

**CITY OF LAURINBURG  
COUNCIL MEETING  
MAY 22, 2007  
MUNICIPAL BUILDING  
7:00 P.M.**

**Minutes**

The City Council of the City of Laurinburg held its regular monthly meeting May 22, 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, Thomas W. Parker, III, and Herbert M. Rainer, Jr.

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

Mayor Slaughter called the meeting to order at 7:00 p.m. Councilmember Parker 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 special meeting held April 17, 2007 at 5:30 p.m. and the regular meeting held April 17, 2007.

**PUBLIC HEARING TO REZONE FROM RESIDENTIAL-15 TO GENERAL BUSINESS CONDITIONAL USE DISTRICT A 3.4-ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF US 15-401 BYPASS AND WEST BOULEVARD**

Mayor Slaughter explained that this public hearing is to consider a request to rezone a 3.4-acre tract of land located at the intersection of US Highway 15-401 and West Boulevard from Residential-15 to General Business Conditional Use District. The proposed use for the property is to locate a "Staples" store on this site.

Upon request by Councilmember Griswold, Mr. Bill Peele, City Zoning Officer/Planner, explained that with a typical rezoning, the property is rezoned to a particular zoning classification and all of the uses that are in that type of classification are permitted, and the minimum standards that are in the Unified Development Ordinance considered satisfactory to accommodate those uses must be met. A conditional use process is established to address those situations when a particular use may be acceptable but the general zoning district that would apply that use would not be acceptable. The conditional use district allows the Council to approve a proposal for a specific use with reasonable conditions to ensure the compatibility of the use with the surrounding property. Any permitted use under this process must also conform to the development regulations of the corresponding general zoning district. This is a voluntary procedure that is intended to accommodate specific site and use developments. Mr. Peele added that he had met with Mr. Robinette and discussed conditions to try to satisfy the concerns of the neighborhood. One of those conditions is the buffer, which Mr. Robinette intends to triple in size from what the zoning ordinance requires. Another requirement is the extensive landscaping which is more than the zoning ordinance requires. Other considerations were the dedication of additional right-of-way to allow for a street to be connected with the easternmost access to the property, and approval by the NC Department of Transportation (DOT) of an acceptable traffic alignment that will allow access to the new facility without injuring the traffic route that already exists. He added that the service road would be moved to line up with the first Wal-Mart entrance, which is what DOT had approved when the State Employees' Credit Union had proposed to locate on this site several years ago.

Upon question by Councilmember Griswold, Mr. Peele explained that one of the additional conditions discussed with Mr. Robinette was for the proposed use to be low volume retail.

Upon question by Councilmember Rainer, Mr. Peele explained that the conditional use district zoning was previously used when the Scotland County Humane Society Animal Shelter located on West Boulevard. The property was zoned Office/Institutional, but in order to locate the Humane Society at the Scotland County Governmental Complex, a portion of the property was rezoned to Industrial Conditional Use District. He added that not many developers are willing to commit to the strict conditions of conditional use district zoning.

Upon question by Councilmember Griswold, Mr. Peele explained that Council is not bound by the conditions that Planning Staff and Mr. Robinette discussed. Council can require whatever conditions it feels are necessary to make the proposal compatible with the existing land uses in the area.

Upon question by Councilmember Leak, Mr. Peele explained that if Mr. Robinette wants to develop any more of the 11-acre tract, he would have to submit another rezoning request to Council unless he wanted to develop the property for residential purposes since the property is zoned Residential-15.

Mayor Slaughter then declared the public hearing open.

Mr. Kenneth Robinette appeared before City Council and stated that he resides in Marston, North Carolina in Richmond County. He and his wife are developers. He added that with him to answer any questions were Mr. Mark Freeman, a traffic engineer who conducted a traffic impact study, and Mr. Craig McNeill, surveyor and planner. He explained that he is requesting to rezone from Residential-15 to General Business Conditional Use District a 3.4-acre tract of land at the intersection of US 15-401 and West Boulevard in order to locate a "Staples" on the site. He added that the reason he is requesting conditional use district rezoning is that he wanted whatever he developed to be something to be proud of. Mr. Robinette discussed that his proposal includes three times the required buffer, more landscaping backing up to the residential area, and a fence to be installed between the development and the residences. He explained that he wanted to enhance the quality of life for area citizens.

Mr. Robinette discussed the traffic situation that currently exists. He stated that he did not want to create additional problems there. With DOT's approval, he intends to reroute the service road so that it cuts through his property and aligns with the first Wal-Mart entrance. He stated that with DOT's approval he will install, at his cost, a traffic signal at the service road. A traffic signal costs approximately \$250,000.00.

