

**CITY OF LAURINBURG  
COUNCIL MEETING  
MARCH 18, 2014  
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 March 18, 2014 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, Dolores A. Hammond, Curtis B. Leak, Andrew G. Williamson, Jr. and J. D. Willis.

Also present were: Charles D. Nichols III, City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., City Attorney.

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

The Invocation was given by Councilmember Hammond.

**APPROVAL OF AGENDA**

Mayor Parker explained that the agenda needed to be amended to add setting a public hearing to consider amending Article X Permissible Uses, Section 146, Table of Permissible Uses, of the Unified Development Ordinance and to consider resolution No. R-2014-06.

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

**PUBLIC COMMENT PERIOD**

***TONIA STEPHENSON***

Tonia Stephenson of the Laurinburg/Scotland County Chamber of Commerce announced the Chamber Green Committee Spring Litter Sweep during the week of March 31-April 5, 2014. She encouraged everyone to participate and explained that prizes would be available for teams picking up the most trash. She added that bags could be picked up at the Chamber and that the Chamber would sponsor another Litter Sweep in May because of the US Open being held in Pinehurst.

Upon question by Councilmember Hammond, Ms. Stephenson stated that teams may pick areas from the identified list held by the Chamber or they may pick-up in an area of their choosing.

Mayor Parker explained that litter was the top concern at the recent Citizen Input Session.

***MIKE SCHMIDT***

Mr. Mike Schmidt appeared before Council and explained that he represented Dr. Ralph Carter,

Brenda Grubbs and other property owners that have property adjoining the proposed solar farm on Johns Road. Mr. Schmidt read a copy of Dr. Ralph Carter's letter, a copy of which is attached hereto and incorporated herein.

Mr. Schmidt discussed a discrepancy between the certificate issued by the Utilities Commission and the plan submitted to the City by Eastover Farm, LLC for the solar farm, and requested that Eastover Farm, LLC comply with the permit issued by the Utilities Commission as part of the Conditional Use Permit.

## **CONSENT AGENDA**

The City Manager presented the Consent Agenda as follows:

- a) Consider minutes of February 17, 2014 special meeting/work session and February 18, 2014 regular meeting
- b) Consider Ordinance No. O-2014-03 amending the FY 2013-2014 Budget Appropriations Ordinance (Ordinance No. O-2013-17) by allocating \$85,730 from the Water/Sewer Fund Balance (31-4399900) – Non-Department-Loan for Industrial Development (6620509881)

Councilmember Williamson motioned to approve the Consent Agenda. Councilmember Adams seconded the motion and it was approved by the following vote:

Ayes: Williamson, Adams, Hammond, Leak, Willis

Nays: None

## **PUBLIC HEARING**

### **CONSIDER REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CARNIVAL AT 900 US HWY 15/401**

Mayor Parker opened the public hearing. There being no one to speak, Mayor Parker closed the public hearing.

Councilmember Leak expressed concern regarding the trucks being parked in the parking lot of 900 US Hwy 15/401.

The City Manager explained that staff will contact the property owner to ensure this matter is taken care of.

Councilmember Hammond moved to approve the Conditional Use Permit to operate a carnival at 900 US 401 Bypass from March 27-April 6, 2014 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;
- 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.

## **SECOND REQUIRED HEARING FOR APPLICATION TO NC DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES**

Mrs. Brandi Deese explained that the first required public hearing was held last year. She added that the delay in holding the second public hearing was due to new regulations from the State, including the change that the infrastructure grants would be managed by the Department of Environment and Natural Resources and not the Commerce Department.

Upon question by Councilmember Williamson, Mrs. Deese explained that this is the same project that was identified in a study completed by W.K. Dickson. She further explained the grant process including door-to-door surveys in the project areas to determine eligibility.

Upon questions by Councilmembers Hammond and Williamson, Mrs. Deese explained that the grant match was not included in the current budget, but could be included in the upcoming year's fiscal budget. She further explained that the match is not required but strongly suggested to improve the City's application. She added that she recommended that the City provide a 5% match or \$19,340.00.

Mayor Parker opened the public hearing.

There being no one present to speak on this matter, Mayor Parker closed the public hearing.

Councilmember Willis motioned to approve Resolution No. R-2014-04 authorizing the City Manager to execute application to NC Department of Environment & Natural Resources for 2013 CDBG Funds. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Willis, Adams, Leak, Williamson, Hammond

Nays: None

(Resolution No. R-2014-04 on file in City Clerk's Office)

## **DELEGATIONS**

### ***NORAN SANFORD – CRIME & DRUG COMMITTEE***

Mr. Sanford gave a brief history of the Crime and Drug Committee. He explained that the Committee has developed several programs with low costs that are within the Committee Guidelines approved by Council. Those programs are as follows:

- Scotland Watch – Program to increase positive male presence with volunteers in elementary schools.
- Grief Support – Utilizes church facilities to meet with family of a murder victim 16 years or younger to offer support to the family.

- Youth Forum – Trying to bring together all programs/organizations in the community that reach out to youth in order to develop a centralized resource for parents and to encourage best practices standards among the programs/organizations.

Upon questions by Councilmember Hammond, Mr. Sanford stated there are 12 people on the committee currently and he was proud that a quorum was met at the meeting during the ice storm. He added that there is participation from the Police Department as well as the Sheriff's Department.

