform to the State Building Code.

Councilmember Griswold moved for the adoption of Resolution No. R-2007-07 which approves the sale of land to Mr. William Manning in the amount of \$1,500.00. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Leak, DeBerry, Parker, Rainer

Nays: None

(Resolution No. R-2007-07 on file in the City Clerk's Office)

RESOLUTION WHICH SETS A PUBLIC HEARING ON A REQUEST TO CLOSE AN UNDEVELOPED PORTION OF FIRST STREET-LAURINBURG HOUSING AUTHORITY

The City Manager explained that a petition was received March 26, 2007 from the Laurinburg Housing Authority requesting that City Council consider closing an undeveloped portion of First Street.

Councilmember Griswold moved for the adoption of Resolution No. R-2007-08 which sets a public hearing to be held Tuesday, May 22, 2007 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, North Carolina to consider closing an undeveloped portion of First Street. Councilmember Leak seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Leak, DeBerry, Parker, Rainer

Nays: None

(Resolution No. R-2007-08 on file in the City Clerk's Office)

RESOLUTION WHICH SETS A PUBLIC HEARING ON A REQUEST FOR STREET IMPROVEMENTS TO A PORTION OF FIRST STREET-LAURINBURG HOUSING AUTHORITY

The City Manager explained that Mrs. Nancy Walker, Laurinburg Housing Authority Director, is requesting street improvements for a portion of First Street.

Upon question by Councilmember Griswold, the City Manager explained that the improvements would be done with assessments.

The City Clerk explained that the Laurinburg Housing Authority and a company called MPW Investments are the only abutting property owners.

Councilmember Parker moved for the adoption of Resolution No. R-2007-09 which sets a public hearing to be held Tuesday, May 22, 2007 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, North Carolina to consider street improvements on a portion of First Street. Councilmember DeBerry seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Leak, Griswold, Rainer

Nays: None

(Resolution No. R-2007-09 on file in the City Clerk's Office)

ORDINANCE WHICH AMENDS THE 2006-2007 BUDGET APPROPRIATION ORDINANCE TO RECEIVE AND EXPEND FUNDS

The City Manager explained that this budget ordinance is to clarify grant funding and expenditures from the North Carolina Governor's Highway Safety Program of \$16,119.00.

Upon question by Councilmember Rainer, the Interim Police Chief explained that the equipment was a traffic sign with built-in generator for traffic checkpoints.

Councilmember Parker moved for the adoption of Ordinance No. O-2007-05 which amends the 2006-2007 Budget Appropriation Ordinance in order to receive and expend funds provided by a grant. Councilmember Rainer seconded the motion, and it was approved by the following vote:

Ayes: Parker, Rainer, Griswold, Leak, DeBerry

Nays: None

(Ordinance No. O-2007-05 is on file in the City Clerk's Office)

CANDIDATE FILING FEES FOR THE UPCOMING 2007 MUNICIPAL ELECTION

The City Manager explained that North Carolina General Statute 163-294.2 states that the governing board set filing fees for potential candidates in a municipal election. He then explained that there is a minimum filing fee of \$5.00 and that the fee cannot be more than one percent of the annual salary of the office sought (unless the calculated amount is less than \$5.00 in which case the minimum fee is charged). He stated that for a number of years the filing fees for candidates have been as follows:

\$ 5.00 - Councilmember

\$ 10.00 - Mayor

Following discussion, motion was made by Councilmember Griswold to increase the filing fees for candidates for Councilmember and Mayor to \$25.00. The motion was seconded by Councilmember Parker, and was approved by a 4-

1 vote with Councilmember Leak casting the dissenting vote.

RESOLUTION DECLARING CERTAIN ITEMS AS SURPLUS PROPERTY WHICH ARE NO LONGER NEEDED BY THE CITY

The City Manager explained that the proposed resolution lists items of surplus equipment to be sold or auctioned by the City.

A discussion ensued concerning the methods of disposal to ensure the highest price is obtained for the surplus property. Mrs. Cindy Carpenter, Finance Director, stated that if very low bids are received for an item and it is more profitable for the City to dispose of the property as salvage material, then the property will be salvaged.

