

**CITY OF LAURINBURG  
COUNCIL MEETING  
DECEMBER 18, 2012  
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 on December 18, 2012 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Thomas W. Parker, III, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Curtis B. Leak, Kenton T. Spencer, Andrew G. Williamson, Jr. and J. D. Willis.

Also present were: Harold W. Haywood, Interim City Manager; Jennifer A. Tippett, City Clerk; and William P. Floyd, Jr., Assistant City Attorney.

Mayor Parker called the meeting to order at 7:00 p.m.

The invocation was given by Councilmember Willis.

**APPROVAL OF AGENDA**

Mayor Parker recommended that the agenda be amended as follows:

Add Item 9, Consider Resolution No. R-2012-29 Preliminary Resolution for Improvements to Beta Street Without Petition and With Assessment and change Item 9 to Item 10, and on new Item 10, remove Scotland County Civic Center and add Fireman's Relief Fund.

Motion was made by Councilmember Williamson, seconded by Councilmember Willis, and unanimously carried to amend the agenda as recommended by Mayor Parker.

Motion was made by Councilmember Spencer, seconded by Councilmember Leak, and unanimously carried to adopt the agenda as amended.

Mayor Parker explained that he felt everyone needed to be mindful of the tragedy in Connecticut and that everyone's thoughts and prayers go out to the citizens of that small town. He added that we enjoy freedoms in Laurinburg and he thanked the Police Department for their efforts. He then requested a moment of silence.

**PUBLIC COMMENT**

There was no one present to speak.

**EMPLOYEE SERVICE AWARDS**

Mayor Parker and Human Resources Director Amy Martin presented service awards to employees as follows:

Kimothy	Monroe	Police Department	20 years
Phillip	Redbook	Water Production and Treatment	20 years
Charles "Cliff"	Sessoms	Police Department	20 years
Cindy	Carpenter	Finance Administration	15 years
Patrick	Cooper	Police Department	15 years
Christopher	Jackson	Police Department	15 years
Shawn	Chavis	Police Department	10 years
Andrew	McNeill	Consumer Billing & Receiving	5 years
Angela	Foster	Electric Administration	5 years
James	Munger	Police Department	5 years
Justin	Jones	Police Department	5 years
Joshua	Byrd	Police Department	5 years
Joshua	Munro	Electric Department	5 years

The following were not present to receive their awards:

James	Monroe	Sanitation Department	30 years
Willie	Grooms	Garage	25 years
Jason	Lighthall	Electric Department	20 years
Timothy	Scott	Cemetery	20 years
Tony	Strickland	Sanitation	15 years
Loren	Dunn	Water Production and Treatment	15 years
Harold	Clark	Water Distribution	15 years
Jason	Locklear	Sanitation	15 years
Randy	Chavis	Garage	10 years
Colden	Strickland	Water Distribution	10 years
Marty	Locklear	Water Distribution	10 years
Teddy	Quick	Electric Department	10 years
Mitchell	Adkins	Cross Connection	10 years
Rodney	Byrd	Cemetery	5 years
Vernon	Jackson	Police Department	5 years
Merica	Zabitosky	Police Department	5 years
Phillip	Jones	Sanitation	5 years
Mark	Morris	Consumer Billing & Receiving	5 years
Kristy	Crowley	Police Department	5 years
Barry	Campbell	Police Department	5 years

Mayor Parker stated that the City provides wonderful service to its citizens due to long-serving employees.

