

**CITY OF LAURINBURG  
COUNCIL MEETING  
MARCH 16, 2010  
MUNICIPAL BUILDING  
305 WEST CHURCH ST.  
LAURINBURG, NC  
7:00 P.M.**

**Minutes**

The City Council of the City of Laurinburg held its regular monthly meeting March 16, 2010 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: Amanda F. Doerffel, Curtis B. Leak, Thomas W. Parker, III, and Kenton T. Spencer. Councilmember Herbert M. Rainer, Jr. was 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 Doerffel gave the invocation.

**CONSENT AGENDA**

The City Manager presented the Consent Agenda indicating all items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote.

The items on the Consent Agenda were as follows:

- a. Minutes from the meetings of November 10, 2009 workshop; November 17, 2009 organizational meeting; and November 17, 2009 regular meeting
- b. Accept low bidder, Utilities Plus, Inc., in the amount of \$384,514.80 for Creedle and Morris Streets Sewer Improvements
- c. Set public hearing on request to rezone from Residential-15/General Business to Residential-6 a 44.08 acre tract of land adjacent to College Park Subdivision
- d. Set public hearing on request for a conditional use permit to develop a single family subdivision on a 44.08 acre tract of land adjacent to College Park Subdivision
- e. Resolution No. R-2010-06 authorizing Mayor to sign easement to DOT for bridge repair at Shoe Heel Creek
- f. Authorize Mayor to execute agreement between the North Carolina Department of Transportation and the City of Laurinburg for the replacement of Bridge #81 on Commonwealth Avenue over Leith Creek in Laurinburg
- g. Ordinance No. O-2010-04 to amend the 2009-2010 Budget Appropriations Ordinance to transfer \$10,000.00 from Contingency (990-509900) to the Non-Departmental-Contract Services (660-504500) for preliminary design work on the recreation center.

Upon question by Councilmember Doerffel, the City Manager explained that the County intended to reimburse the City \$5,000.00 of the funds used for preliminary design work on the recreation center.

Upon question by Councilmember Spencer, the City Manager explained that he was working with the Scotland County Parks and Recreation Director along with the school system to have gyms open during the summer since the recreation facility is a long-term project.

Councilmember Spencer expressed concern that two (2) years ago the use of gyms during the summer came up at the Citizen Input Session and that it would behoove the City to figure out an alternative plan for this summer and three (3) to five (5) years out.

Further discussion ensued concerning opening gyms during the summer and the funding of said endeavor.

Councilmember Leak moved for the approval of the Consent Agenda. Councilmember Parker seconded the motion, and it was approved by the following vote:

Ayes: Leak, Doerffel, Spencer, Parker

Nays: None

**REQUEST TO REZONE AN 8.97 ACRE TRACT OF LAND OFF MCCOLL ROAD FROM GENERAL BUSINESS TO RESIDENTIAL-15**

Mayor Block informed Council that this is a public hearing to rezone an 8.97-acre tract of land off McColl Rd. from General Business to Residential-15.

Mayor Block then declared the public hearing open.

Mr. Bill Peele explained that Mr. E. Wayne Freeman is requesting a zoning classification change from General Business to Residential-15 for an 8.97 acre parcel of land located behind the Southern Mini-Storage facility on McColl Road. He added that the property is a portion of a 50 acre tract that was unanimously rezoned from Residential-15 to General Business by Council in June 2002. He further added that Mr. Freeman has sold significant portions of this property and desires that his remaining land be zoned for single family development. He explained that this matter was considered by Planning Board at its February 9, 2010 meeting and that the board unanimously recommends approval of the request.

Mayor Block opened the public hearing.

Mr. Wayne Freeman stated that the 8.97 acres is the balance of a larger tract a portion of which was recently sold. He explained that, with the sale of the larger tract, the 8.97 acre tract was not accessible from the road, and he would like to rezone the property to match adjoining property that he owns that is zoned Residential-15.

There was no one to speak against the request.

Mayor Block closed the public hearing.