Mr. Robinette stated that one of the concerns previously expressed by area residents was what could be located on the remainder of the property once this tract was rezoned. He explained that he is in possession of an unexecuted contract with a company that wants this particular tract for a major drug store. He explained that his request is for the development of a "Staples" on this tract. He explained that he will probably submit an additional request in 60-90 days to rezone a 2.5-acre tract for the drug store. He added that he would like to donate the northern end of the 11-acre tract to the community for a park or walking trail.

Upon question by Councilmember Parker, Mr. Mark Freeman of Gibson Engineering appeared before Council and explained that when a traffic situation is analyzed, there are different levels of service based on the average delay of each person through a traffic signal. If the average delay decreases, then DOT considers that a signal improves the situation. He stated that overall, a signal will improve this situation by reducing the average delay at the intersection. He explained that the grading system that is used is like a report card with "D" being the minimum acceptable level. Currently, the intersection is graded an "F". He explained that realigning the intersection and installing a traffic signal would be a tremendous help. There are 15 criteria that DOT considers for traffic signal installation.

Upon question by Councilmember Parker, Mr. Freeman explained that this situation meets some of the big criteria set out by DOT; however, DOT would have concerns about two (2) traffic signals being located so close together. He explained that a request was submitted to DOT for installation of a stoplight at the intersection of West Boulevard and the proposed location of the service road.

Upon question by Councilmember Griswold, Mr. Freeman stated that the distance between the US 15-401 intersection and the proposed location for the service road was about 400 to 500 feet.

Upon question by Councilmember Rainer, Mr. Robinette explained that “Staples” will lease the building from him, and he estimates “Staples” will employ between 10-15 employees.

Upon question by Councilmember Griswold, Mr. Robinette explained that his client chose this particular location rather than choosing an outparcel at Scotland Crossing Shopping Center or one of the outparcels adjacent to Wal-Mart because Wal-Mart is a major attraction that generates a lot of traffic that could potentially stop at the client’s store. He added that the client had conducted research, knew where it wanted to locate and specifically asked for this site.

Mr. Richard Hodges of 1102 Taylor Circle appeared before Council and stated that he had several concerns. His first concern was whether the conditional zoning was compatible with surrounding property. He explained that two (2) box stores do not sound compatible to him. Another concern is that the development will not enhance the quality of life in that a “Staples” would not offer anything that is not already available in the area.

Mr. Nathan Monroe of 901 East Scotsdale Road appeared before Council and expressed concern about the traffic situation and the potential for increased storm water run-off.

Mr. Aubrey McDonald of 1006 East Scotsdale Road appeared before Council and expressed concern about the traffic situation.

Mr. Bill Owens of 1203 Dunbar Drive appeared before Council and presented the Mayor with a petition. He then asked why there were so many parking spaces shown on the proposed site plan if the store was low volume.

Mr. Craig McNeill, project designer, explained that the drawing was a conceptual design and that the City Zoning Ordinance will dictate how many parking spaces are necessary.

Mr. Bill Peele explained that parking requirements are based on the building size. In some cases the requirement exceeds what is actually needed for parking. If the developer thinks the requirement is too much, he can appeal the decision.

Mr. Owens then asked what assurance there was that the property would be developed for a “Staples”.

Mr. Peele stated that although the submitted plan is for a “Staples”, another low-volume retailer could be substituted for “Staples”.

Upon question by Councilmember Griswold, Mr. Peele stated that Council could not make the rezoning contingent on the retailer being “Staples”.

Mr. Jim Thompson of 1004 East Scotsdale Road appeared before Council and stated that historically the City has voted against this type request. He also stated that if 90-95% of the retail merchandise of “Staples” is moved by truck, there is nothing about an 18-wheeler that is low impact.

Ms. Minor McCoy Glenn appeared before Council and expressed concern about the additional traffic that will be generated by the new baseball and softball fields at the recreation complex on Turnpike Road.

Councilmember Parker moved to approve adoption of Ordinance No. O-2007-06 which rezones from Residential-15 to General Business Conditional Use District a 3.4-acre tract of land located at the intersection of US 15-401 Bypass and West Boulevard stipulating that the use of the property be for a “Staples” or low impact business. Councilmember Leak seconded the motion.

The Assistant City Attorney explained that the motion needed to include the wording that he had provided to Council concerning zoning amendments, to wit: state that the plan is consistent with other development in the area; advances the public health, safety or welfare; and provides a positive impact to the public at large.