## **CONSENT AGENDA**

The Interim City Manager presented the consent agenda as follows:

- a) Approve minutes of the following meetings: July 10, 2012 agenda workshop; July 17, 2012 regular meeting; August 14, 2012 agenda workshop; August 21, 2012 regular meeting; September 11, 2012 agenda workshop
- b) Approve Annual Firefighters Certification and authorize Mayor to execute Certification Form
- c) Consider Resolution No. R-2012-25 declaring property surplus and authorizing the City Manager to dispose of said property
- d) Consider Resolution No. R-2012-26 adopting the Pee Dee Lumber Regional Hazard Mitigation Plan
- e) Set public hearing to be held January 22, 2013 at 7:00 p.m. in the council room of the Municipal Building to consider a request to rezone from Residential-20 Mobile Home to Industrial 56.29 acres on Heck Norton Road
- f) Consider Ordinance No. O-2012-41 condemning the property located at 202 Center Street and authorizing the Building Inspector to demolish and clear the property
- g) Consider Ordinance No. O-2012-42 condemning the property located at 341 Sawdust Lane and authorizing the Building Inspector to demolish and clear the property
- h) Consider Agenda Workshop Schedule for 2013
- i) Consider Resolution No. R-2012-27 Supporting Amendment of North Carolina Session Law 2004-74 Senate Bill 1161 Enacted July 8, 2004

Councilmember Adams moved to approve the Consent Agenda as presented. Councilmember Spencer seconded the motion and it was approved by the following vote:

Ayes: Adams, Spencer, Leak, Williamson, Willis

Nays: None

## **PUBLIC HEARINGS**

### **CONSIDER REQUEST FOR CONDITIONAL USE PERMIT FOR OFF-PREMISES SIGN AT INTERSECTION OF MCCOLL ROAD AND LEISURE ROAD**

Mayor Parker declared the public hearing open.

Mrs. Brandi Deese, first being duly affirmed, explained that Mr. Ronnie Harding submitted a request for a Conditional Use Permit for an off-premises sign at the intersection of McColl Road and Leisure Road. She explained that the subject property lies within the City's Billboard Overlay District and it is zoned General Business. She added that this is an existing billboard that has had changes made which makes the sign an illegal non-conforming sign; therefore a Conditional Use Permit must be obtained or the billboard must be removed. She stated that staff reviewed the request and made the following determinations:

- The application for the Conditional Use Permit is complete

- The proposed site is located within the planning jurisdiction of the City of Laurinburg
- The signage proposal is in substantial compliance with the regulatory provisions of the Unified Development Ordinance

She explained that Planning Board considered this request at its November 13, 2012 meeting and unanimously recommended approval of the Conditional Use Permit.

Upon question by Councilmember Willis, Mrs. Deese clarified that the sign was a legal non-conforming sign until recent changes to the sign made it an illegal non-conforming sign.

Mr. Ronnie Hardin, first being duly affirmed, explained that the billboard had been at this location for approximately 30 years and he would like to continue to be able to keep it.

There was no one present to speak in opposition.

Motion was made by Councilmember Willis, seconded by Councilmember Leak, and unanimously carried to approve the request for a Conditional Use Permit for an off-premises sign at the intersection of McColl Road and Leisure Road.

**CONSIDER REQUEST TO REZONE FROM RESIDENTIAL-6 TO OFFICE/INSTITUTIONAL PROPERTY LOCATED AT 1019 SHAW STREET**

Mayor Parker declared the public hearing open.

Mrs. Brandi Deese explained that Mr. James McDonald of Union Grove Missionary Baptist Church requested that the property located at 1019 Shaw Street be rezoned in order to construct a fellowship hall behind the Church. She added that the Church has met all requirements of the Unified Development Ordinance. She further added that Mr. McDonald met with surrounding neighbors and received no opposition to the request. She explained that staff recommends approval of the request and Planning Board, at its November 13, 2012 meeting, voted unanimously to recommend approval of the request.

Mr. James McDonald, representing Union Grove Missionary Baptist Church requested that Council approval its request in order to build a fellowship hall.

There was no one present to speak in opposition

Mayor Parker closed the public hearing.

Councilmember Spencer moved to approve Ordinance No. O-2012-43 which rezones from Residential-6 to Office/Institutional property located at 1019 Shaw Street as it 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.