Councilmember Griswold moved for the adoption of Resolution No. R-2007-10 which declares certain items as surplus property which are no longer needed by the City. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Rainer, Parker, DeBerry Leak

Nays: None

(Resolution No. R-2007-10 on file in the City Clerk's Office)

AUTHORIZE MAYOR TO EXECUTE FEMA GRANT APPLICATION-LAURINBURG FIRE DEPARTMENT

The City Manager explained that the Laurinburg Fire Department would like to make application for a grant under the US Department of Homeland Security Assistance to Fire Fighters Program. He stated that the Department is seeking to replace a 1996 Pierce Freightliner (Engine #6) that is experiencing major mechanical problems. He further explained that the grant will consist of 90/10 of matching funds with the amount of \$400,000.00 requested for the purchase of a fire truck. The estimated cost to the City if the grant is awarded would be approximately \$40,000.00.

Upon question by Councilmember Leak, the City Manager explained that the \$40,000.00 would be included in the budget only if the grant is approved.

A discussion ensued concerning Engine #6's condition. Interim Police Chief and volunteer firefighter Johnny Evans stated that the concern with a fire truck is not the mileage but the hours on the engine since the engine is running when water is being pumped at a structure fire.

Mrs. Cindy Carpenter, the Finance Director, explained that even if the grant is approved, because it will take 10 months for the equipment to be constructed, this item would not appear in the budget until the following year's budget.

Motion was made by Councilmember Parker, seconded by Councilmember Griswold, and unanimously carried to authorize the Mayor to execute a FEMA grant application in order to pursue the funds for the purchase of a fire truck.

BUDGET WORKSHOP

The City Manager explained that in order to being working on and finalizing the Fiscal Year 2007-2008 budget, staff suggests holding a budget workshop sometime the week of May 14-18, 2007.

Following discussion, it was consensus among Councilmembers to hold a budget workshop on Monday, May 14, 2007 at 6:30 p.m. in the council chambers of the Municipal Building at 303 West Church Street.

TOWN HALL DAY – MAY 9, 2007

The City Manager explained that Town Hall Day is Wednesday, May 9, 2007 in Raleigh, North Carolina. He then

explained that the deadline for registration is April 20. If anyone is interested in attending, they need to let the City Clerk know as soon as possible.

CAROLINA TRANSFORMERS POTENTIALLY RESPONSIBLE PARTY (PRP) GROUP STEERING COMMITTEE

The City Manager explained that in discussion with the City Attorney, it is recommended that the City join the Carolina Transformer PRP Group Steering Committee. He stated that the cost to join is \$10,000.00.

He explained that from the years 1959-1986 Carolina Transformer provided repairs, rebuilt and disposed of transformers for the City of Laurinburg (not to a large extent, but did do work for the City). He continued explaining that unfortunately, the site became a superfund site with over \$31 million in cleanup costs. He then explained that the soil was contaminated by PCB's through the oil-filled electrical equipment. He stated that the company went bankrupt, and the EPA collected only about \$1.5 million from the company.

He explained that it is the recommendation of the City Attorney that the City become part of the steering group in order to continue to receive information and to avail itself of group representation. He also stated that although it is not known what liability, if any, the City has the recommendation is to join the group.

The Assistant City Attorney stated that a memorandum was received from the attorney for the League of Municipalities which recommended that, if it appears a municipality may have done business with Carolina Transformers, the municipality should join this group.

Following discussion, motion was made by Councilmember Griswold, seconded by Councilmember Parker, and unanimously carried to join Carolina Transformers PRP Group Steering Committee at a cost of \$10,000.00.

PUBLIC COMMENT PERIOD

Councilmember Griswold thanked Johnny Evans for the job he is performing as Interim Police Chief. She also thanked the Fire Department for responding quickly to an alarm at her residence.

Councilmember Parker asked if the City could provide in-kind services of security for the Storytelling Festival of North Carolina.

Following discussion, Councilmember Griswold explained that the location of the Storytelling Festival is not inside the City Limits and therefore, the Scotland County Sheriffs Department will provide security.

ADJOURNMENT

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

The meeting was adjourned at 7:59 p.m.

Ann B. Slaughter, Mayor

Dolores A. Hammond, City Clerk