

**CITY OF LAURINBURG
COUNCIL MEETING
AUGUST 18, 2009
MUNICIPAL BUILDING
303 WEST CHURCH ST.
LAURINBURG, NC
7:00 P.M.**

Minutes

The City Council of the City of Laurinburg held its regular monthly meeting August 18, 2009 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Matthew Block, Mayor, presiding. The following Councilmembers were present: Rembert DeBerry, Amanda B. Faulk, and Curtis B. Leak. Councilmembers Herbert M. Rainer, Jr. and Thomas W. Parker, III were absent.

Also present were: Edward F. Burchins, City Manager, Dolores A. Hammond, City Clerk, and Charles L. Hicks, Jr., Assistant City Attorney.

Mayor Block called the meeting to order at 7:00 p.m. Councilmember Faulk gave the invocation.

APPROVAL OF MINUTES

The City Clerk explained that because of the number of meetings held in June that the minutes are behind and will be submitted as soon as they are completed.

PRESENTATIONS

Mayor Block recognized four retired City employees. Mr. Alex Clark who served 38 years; Mr. Bobby Smith who served 30 years; Mr. Roy Brown who served 27 years; and Mr. Robert "Larry" Caddell who served 14 years. Mr. Caddell was unable to attend the meeting.

Stacey McQuage stated he had the pleasure of working with these gentlemen. He stated that several of them were the original water crew when he began working for the City.

TAXATION

Mayor Block explained that before delivering the tax receipts to the tax collector in any year, the municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter.

The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property.

Motion was made Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to authorize the Mayor and City Clerk to execute order of collection.

APPROVAL OF THE 2008 TAX SETTLEMENT

Ms. Janice Morrison, the City Tax Collector, explained that North Carolina General Statute 105-373 requires that the Tax Collector make a sworn report to the governing body of the settlement of taxes. She stated that this statement shall list the persons owning real property or personal property whose taxes for the preceding fiscal year remain unpaid

and the principal amount owed by each person. The settlement statement has been sworn by the Tax Collector.

Councilmember Leak requested that the Tax Collector provide information of uncollected taxes in a more detailed format when it is time for another report.

Ms. Morrison stated she understands that Council would like the uncollected real and personal taxes itemized in the next report.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to approve the 2008 Tax Settlement as presented by the Tax Collector.

At this point in the meeting Mayor Block recognized David McLaurin, Boy Scout with Troop 420, who is working on his Citizenship for the Nation Merit Badge. He then presented him with a City pin.

CONSIDER REQUEST TO REZONE A 5.727 ACRE PARCEL OF LAND LOCATED ON WESTWOOD WAY FROM RESIDENTIAL-15 TO GENERAL BUSINESS-CONDITIONAL USE DISTRICT

The City Manager stated that Council needs to set a public hearing on a request to rezone a parcel of land located on Westwood Way from Residential-15 to General Business-Conditional Use District.

Mr. Bill Peele stated that Mr. Kenneth Robinette has requested that a 5.727 acre parcel of land, located off Westwood Way, be rezoned from Residential-15 to General Business-Conditional Use District. He stated that the property is adjacent to the proposed Staples Office Supply facility that was previously approved by Council in May 2007. The Laurinburg Planning Board considered this request at its August 11, 2009 meeting and by a 4-2 vote recommended the rezoning request be approved.

He stated that the next action necessary to continue this rezoning request is the scheduling of a public hearing which would be September 22, 2009.

Motion was made by Councilmember Faulk, seconded by Councilmember Leak, and unanimously carried to set a public hearing on the proposed request to be held Tuesday, September 22, 2009 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, North Carolina.

CONSIDER REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A PHOTOVOLTAIC SOLAR ARRAY (SOLAR FARM) ON A 31.16 ACRE SITE ALONG STEWARTSVILLE ROAD

The City Manager stated this is a request to set public hearing for a conditional use permit.

Mr. Bill Peele explained that Mr. Brian Bednar of Birdseye Renewable Energy has requested a conditional use permit to operate a Photovoltaic Solar Array (Solar Farm) on a 31.16 acre site located along Stewartsville Road. The Laurinburg Planning Board considered this request at its August 11, 2009 meeting and voted unanimously to recommend that the Conditional Use Permit be granted.

He stated that the next action necessary to continue this request is the scheduling of a public hearing which would be September 22, 2009.

Motion was made by Councilmember Faulk, seconded by Councilmember DeBerry, and unanimously carried to set a public hearing on the proposed request to be held Tuesday, September 22, 2009 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, North Carolina.

CONSIDER REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A PHOTOVOLTAIC SOLAR ARRAY (SOLAR FARM) ON MCCOLL ROAD

The City Manager explained that this a similar request for a conditional use permit for a 64.78 acre tract of property

along McColl Road.

He stated that the reason for pursuing similar requests on different pieces of property is that the company is looking at several sites, and these are two sites that require Council approval. He explained that another site is a site owned by the City and a request to lease the property is being considered.