The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Spencer, Leak, Willis, Williamson, Adams

Nays: None

(Ordinance No. O-2012-43 on file in the City Clerk's Office)

**CONSIDER AMENDING APPENDIX M OF THE UNIFIED DEVELOPMENT ORDINANCE**

Mayor Parker opened the public hearing.

Mrs. Deese explained that Appendix M of the Unified Development Ordinance is updated specifications which were drafted by Willis Engineers and had been approved by the North Carolina Division of Water Quality. She added that Planning Board heard this request on November 13, 2012 and recommended approval.

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

Mayor Parker closed the public hearing.

Councilmember Spencer moved to approve Ordinance No. O-2012-44 which amends Appendix M, Technical Standards and Specifications Manual for the Design and Construction of Water and Wastewater Extensions and Street and Storm Drainage Improvements of the Unified Development Ordinance as it:

- Advances the public health safety or welfare; and
- Provides a positive impact to the public at large.

The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Adams, Leak, Spencer, Willis, Williamson

Nays: None

(Ordinance No. O-2012-44 on file in the City Clerk's Office)

**CONSIDER RESOLUTION AUTHORIZING THE LONG TERM LEASE OF REAL PROPERTY AND AUTHORIZING THE USE OF UPSET BID PROCEDURE**

The Interim City Manager explained that the Assistant City Attorney had been negotiating with Mr. Brian Bednar on behalf of Laurinburg Farm, LLC regarding leasing City property and requested that Council consider Resolution No. R-2012-28 which authorizes the operation of a Photo Voltaic Solar Array utilizing the Upset Bid Procedures authorized in North Carolina General Statute 160A-269 and authorizing the appropriate City Officials to execute a lease agreement.

The Assistant City Attorney explained the following regarding this matter:

- The resolution authorizes a long-term lease of a parcel of 32 acres to Laurinburg Farm, LLC
- The North Carolina General Statutes require that if a lease in excess of 10 years, the procedures for the sale of real estate must be followed which requires the Upset Bid Process.
- This would be published in the newspaper with 10 days for an upset bid period for a higher offer than what has been offered by Laurinburg Farm, LLC.
- He explained the method used to calculate the value of the lease.
- Laurinburg Farm, LLC is required to make a 5% deposit which will be credited against the future payments on the lease.

Mr. Brian Bednar of Birdseye Renewable Energy on behalf of Laurinburg Farm, LLC explained that he is a developer of large-scale solar projects around the State. He added that in collaboration with ElectriCities and McGavran Engineers, this proposal is to lease land behind the City's Wastewater Treatment Plant for construction of a solar farm which will feed into the City of Laurinburg's electric system allowing the City to sell electricity to ElectriCities. He provided a timeline of events for this project to include finalizing a contract with ElectriCities.

Upon question by Councilmember Adams, Mr. Bednar explained that at the end of the lease, the equipment would be removed and recycled, and the site removed to its raw state.

Councilmember Spencer moved to approve Resolution No. R-2012-28 which authorizes the long term lease of real property, authorizes the use of upset bid procedure for said lease process and authorizes the appropriate City officials to execute said lease. The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Spencer, Leak, Williamson, Adams, Willis

Nays: None

(Resolution No. R-2012-28 on file in the City Clerk's Office)

### **CONSIDER PRELIMINARY RESOLUTION FOR STREET IMPROVEMENTS TO BETA STREET WITHOUT PETITION AND WITH ASSESSMENT**

The Interim City Manager explained that on November 5, 2012, a petition for Street Improvements to Beta Street from Roseville to Corona Avenue was submitted to the City Clerk. He explained the following:

- The petition does not meet requirements of General Statute 160A-217 to be a valid petition; therefore the City Clerk cannot issue a certificate of sufficiency.
- On June 19, 2000, Session Law 2000-13, House Bill 1552 was ratified by the North Carolina General Assembly authorizing the City to make street improvements with assessments without petition.
- If Council adopts the Preliminary Resolution R-2012-29, a public hearing would be held on January 22, 2013 as stated in the Preliminary Resolution.
- The City Clerk would notify via US Mail all abutting property owners as well as publish notice of said public hearing.