Councilmember Parker moved for the adoption of Ordinance No. O-2010-05 which rezones an 8.97 acre tract of land off McColl Road from General Business to Residential-15 as such rezoning 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 Leak seconded the motion, and it was approved by the following vote:

Ayes: Parker, Spencer Doerffel, Leak

Nays: None

(Ordinance No. O-2010-05 on file in the City Clerk's Office)

**REQUEST TO REZONE A 1.38 ACRE TRACT OF LAND ALONG 401 SOUTH (MCCOLL RD.) FROM GENERAL BUSINESS TO INDUSTRIAL**

Mayor Block informed Council that this is a public hearing on a request by Mr. and Mrs. Tony Poole to rezone from General Business to Industrial a 1.38 acre tract of land on McColl Road to operate a classic car restoration and repair business along with wrecker services.

Mayor Block then declared the public hearing open.

Mr. Peele stated that Mr. Tony R. Poole and Mrs. Sarah Catherine P. Poole are requesting rezoning of a 1.38 acre lot located off McColl Road. He added that the zoning classification change from General Business to Industrial will accommodate a proposed wrecker service and automobile body shop at this location. He further added that this matter was considered by Planning Board at its February 9, 2010 meeting and was unanimously approved by Planning Board.

Upon questions by Councilmember Leak and Mayor Block, Mr. Peele explained that the subject property was currently vacant land and was located across the street from Rick's Catering. He added that adjoining property was zoned General Business and that in order to operate an automobile paint and body shop, the property must be zoned Industrial. He further added that the screening and buffering requirements of the City as well as screening requirements imposed by the seller of the property should make the property blend in with the property around it.

Mr. Tony Poole appeared before Council and explained that he would construct a 40 foot by 80 foot building parallel with McColl Road. He explained that all overhead doors would be located in the rear of the building and work being done on cars would not be seen from McColl Road. He added that the office would be located on the front of the building.

Mr. Wayne Freeman appeared before Council and explained that he had requested that Mr. Poole plant something like Leyland Cypress plants in addition to the fencing required by the City so that the cars could not be seen from the road and also that there be no parking in the front other than customer parking.

There was no one to speak against this request.

Mayor Block closed the public hearing.

Councilmember Doerffel moved for the adoption of Ordinance No. O-2010-06 which rezones a 1.38 acre tract of land on McColl Road as such rezoning 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 seconded the motion, and it was approved by the following vote:

Ayes: Doerffel, Leak, Parker, Spencer

Nays: None

Ordinance No. O-2010-06 on file in the City Clerk's Office)

### **REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CARNIVAL AT 900 US 15/401 BY-PASS**

Mayor Block informed Council that this is a public hearing on a request for a conditional use permit by Mr. Robert Lee to operate a carnival at 900 US 15/401 By-Pass.

Mr. Bill Peele, first duly sworn, explained that the Unified Development Ordinance requires that a carnival operator obtain a special events permit for an event operating seven (7) days or less and a Conditional Use Permit for events with a duration greater than seven (7) days. He added that Mr. Robert E. Lee, representing Michael's Amusements, Inc. is requesting a Conditional Use Permit to operate a carnival in the parking lot of the vacant Winn Dixie Grocery Store from April 1, 2010 through April 11, 2010. Staff has reviewed this application and it has been determined that:

- The application seeking a conditional use permit is complete;
- The proposed site is located within the planning jurisdiction of the City of Laurinburg; and
- The proposed site plan is in substantial compliance with the regulatory provisions of the Unified Development Ordinance.

He added that a carnival has operated at this location for the past 15 years. Mr. Lee has operated a carnival at this

location on six (6) previous occasions and has always complied with City regulations. Staff recommended this request to Planning Board which on February 9, 2010 unanimously recommended that a conditional use permit be granted in response to this application.

Upon question by Councilmember Leak, Mr. Peele explained the carnival provides security but that the Laurinburg Police Department patrols the carnival.

Upon question by Councilmember Doerffel, he explained that Planning staff did not recommend any additional conditions on the conditional use permit.

Mayor Block then declared the public hearing open.

Mr. Robert E. Lee, first duly sworn, stated that Michael's Amusements of Fayetteville has held a carnival at the site for a number of years.