Councilmember Parker stated that he wanted to amend his motion to include the language prepared by the Assistant

City Attorney and as read by him.

Councilmember Leak seconded the amendment.

The Assistant City Attorney stated that the motion also needs to include the conditions that Council wished to impose upon the development.

A discussion ensued concerning the conditions. Mr. Peele explained that the approval could be based solely on the submitted site plan. He added that Planning staff and the Planning Board had met with the developer to consider the site plan.

Councilmember Griswold expressed concern that once property is rezoned, the City loses control forever. She further explained that she did not understand why a low volume retailer wanted to locate at this site when there were other available locations without the existing traffic problems and not in such close proximity to a residential area.

Upon question by the City Manager, Mr. Peele explained that Planning Staff and the Planning Board had discussed with the developer the conditions shown on the submitted site plan including a 50-foot buffer which is greater than the 15-foot buffer required by the zoning ordinance and 25% landscaping of the property which is greater than the 10% required by the zoning ordinance. He added that the traffic situation is strictly in the hands of the DOT. A traffic impact study was conducted with recommendations made. The study was submitted to DOT. It is up to DOT as to whether it accepts the recommendations made in the traffic impact study or whether it imposes other requirements upon the developer. Mr. Peele further added that if the developer makes any deviations from the submitted site plan, he would be required to submit those deviations to Council for approval.

A discussion ensued concerning the traffic impact study. Mr. Freeman stated that the study was submitted to DOT 13 days ago. He added that in his last discussion with a DOT representative, the study had not been discussed internally at DOT, but it was hoped that it would be discussed the following week.

Further discussion ensued concerning the traffic situation and the traffic impact study. Councilmember Griswold expressed concern that since it was unknown what DOT's decision will be with regard to the recommendations submitted in the traffic impact study and traffic is a real concern, it is difficult to make a decision on the rezoning.

Mr. Peele explained that DOT will make a recommendation to Mr. Robinette, and that recommendation could come in 3 weeks or in 3 months. If the recommendation will accommodate "Staples", then Mr. Robinette could go ahead with development providing Council approves the rezoning request. If the recommendation does not accommodate "Staples", then Mr. Robinette will not proceed. He further explained that the City has no control over the traffic issue as it is fully in DOT's control.

Upon question by Councilmember Parker, Mr. Peele explained that should DOT make recommendations to Mr. Robinette that make it impossible for him to develop his property, then Mr. Robinette could sue DOT.

Mr. Peele explained that Mr. Robinette had worked with the Planning Staff on the conditions felt necessary to make the development meet the concerns of the neighborhood. Mr. Robinette has met and exceeded the requirements of the Unified Development Ordinance as is shown on the site plan.

Following further discussion, the Assistant City Attorney stated that the Unified Development Ordinance states that "Council may approve a reclassification of property to a conditional use district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a conditional use district, the Planning Board may recommend and 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 the Council may find appropriate or that the petitioner may propose." He added that if Council approves the

request, Council needs to find the things that he has mentioned and also include the determination that the proposed use meets all standards and requirements in the regulations that are applicable to the proposed use. He concluded his comments by stating that he felt that Council needed to specifically set out what restrictions or conditions that Council wants on the property.

Upon question by Councilmember Leak, Mr. Peele explained that when a developer submits a request for conditional use district rezoning, the items that the Assistant City Attorney listed are the items that are reviewed by City staff. When a site plan is submitted, staff from different City departments reviews the submitted site plan to determine compliance with all City regulations. Once staff determines that the site plan is in compliance with City regulations, Planning staff informs the Planning Board that the development is in substantial compliance with regulations. If Council wants to impose other reasonable conditions, then it is within its rights to impose those conditions.

Mayor Slaughter requested that Councilmember Parker restate his motion.

Councilmember Parker moved to approve adoption of Ordinance No. O-2007-06 which rezones from Residential-15 to General Business Conditional Use District a 3.4-acre tract of land located at the intersection of US 15-401 and West Boulevard with the following findings and stipulations:

- a. That it is consistent with other development in the area;
- b. That it advances the public health, safety or welfare;
- c. That it provides a positive impact to the public at large;
- d. That the traffic impact study is considered and the proper request for DOT improvement of traffic in the area is implemented;
- e. To receive input from the citizens of the affected area and try to reach a reasonable compromise;
- f. Language that Mr. Hicks specified that it meets all the applicable requirements of the City of Laurinburg that he dictated.

The Assistant City Attorney stated that his language was: "determination that the proposed development meets all standards and requirements in the regulations that are applicable to the proposed use".