Upon question by Councilmember Williamson, the Interim City Manager explained that the cost for storm drainage improvements would total approximately \$47,200.000 and the cost of street improvements (paving and installing curb and gutter) on Beta Street from Roseville Street to Corona Avenue would be approximately \$90,595.00.

Mayor Parker explained that with storm drainage improvements (tiling a ditch), the customer pays for a 15-inch pipe and the City pays for the difference in the cost of the required pipe.

Mr. Stacey McQuage explained that with the storm drainage improvements, the property owner would pay approximately \$7,000.00 of the total cost.

Councilmember Willis explained that he thought it had been consensus of council that funds were not available at this time; therefore Council would consider this project along with other street improvement projects in the Fiscal Year 2013-2014 Budget.

Mayor Parker explained that the citizen who submitted the petition requested that this matter be heard.

Motion was made by Councilmember Willis, seconded by Councilmember Adams, for City staff to prioritize street improvements for all unpaved streets in the City and for Council to consider this prioritization of street improvements in the Fiscal Year 20113-2014 Budget process.

Following further discussion, Councilmember Willis moved to deny Resolution No. R-2012-29 which is a Preliminary Resolution for Improvements to Beta Street Without Petition and with Assessment. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Willis, Williamson, Leak, Adams

Nays: Spencer

(Denied Resolution No. R-2012-29 on file in City Clerk's Office)

## **CONSIDER APPOINTMENTS OF FORMER CITY MANAGER**

The Interim City Manager listed appointments of the former City Manager as follows:

Chamber Board of Directors and Chamber Executive Board– meets monthly (Chamber offices) -  
*(Chamber appoints)*

NCEMPA Board of Commissioners – meets monthly (Wilson)

City Manager is voting member, Councilmember Leak is alternate

NCEMPA Rate Committee – varies as needed

*(NCEMPA has appointed the Interim City Manager to the Rate Committee)*

Scotland County Economic Development Committee – meets monthly (first Tuesday of each month – 3:00 p.m. at Scotland County Offices) *(City Manager serves per by-laws)*

NCLM Planning and Environment Legislative Action Committee – *(NCLM appointment)*

COG Regional Managers Meeting – monthly (next meeting is December 18 at 11:30 at COG)

Scotland County Community Center Group (Page Pratt serves as chair) Councilmember Spencer also serves on this Group.

Fireman's Relief Fund – The former City Manager's term expires in January, 2013

Following a brief discussion, motion was made by Councilmember Williamson, seconded by Councilmember Spencer, and unanimously carried to appoint the Interim City Manager to the standing City Manager appointments.

### **COMMENTS FROM MAYOR AND COUNCILMEMBERS**

Mayor Parker explained that there had several changes within the City this past week. He complimented Interim City Manager Harold Haywood, Interim Police Chief Kim Monroe and Interim Fire Chief Randy Gibson. He also thanked the City department heads and employees for making the transitions smooth.

He then wished everyone a Merry Christmas.

Mr. Robert Ellis, Water/Wastewater Plants Director, explained that Sherri Spiece, a 32 year City employee was retiring and a drop-in was being held on December 19, 2012 from 3:00 p.m. to 5:00 p.m. at the Water Plant.

### **CLOSED SESSION**

At 7:57 p.m. Councilmember Willis moved to go into closed session pursuant to North Carolina General Statute 143-318.11(a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the City. The motion was seconded by Councilmember Leak and carried unanimously.

At 9:10 p.m., motion was made by Councilmember Williamson, seconded by Councilmember Wills, and unanimously carried to adjourn the closed session and resume the regular meeting.

### **ADJOURNMENT**

Motion was made by Councilmember Spencer, seconded by Councilmember Willis, and unanimously carried to adjourn the meeting.

The meeting adjourned at 9:11 p.m.

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Thomas W. Parker III, Mayor

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Jennifer A. Tippett, City Clerk