Upon questions by Councilmember Leak, Mr. Lee stated that the hours of operation would be from 5:00 p.m. and close at 11:00 p.m. on weeknights. He added that the carnival employs off-duty Laurinburg Police officers for security. He further added that on Sundays the carnival would open after church.

Upon question by Mayor Block, Mr. Lee explained that during the carnival each of the last two (2) years it rained, and it was determined that in order to make the carnival profitable, the carnival needed to have a longer duration.

Upon question by the City Manager, Mr. Lee stated that inspections of the rides are conducted by the North Carolina Department of Labor.

Further discussion ensued concerning the carnival.

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

Councilmember Doerffel motioned to approve the conditional use permit to operate a carnival at 900 US 15/401 By-Pass based on the following findings of fact:

- The development is within the planning jurisdiction of the City of Laurinburg;
- The application is complete;
- The development is in substantial compliance with the regulatory provisions of the Unified Development Ordinance;
- The request will not materially endanger the public health or safety;
- The request will not substantially injure the value of the adjoining or abutting property;
- The request will be in harmony with the area in which it is to be located; and
- The request will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by Council.

Councilmember Leak seconded the motion and it unanimously carried.

## **CITY OF LAURINBURG WATER RESPONSE PLAN**

Mayor Block informed Council that this public hearing is being held as required by NC General Statute 143-355(1) and that, in the interest of sound local planning, a Water Shortage Response Plan for the City of Laurinburg has been developed. He added that the City Clerk advertised the public hearing in *The Laurinburg Exchange*. He then declared the public hearing open.

There was no one present to speak for or against the City of Laurinburg Water Response Plan.

Mayor Block closed the public hearing.

Motion was made by Councilmember Parker to approve Resolution No. R-2010-07 which approves the City of

Laurinburg Water Response Plan. Councilmember Spencer seconded the motion, and it was approved by the following vote:

Ayes: Parker, Spencer, Doerffel, Leak

Nays: None

(Resolution No. R-2010-07 on file in the City Clerk's Office)

### **LAURINBURG BEAUTIFICATION COMMITTEE**

The City Manager informed Council that according to the Beautification Committee Guidelines if a member wishes to resign their position they must submit a request to the City Clerk who shall provide it to Council for acceptance. He added that Mrs. Debbie Grant regrets she has to resign but is also grateful for having had the opportunity to serve on the committee.

Motion was made by Councilmember Doerffel, seconded by Councilmember Parker, and unanimously carried to accept Mrs. Grant's letter of resignation.

### **APPOINTMENT**

The City Manager stated that Mrs. Grant was an appointee from the Laurinburg Board of Realtors. He added that Mrs. Grant recommended Mrs. Sandy Skamperle as her replacement on the committee to represent the Board of Realtors.

Motion was made by Councilmember Doerffel, seconded by Councilmember Parker, and unanimously carried to appoint Mrs. Skamperle to fill Mrs. Grant's unexpired term which expires 5/31/2010.

### **RICHMOND COMMUNITY COLLEGE**

The City Manager stated that the new Richmond Community College (RCC) President has invited City Council to take a tour of the new RCC facility on March 18, 2010 at 5:00 p.m. prior to the Citizen Input Session.

### **COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS**

Councilmember Leak announced that there would a Census meeting at Bright Hopewell Church from 6:00 p.m. until 7:00 p.m. on March 18, 2010.

The City Clerk stated that the Mayor proclaimed April 1, 2010 as Census Day and that there will be some activities downtown from 10:00 a.m. until noon.

Mayor Block invited everyone to attend the Citizen Input Session on Thursday, March 18, 2010 at 7:00 p.m. at the A.B. Gibson Education Building.

### **PUBLIC COMMENT**

There was no one to speak.

### **RECESS**

Motion was made by Councilmember Parker, seconded by Councilmember Leak, and unanimously carried to recess the meeting to Thursday, March 18, 2010 at 5:00 p.m. at the new Richmond Community College facility located at 600 McLean Street in order to conduct a tour of the new facilities.

The meeting recessed at 7:50 p.m.

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Matthew Block, Mayor

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Dolores A. Hammond, City Clerk