A discussion ensued concerning what Councilmember Parker meant about the developer reaching a compromise with the citizens. Councilmember Parker explained that he was talking about a compromise concerning whether or not Mr. Robinette would clear-cut the property or leave some of the property natural.

A discussion ensued concerning the traffic study. The City Manager stated that if it is a new curb cut, DOT will have to approve the new curb cut. So if DOT doesn't approve the new curb cut, there will not be access to the property and therefore it could not be developed.

Councilmember Griswold expressed concern about making a decision on this matter without knowing what DOT will do with the traffic impact study recommendations.

Further discussion ensued concerning the traffic study and that DOT has not made a determination regarding the study.

The City Manager explained that if Council approves the rezoning and DOT requires significant changes in the ingress and regress to the property, Mr. Robinette would have to come back before Council for approval of the modifications.

Councilmember Rainer explained that businesses want to develop around a Wal-Mart because Wal-Mart generates a lot of traffic. Since there are not a lot of manufacturing and commercial enterprises expressing a desire to locate in Laurinburg, the community needs to take advantage of those wanting to locate in Laurinburg.

Councilmember Parker restated his motion:

Motion to approve Ordinance O-2007-06 to rezone from Residential-15 to General Business Conditional Use District a 3.4-acre tract of land located at the intersection of US 15-401 Bypass and West Boulevard with the findings that it is consistent with other development in the area, that it advances the public health, safety or welfare, and provides a

positive impact to the public at large; that the proposed development meets all standards and requirements in the regulations that are applicable to the proposed use; and that it be subject to the conditions set forth on the submitted site plan. Councilmember Leak seconded the restated motion. The vote was as follows:

Ayes: Parker, Leak, DeBerry, Rainer

Nays: Griswold

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

### **PUBLIC HEARING ON A VOLUNTARY ANNEXATION REQUEST TO ANNEX PROPERTY LOCATED ON NORTH TURNPIKE ROAD INTO THE CORPORATE CITY LIMITS**

Mayor Slaughter explained that Mr. and Mrs. G. Brooks Baines have requested voluntary contiguous annexation of approximately a 1.27-acre tract located along North Turnpike Road.

She then declared the public hearing open.

There was no one present to speak for or against this request.

Councilmember Griswold moved for adoption of Ordinance No. O-2007-07 which annexes property located on North Turnpike Road into the corporate city limits. Councilmember Rainer seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Rainer, Leak, Parker, DeBerry

Nays: None

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

### **PUBLIC HEARING ON A REQUEST FOR STREET IMPROVEMENTS ON A PORTION OF FIRST STREET**

Mayor Slaughter explained that this public hearing is to consider a request from Mrs. Nancy Walker, Laurinburg Housing Authority Director, for street improvements for a portion of First Street. She added that the Assistant City Attorney had suggested some changes to the Resolution.

She then declared the public hearing open.

There was no one present to speak for or against this request.

Upon question by Councilmember Rainer, the City Manager explained that the petition for street improvements submitted by the Housing Authority was not a valid petition; however, because the City has a local bill granting authority to assess for improvements without a petition, the City has the authority to make the requested improvements and assess the property owners. He explained that there are two property owners whose property abut this portion of First Street, the Laurinburg Housing Authority and MPW Investments of Cary. Curb and gutter has already been installed on the portion of the street abutting the Laurinburg Housing Authority Property. He added that the Laurinburg Housing Authority has indicated a willingness to work with the affected property owner, MPW Investments, on its assessment.

Councilmember Rainer moved for adoption of Resolution No. R-2007-11 as revised which directs that the street improvement project on a portion of First Street be undertaken. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Rainer, Parker, Leak, DeBerry, Griswold

Nays: None

(Resolution No. R-2007-11 on file in the City Clerk's Office)

### **PUBLIC HEARING ON A REQUEST TO CLOSE A PORTION OF FIRST STREET THAT HAS NEVER**

## **BEEN OPENED FOR PUBLIC USE**

Mayor Slaughter explained that this public hearing is to consider a request to close an unopened portion of First Street, at the intersection of East Vance and First Streets, running north for approximately 470 feet to the intersection of East Covington Street and First Street. The street ends at the north side of the Housing Authority property, and the only access is for its apartments. The City would retain a 30-foot utility easement (15 feet each side of the center) at an existing storm drainage line crossing the 50-foot right-of-way.

She then declared the public hearing open.

Mrs. Nancy Walker, Laurinburg Housing Authority Director, appeared before Council and explained that originally the Housing Authority discussed with City staff making street improvements to this portion of First Street, but City staff recommended it would be better to close the street. Mrs. Walker added that the Housing Authority will install a paved driveway to its apartments.