Mr. Bill Peele stated that the City site property is located along Dixie Guano Road. He explained that the site is already zoned for this type facility as a permitted use.

The City Manager explained that in order to lease City property, there is a process that must be followed per North Carolina General Statutes.

Mr. Peele then explained that Mr. Brian Bednar, Birdseye Renewable Energy has requested a conditional use permit to operate a Photovoltaic Solar Array (Solar Farm) on a 64.78 acre site located along McColl Road.

The Laurinburg Planning Board considered this item at its August 11, 2009 meeting and voted unanimously to recommend that a conditional use permit be granted.

He stated that the next action necessary to continue this rezoning request is the scheduling of a public hearing which would be September 22, 2009

Upon question by Councilmember DeBerry, Mr. Peele stated the McColl site was at one time a borrow pit and the former borrow pit is included in the 64-acre tract even though they will probably not use that portion of property. He concluded by stating that each solar farm would take up only about 20 acres of land.

Motion was made by Councilmember DeBerry, seconded by Councilmember Faulk, and unanimously carried to set a public hearing on the proposed request to be held Tuesday, September 22, 2009 at 7:00 p.m. in the upstairs council room of the Municipal Building located at 303 West Church St., Laurinburg, North Carolina.

CONSIDER AWARDED PIGGYBACK BID FOR THE PURCHASE OF AN AUTOMATED LEAF VACUUM TRUCK

The City Manager explained that this request is to award the contract for an automated leaf vacuum truck.

Harold Haywood, General Services Director, explained that Virginia Truck Center, Inc. has offered the City of Laurinburg the opportunity to “piggyback” off the bid awarded to them by the City of Acworth, Ga. for the purchase of an automated leaf vacuum truck. This truck was included in the City’s 2009-2010 budget for the Sanitation Dept. The amount of the purchase of the truck will be \$115,645.00. This amount is within the amount budgeted of \$120,000.00. This automated leaf vacuum truck is a “one-man operation” leaf and grass clippings collector with the following advantages:

- Reduction of labor costs by eliminating one position through attrition.
- Collects leaves/grass faster thereby increasing productivity.
- Provides assistance to street sweeping operation by vacuuming gutters.

It is staff’s recommendation to award the bid to purchase an automated leaf vacuum truck from Virginia Truck Center, Inc. in the amount of \$115,645.00.

Motion was made by Councilmember DeBerry, seconded by Councilmember Leak, and unanimously carried to award the bid to purchase an automated leaf vacuum truck from Virginia Truck Center, Inc. in the amount of \$115,645.00.

RESOLUTION TO ACCEPT TERMS OF APPLICATION FOR THE NORTH CAROLINA GOVERNOR’S HIGHWAY SAFETY PROGRAM (GHSP) AND ORDINANCE WHICH AMENDS THE 2009-2010 BUDGET

APPROPRIATIONS ORDINANCE

The City Manager explained that this request is for a 100% grant from the North Carolina Governor's Highway Safety Program (GHSP).

Chief John Evans stated that this is a 100% grant from GHSP with no matching funds from the City in order to purchase equipment such as traffic cones, traffic vest, flashlights w/ chargers and portable floodlights for driver's license and DWI check points.

Upon question by Mayor Block, Chief Evans stated the Police Department is required to conduct four check points per year.

The City Manager informed Council that an amendment to the 2009-2010 Budget Appropriations Ordinance needs to be adopted in order to receive revenue from the GHSP. The proposed Ordinance amends the 2009-2010 Budget Appropriations Ordinance to accept revenue from the GHSP in the amount of \$2,650.00 and transfer the same to the equipment line item in the Laurinburg Police Department.

Councilmember Faulk motioned to approve Resolution No. R-2009-20 which states that the Governing Body accepts the terms of the application for the North Carolina Governor's Highway Safety Program and to approve Ordinance No. O-2009-11 which amends the 2009-2010 Budget Appropriations Ordinance to accept revenue from the Governor's Highway Safety Program in the amount of \$2,650.00 and transfer the same amount to the equipment line item in the Laurinburg Police Department. Councilmember DeBerry seconded the motion and the vote was as follows:

Ayes: Faulk, Leak, DeBerry

Nays: None

(Resolution No. R-2009-20 and Ordinance O-2009-11 is on file in the City Clerk's office)

RESOLUTION WHICH MODIFIES THE GRYPHON GROUP LEASE AGREEMENT AND AUTHORIZES THE MAYOR AND CITY CLERK TO EXECUTE MODIFICATION OF LEASE IN ITS FINAL VERSION

The City Manager explained that the proposed Resolution modifies the Gryphon Group Lease Agreement and authorizes the Mayor and City Clerk to execute the modification of the lease.