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

The Assistant City Attorney stated that he had pointed out to the Clerk some corrections to the Resolution.

Councilmember Parker moved for adoption of Resolution No. R-2007-12 as revised which closes a portion of First Street that has never been opened for public use. Councilmember Griswold seconded the motion, and it was approved by the following vote:

Ayes: Parker, Griswold, Rainer, DeBerry, Leak

Nays: None

(Resolution No. R-2007-12 on file in the City Clerk's Office)

## **SCOTLAND WARRIORS ACHIEVING TRIUMPH-GILBERT ABRAHAM**

Mr. Gilbert Abraham appeared before Council and updated Council on the activities of the Scotland Warriors Achieving Triumph (SWAT) basketball teams. He explained that he appreciated the letters of support from Council for the past two (2) years; however, the teams are in need of financial assistance. He added that he is aware the City has limited resources and is not funding non-profit organizations at this time. He invited citizens to contribute to the organization. Interested persons can visit the website at [www.scotlandswat.com](http://www.scotlandswat.com) or contact him at (910) 280-5868. He then introduced one of the players, Demante Alford.

Mr. Demante Alford appeared before Council and explained that there were not a lot of positive outlets for teens in the area but that SWAT is a positive outlet. He stated that SWAT gives the team members a chance to travel and see what is beyond Scotland County. He added that the team really needs financial support.

Councilmember Griswold stated that Demante participated on stage at the City's 2003 All America City presentation.

Councilmember Parker thanked Mr. Abraham for undertaking this venture and trying to find funding.

## **LEASE AGREEMENT BETWEEN THE CITY OF LAURINBURG, THE TOWN OF MAXTON AND THE LAURINBURG/SCOTLAND COUNTY AREA CHAMBER OF COMMERCE FOR 10-ACRES OF LAND LOCATED AT THE LAURINBURG/MAXTON AIRPORT**

The City Manager explained that the City, Scotland County, and the Chamber are in the process of locating a shell building at the Laurinburg/Maxton Airport. He stated that this is a 10-acre site, which is part of a larger 72-acre, 7 tract site. He then explained that until the building is sold, the Airport Commission will lease the property to the Chamber for a 10-year period at \$250.00 per year. He further explained that once the building is sold, the City, County, and Chamber jointly will purchase the property for \$100,000.00 (appraised by Jim Mason at \$10,000.00 per acre). Rental paid will be applied as credit upon the purchase of the property. He added that the lease agreement had

been approved by the Laurinburg/Maxton Airport Board and the Maxton Town Council.

Councilmember Parker moved to authorize the Mayor to execute the a lease agreement upon the terms proposed between the City of Laurinburg, the Town of Maxton, and the Laurinburg/Scotland County Area Chamber of Commerce. Councilmember Griswold seconded the motion and it was approved by the following vote:

Ayes: Parker, Griswold, Leak, DeBerry, Rainer

Nays: None

### **2007-2008 ADOPTED BUDGET – LAURINBURG/MAXTON AIRPORT COMMISSION**

Mr. Paul Davis, Interim Executive Director of Laurinburg/Maxton Airport Commission, appeared before Council to present the 2007-2008 Laurinburg/Maxton Airport Commission Budget. He stated that this past year had been busy and productive and included items such as the construction of the spec building, the relocation of the sewer lines, installation of two (2) new systems to aid in navigation approaches to the airport, installation of a new outer marker beacon at South Scotland School, and a new backup generator for the lighting system. Mr. Davis stated that the Airport Commission continues to work with the State on the unauthorized sludge discharge. Further testing has been conducted to determine the exact contents of the sludge. He added that the Commission has asked for an extension of time beyond May 25 to clean up the discharge. The State will inspect the site on May 25 to determine the progress of the cleanup and will discuss an extension at that time.

Councilmember Rainer expressed concern that the current year's budget figures were not included in the information submitted.

Mr. Davis stated that the total of the current year's budget was \$881,734.00.

Upon question by Councilmember Rainer, Mr. Davis stated that there would be minimal impact felt at the Airport from the loss of WestPoint as a customer.

Motion was made by Councilmember Griswold, seconded by Councilmember Parker, and unanimously carried to approve the 2007-2008 Adopted Budget of the Laurinburg-Maxton Airport Commission.

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

Mr. Jim Frank Henderson, President and Economic Developer for the Laurinburg/Scotland County Chamber of Commerce, appeared before Council to present a request for funding for fiscal year 2007-2008. Mr. Henderson stated the request is for \$34,105.00 which is a 3% increase from the current fiscal year. He added that the Chamber also requested a 3% increase in funding from Scotland County (a total request of \$80,364.00).

Mr. Henderson then updated Council on progress with the spec building. He stated that the topo and survey had been completed, and the 72.1-acre tract had been divided into seven 10-acre tracts. The site chosen for the spec building is at the corner of Jump Road. The contract for construction has been awarded to Precision Contractors, Inc. in the amount of \$733,300.00. The building would be 44,000 square feet, with 40,000 square feet for manufacturing space and 4,000 square feet for office space. Scotland County is applying for a Community Development Block Grant for one-half (½) the cost of construction, and the City will be applying for a grant to relocate and upgrade the sewer line. It will take 30 days to obtain the Soil and Erosion Control Permit. He is hoping that construction will begin in the latter part of June or early July with construction completed in late September or October. Progress Energy will be providing marketing assistance at no cost, and it is hoped that Electricities will also help with marketing.

Councilmember Rainer expressed concern that he would have liked to have had a representative from the Chamber discuss potential economic impact of the proposed business that was discussed in the public hearing to rezone property at the corner of US 401 Bypass and West Boulevard which was held earlier in the meeting.

Mr. Henderson stated that he would present Mr. Rainer's concern to the Chamber Board at a board meeting to be held

the following morning at 7:30 a.m.

### **CONTRACT TO AUDIT THE CITY OF LAURINBURG'S 2006-2007 FINANCIAL RECORDS**

The City Manager explained that Council has a copy of the City's proposed fiscal year 2006-2007 audit contract with Gustaf C. Lundin & Company. He stated that once approved by the City Council, the contract must then be approved by the Local Government Commission. He stated that Council also has a copy of the cost breakdown over the past eight (8) years of audit costs to the City from Gustaf C. Lundin & Company.

Motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor to execute a contract to allow Gustaf C. Lundin & Company to audit the City's 2006-2007 financial records.

### **ORDINANCE AMENDING THE 2006-2007 BUDGET APPROPRIATION ORDINANCE**

The City Manager explained that this budget amendment is to deposit \$12,000.00 of grant funding that the Chamber of Commerce has received for the proposed Buxton Project. He then explained that the City is waiting on final grant approval from Economic Development Association (\$18,000.00) before moving forward with the project.

At the request of Councilmember Rainer, the City Manager explained that the Buxton Company does retail recruitment by matching up a city's demographics with retail companies looking to expand into areas with similar demographics. The cost for the project is \$30,000.00. In working with the Chamber, a grant for \$12,000.00 was obtained, and the Economic Development Association (EDA) has provided a grant for \$18,000.00. Therefore, there is no cost to the City for the Buxton project.

Upon question by Councilmember Parker, the City Manager explained that a requirement of the EDA grant is that the project will need to be bid out.

Councilmember Griswold moved for the adoption of Ordinance No. O-2007-08 which amends the 2006-2007 Budget Appropriation Ordinance in order to receive and expend funds. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Parker, Rainer, Leak, DeBerry

Nays: None

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

### **ORDINANCE WHICH AMENDS CHAPTER 14, ELECTIONS, SECTION 14-8. PERIOD FOR FILING NOTICES OF CANDIDACY OF THE CODE OF ORDINANCES OF THE CITY OF LAURINBURG**

The City Manager explained that in order to be consistent with North Carolina General Statute Article 24 of Chapter 163, the recommendation is to amend the City's Code of Ordinances to state:

All candidates for mayor and city council shall file notice of candidacy in accordance with the provisions of Article 24 of Chapter 163 of the General Statutes of North Carolina Entitled "Conduct of Municipal Elections".

Councilmember Griswold moved for the adoption of Ordinance No. O-2007-09 which amends Chapter 14, Elections, Section 14-8. Period for filing notices of candidacy of the Code of Ordinances of the City of Laurinburg. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, DeBerry, Leak, Parker, Rainer

Nays: None

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

### **ORDINANCE AMENDING CHAPTER 16, ARTICLE II, NUISANCES OF THE CODE OF ORDINANCES**

## **OF THE CITY OF LAURINBURG**

The City Manager stated that after a presentation by the City's Zoning Officer, Brandi Deese, at Council's April meeting, the consensus of Council was to look at making the City's nuisance requirements stricter. He stated that the following is the proposed change in the ordinance:

Sec. 16.31 Enumerated

- (8) Any condition which results from the failure by any owner, occupant or other person in control of any building or land in the city, including vacant property, to keep such building or land in a clean and orderly condition.