The City Attorney stated that in February 2009 Council approved the lease of certain property at the Laurinburg Maxton Airport to the Gryphon Group. He explained that the lease included a number of tracts. He said that since that time there has been a request from the Gryphon Group to modify the terms of the previous lease by deleting two of the tracts that were subject to the lease in exchange for the lease of one additional tract. The total number of acres to be added to the lease is less than the number of acres to be released. The lease terms will not change with respect to the amount of money to be paid for the lease. The Laurinburg/Maxton Airport Commission is recommending that the City of Laurinburg and the Town of Maxton approve the amendment to the lease.

Upon question by Mayor Block, the City Attorney explained that this organization is a training facility and uses firearms. They have a firing range, and there was a question raised that one of the two tracts may be too close to the airport takeoff and landing areas. There was not a real problem and there was not a violation of any laws, rules or regulations, but Gryphon Group decided to move part of its training to a different location at the airport to allay any concerns.

Councilmember Faulk motioned to approve Resolution No. R-2009-21 which modifies the Gryphon Group Lease Agreement and authorizes the Mayor and City Clerk to execute the document modifying the lease. Councilmember DeBerry seconded the motion and the vote was as follows:

Ayes: Faulk, Leak, DeBerry

Nays: None

(Resolution No. R-2009-21 is on file in the City Clerk's office)

RESOLUTION WHICH SETS A PUBLIC HEARING TO LEVY ASSESSMENTS FOR STREET IMPROVEMENTS ON A 230-FOOT ± SECTION OF DELUCA STREET FROM DURSO ST. TO ISABELLE ST.

The City Manager shared information with Council in order to allow more in depth discussion of this project. He explained that the proposed resolution is being submitted by the City in order to address the street conditions on Deluca Street.

Stacey McQuage, Public Utilities Director, explained that a petition was received by the property owners in 2004, and when studied, the cost to complete the improvements for the entire street would be approximately one million dollars. The street at that time was not improved because of the cost. Following further studies, staff found an alternate situation to help alleviate some of the problems. He explained that a portion of the street abuts undeveloped property but that, in order to accommodate the homeowners that abut the developed portion of the street (a 230-foot section from Durso St. to Isabelle St.), the developed portion would be improved.

The City Manager stated that staff will study the engineering plans that were submitted to improve the entire street and research what it would take to complete the entire street at a later date.

Councilmember DeBerry motioned to approve Resolution No. R-2009-22 which directs the City Clerk to advertise for a public hearing on the proposed request to be held Tuesday, October 20, 2009 in the upstairs council room of the Municipal Building located at 303 West Church St. Councilmember Leak seconded the motion and the vote was as follows:

Ayes: DeBerry, Leak, Faulk

Nays: None

(Resolution No. R-2009-22 is on file in the City Clerk's office)

ORDINANCE TO AMEND THE 2009-2010 BUDGET APPROPRIATIONS ORDINANCE

The City Manager explained that during the budget process, Council elected to allocate monies to a contingency fund for travel for Council's travel expenses.

The recommendation is to transfer \$2,500.00 from contingency in the General Fund (990-509900) to Governing Body-Travel and Schools (410-501400) in order that Council may use monies if there is an event they need to attend prior to a scheduled Council meeting.

Councilmember DeBerry motioned to approve Ordinance No. O-2009-12 which transfers \$2,500.00 from contingency in the General Fund (990-509900) to Governing Body-Travel and Schools (410-501400). Councilmember Leak seconded the motion and the vote was as follows:

Ayes: DeBerry, Leak, Faulk

Nays: None

(Ordinance O-2009-12 is on file in the City Clerk's office)

APPOINTMENTS

Beautification Committee

Mayor Block stated that Mr. Nick Sojka, TDA representative has resigned from the Beautification Committee.

The Beautification Committee was formed in June 2008 and representatives from various organizations were appointed by City Council (one member from each election district, one at-large member; Chamber Image Committee member; TDA; LDRC; Scotland High National Honor Society; and Scotland County Board of Realtors).

Mr. Sojka is recommending that Mr. Ron Riggins, a TDA member, be appointed to fill his unexpired term which ends May 31, 2010.

Motion was made by Councilmember DeBerry, seconded by Councilmember Faulk, and unanimously carried to appoint Mr. Ron Riggins to fill the unexpired term of Mr. Nick Sojka which ends May 31, 2010.

Laurinburg Downtown Revitalization Committee

Mayor Block explained that the Committee is requesting that Bill Norton be appointed to fill the unexpired term of Ed Herring which ends May 31, 2010. Mr. Herring previously resigned.

Motion was made by Councilmember Faulk, seconded by Councilmember DeBerry and unanimously carried to appoint Bill Norton to fill the unexpired term of Ed Herring which ends May 31, 2010.

Mayor Block explained that an appointment also needs to be made to a two-year term that is usually filled by the City Manager, but could be a Councilmember or City Staff. The former City Manager, Craig Honeycutt, previously served in this position.

There was a consensus among Councilmember to appoint the City Manager, Ed Burchins, to fill the two-year term which expires August 31, 2011.

PUBLIC COMMENT

There was no one to speak during the public comment session.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Matthew Block, Mayor

Dolores A. Hammond, City Clerk