He added that in order to allow for the inclusion of a mailing with utility billing, the effective date for the ordinance was changed from July 1 to August 1.

Councilmember Parker moved for the adoption of Ordinance No. O-2007-10 as revised which amends Chapter 16, Article II, Nuisance of the Code of Ordinances of the City of Laurinburg Councilmember DeBerry seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Rainer, Leak, Griswold

Nays: None

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

## **RESOLUTION WHICH GRANTS A PERMIT TO OPERATE AN ADDITIONAL TAXICAB SERVICE IN THE CITY OF LAURINBURG**

The City Manager stated that Robert Grant has requested permission to start an additional taxi service in the City of Laurinburg. He explained that this will be a one vehicle operation. He further explained that it will operate 24/7 out of 101 North Main Street, and when not in service, the vehicle will be parked at 708 Cypress Street. The Police Chief has no objections to the application if Mr. Grant meets the requirements as outlined in the City's Ordinance.

Councilmember Parker moved for the adoption of Resolution No. R-2007-13 which grants a permit to operate an additional taxicab service in the City of Laurinburg. Councilmember DeBerry seconded the motion, and it was approved by the following vote:

Ayes: Parker, DeBerry, Griswold, Rainer, Leak

Nays: None

(Resolution No. R-2007-13 on file in the City Clerk's Office)

## **CITY OF LAURINBURG 2007-2008 PROPOSED BUDGET**

The City Manager explained that a public hearing needed to be held to present and hear comments on and possibly approve the proposed 2007-2008 Fiscal Year Budget.

Motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to set a public hearing on the proposed 2007-2008 Budget to be held Tuesday, June 19, 2007 at 7:00 p.m. in the upstairs council room of the Municipal Building.

## **RESOLUTION WHICH ALLOWS THE CITY OF LAURINBURG TO ADMINISTER A GRANT IN ORDER TO ASSIST THE LAURINBURG/MAXTON AIRPORT SEWER LOCATION PROJECT**

The City Manager stated that as part of the joint shell construction of a 44,000 square foot building at Laurinburg/Maxton Airport, the project required that old sewer lines be relocated and upgraded at the site. He explained that in working with the Chamber and the Department of Commerce, the City has applied for a grant from

the Department of Commerce's Industrial Development Fund Utility Account for \$105,300.00 for this project. This is a 100% grant with no match required by any local government.

Councilmember Parker moved for the adoption of Resolution No. R-2007-14 which allows the City of Laurinburg to administer a grant in order to assist the Laurinburg/Maxton Airport Sewer Location Project. Councilmember Griswold seconded the motion, and it was approved by the following vote:

Ayes: Parker, Griswold, DeBerry, Rainer, Leak

Nays: None

(Resolution No. R-2007-14 on file in the City Clerk's Office)

## **MARKET FURNITURE BUILDING**

The City Manager explained that at Council's October 2006 meeting, the City Council voted to accept the donation of the old "Market Furniture" building by a 4-1 vote, contingent upon receipt of a clear title. He then explained that in conversations with City Attorney, Robert Gordon, he has examined the title to the property and closing can take place.

He stated that individual Council members had indicated to him second thoughts about accepting the building and the possibility of rescinding the motion to accept the building. He then stated that a roof and interior demolition are in desperate and immediate need; however, this has not been included in the proposed 2007-2008 Fiscal Year budget due to budget constraints. Staff has not found grant funding to cover the costs at this point.

A discussion ensued concerning acceptance of the building and the possibility of grant funding for the project.

Councilmember Parker explained that he had read an article about a building in Roxboro that insinuated that the General Assembly was looking at helping to fund restoration.

The City Manager explained that he had not had an opportunity to look into the Roxboro building and that he had not had an opportunity to talk with the State representatives. He added that with the money the City is obtaining for the Richmond Community College campus, there probably would not be any other funds available from the State. He further added that he would try to find out more information about the building in Roxboro.

Upon question by Councilmember Griswold, the City Manager stated that the best alternative for grant money is with the State Historic Preservation Commission. However, the Historic Preservation Commission will not accept the building until a new roof is installed. He added that a Community Development Block Grant (CDBG) was an alternative for demolition. He cautioned that such a grant would not cover the full cost of demolition and that the process for obtaining a CDBG was an extremely competitive process. The City Manager added that the estimated cost for a new roof was more than \$100,000.00.

Councilmember Rainer moved to rescind the motion passed in October 2006 to accept the Market Furniture Building.

The Assistant City Attorney explained that since taxes were due on the property, it could be considered that there is not a clear title; therefore, the City would not have to accept the building at this time.

Following further discussion, no second to the motion having been offered, Councilmember Rainer withdrew his motion, and there was no action taken on this matter.

## **RESOLUTION WITH CONCERNS BY THE LAURINBURG CITY COUNCIL OVER THE SOLID WASTE MANAGEMENT ACT OF 2007**

The City Manager stated that at the City Council budget workshop on May 14, Councilmember Parker requested that the City look at making comments to the State on the proposed Solid Waste Management Act of 2007 and the possible negative impacts that it could have on the City and the State.

Councilmember Griswold expressed concern about the vagueness of this resolution.

Councilmember Parker explained that the proposed Solid Waste Management Act is vague. He added that the proposed State fee of \$2.00 to \$2.50 per ton of solid waste is basically a tax. The City would have no choice but to pass that cost on to its citizens.

Councilmember Parker moved for the adoption of Resolution No. R-2007-15 which expresses concerns by the Laurinburg City Council over the Solid Waste Management Act of 2007. Councilmember Rainer seconded the motion, and it was approved by the following vote:

Ayes: Parker, Rainer, Leak, DeBerry

Nays: Griswold

(Resolution No. R-2007-15 on file in the City Clerk's Office)

### **RESOLUTION WHICH SUPPORTS THE CLEAN WATER ACT OF 2007**

The City Manager explained that the North Carolina Rural Center is seeking support in asking the General Assembly to fund the Clean Water Act of 2007, which would provide \$500 million in bond issuance over the next five years and annually appropriate \$50 million to address urgent water and sewer needs. He added that the Assistant City Attorney had made some revisions to the proposed resolution.

Councilmember Griswold moved for the adoption of Resolution No. R-2007-16 as revised which supports the Clean Water Act of 2007. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Griswold, Parker, Rainer, Leak, DeBerry

Nays: None

(Resolution No. R-2007-16 on file in the City Clerk's Office)

### **BUDGET WORKSHOP**

Following discussion, it was consensus among Councilmembers to hold a budget workshop on Monday, June 4, 2007 at 6:30 p.m. in the council chambers of the Municipal Building at 303 West Church Street.

### **SETTING THE CITY MANAGER'S SALARY**

Mayor Slaughter explained that Council had discussed the City Manager's performance in closed session at the May 14, 2007 budget workshop.

Motion was made by Councilmember Griswold, seconded by Councilmember Leak, and unanimously carried to direct the Finance Director to use an eight percent (8%) increase in the City Manager's current salary in preparing the 2007-2008 budget.

### **APPOINTMENTS-HISTORIC PRESERVATION COMMISSION**

Mayor Slaughter explained that appointments to the Historic Preservation Commission needed to be made. She explained that she had received recommendations from Nancy Walker and from Councilmember Leak.

Councilmember Leak stated that he had previously suggested Leon Butler and Pam Kelly. He added that he would also like to recommend Kimmie Johnson for appointment.

Mayor Slaughter stated that she would like to add Betty Myers to the list as she has a great interest in history.

A discussion ensued concerning the requirements for the commission and the number of appointments. It was consensus of Council that each councilmember would be allocated one appointment to the Commission.

Councilmember Leak stated that he would like Pam Kelly appointed to the commission.

Councilmember DeBerry stated that he would like Kimmie Johnson appointed to the commission.

Councilmembers Parker and Rainer explained that they would like for the Mayor to be responsible for their appointments so that the requirements for membership could be met.

Mayor Slaughter stated that she would contact the individuals recommended to determine their interest in the serving on the Historic Preservation Commission and report back to Council.

#### **OTHER**

Councilmember Parker explained that due to a family situation, he may need an alternate to attend the Lumber River Council of Government (COG) board meetings if he is unable to attend.

Councilmember Rainer said he would attend the COG meetings if Councilmember Parker is unable to do so. He asked Councilmember Parker to call him if needed.

Mayor Slaughter added that if Councilmember Rainer could not attend the COG meetings for Councilmember Parker that she would be attend the COG meetings.

Councilmember Rainer explained that he would like to resign from the Scotland County Recreation Advisory Board.

Following a brief discussion concerning appointment to this board, no new appointment was made to the board.

#### **PUBLIC COMMENT PERIOD**

There was no one present to speak.

#### **RECESS**

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to recess the meeting to 6:30 p.m. on June 4, 2007 in the council chambers of the municipal building.

The meeting was recessed at 10:09 p.m.

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Ann B. Slaughter, Mayor

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Jennifer A. Tippett, Deputy City Clerk