### ***TOMMY BROOKS AND VINCE SCHIMMOLLER, LIONS CLUB***

Mr. Tommy Brooks explained that he represented the Laurinburg Lions Club which is the second oldest Lions Club in North Carolina. He further explained that because most of the club's members were elderly, the Club wanted Council's support in seeking new members. He then introduced Mr. Vince Schimmoller, District Lions Club Governor.

Mr. Schimmoller gave a brief history of the Laurinburg Lions Club and its work. He explained that he and other members of Lions Club International would be in Laurinburg between March 31 and April 2, 2014 visiting businesses and organizations seeking new members. He also invited Council to attend an informational meeting on April 3, 2014 at 6:30 p.m. at New Hope Baptist Church.

Mr. Charles Smith appeared before Council and explained that he has been a member of the Laurel Hill Lions Club since 1962. He discussed projects and the value of the Laurinburg Lions Club.

### **CITY MANAGER REPORTS**

#### **CONSIDER AMENDING VARIOUS SECTIONS OF CHAPTER 40, UTILITIES, OF THE CITY CODE OF ORDINANCES OF THE CITY OF LAURINBURG**

The City Manager explained that the amendments to Sections of Chapter 40, Utilities of the City Code of Ordinances of the City of Laurinburg would extend the utilities disconnection date to the fifth of the following month billing instead of the current disconnection date which is the 26th of each month. He added that the amendments would abolish the two (2) holds per 12 month period and reduce administrative burden on staff in Consumer Billing. Mr. Nichols explained that this benefits the citizens as well as the efficiency of the City staff's time.

Upon questions by Councilmember Hammond, the City Manager explained that the current disconnect date is the 26<sup>th</sup> and since a lot of checks such as Social Security are received on the 3<sup>rd</sup> of each month, change will allow customers two (2) additional days to pay utility bills. He added that if the 5<sup>th</sup> of the month is on a weekend or holiday, the disconnect date would be the following business day.

Upon question by Councilmember Adams, the City Manager explained that a possible financial impact would be to the City's cash flow in June since the June utility bills would not be paid until July (the beginning of a new fiscal year). He added that Finance would need to do an adjustment to ensure that the funds are credited to the proper fiscal year.

Following a brief discussion, Councilmember Hammond motioned to approve Ordinance No. O-2014-04 amending Chapter 40, Utilities Article II, Water System, Division 1, Generally, Sec. 40-

125, Dates Bills Due and Past Due; Sec. 40-126 Service Charge for Late Payments, and Sec. 40-127 Discontinuance of Service When Bill not Paid by Due Date; Chapter 40, Utilities, Article V, Electrical System, Division 2, Charges, Billings and Payments, Sec. 40-378, Due and Past Due Dates for Payments, and Sec. 40-380, Discontinuance of Service, of the City Code of Ordinances of the City of Laurinburg. Councilmember Leak seconded by the motion and the vote was as follows:

Ayes: Hammond, Leak, Willis, Williamson, Adams  
Nays: None  
(Ordinance No. O-2014-04 on file in City Clerk's office)

**CONSIDER RESOLUTION AMENDING THE CITY OF LAURINBURG PERSONNEL POLICY**

The City Manager explained that the amendment to the City's Personnel Policy is recommended to adequately account for the transfer of a new employee's accumulated sick leave from an immediate previous municipal, county or state agency in the City's accounting system.

Councilmember Williamson motioned to approve Resolution No. R-2014-05 amending Article VII, Holidays and Leaves of Absence, of the Personnel Policy of the City of Laurinburg, Resolution No. R-2013-02. Councilmember Leak seconded the motion and the vote was as follows:

Ayes: Williamson, Leak, Willis, Adams, Hammond  
Nays: None  
(Resolution No. R-2014-05 on file in City Clerk's office)

**SET PUBLIC HEARING TO CONSIDER AMENDING UNIFIED DEVELOPMENT ORDINANCE**

Councilmember Willis motioned to set a public hearing on April 22, 2014 at 7:00 p.m. to consider amending Article II Basic Definitions and Interpretations, Section 15, Definitions of Basic Terms, and Article X Permissible Uses, Section 146, Table of Permissible Uses, of the Unified Development Ordinance. The motion was seconded by Councilmember Hammond, and unanimously carried.

**CONSIDER RESOLUTION NO. R-2014-07 AMENDING RESOLUTION NO. R-2013-10**

The City Attorney explained that because of the Court ruling reversing the Council's decision regarding a Conditional Use Permit for a solar farm on Johns Road and ordering the City to issue said Conditional Use Permit along with Eastover Farms filing of a Writ of Mandamus with the Superior Court compelling the City to issue the permit, he recommended Council amend Resolution No. R-2013-10, the findings of fact to deny the Conditional Use Permit.

Following discussion, Councilmember Williamson motioned to approve Resolution No. R-2014-06 amending Resolution No. R-2013-10. The motion was seconded by Councilmember Adams, and the vote was as follows:

Ayes: Williamson, Adams, Willis, Leak, Hammond  
Nays: None  
(Resolution No. R-2014-06 on file in City Clerk's office)

**COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS**

Councilmember Hammond reiterated Ms. Stephenson’s comments regarding the Litter Sweep and explained that it provides a good opportunity for citizens to get out and help with litter problem.

**CLOSED SESSION**

At 7:53 p.m., Councilmember Adams motioned to go into closed session pursuant to North Carolina General Statute 143-318.11(a) (1) to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statute which was disclosed to the City as being confidential. Councilmember Leak seconded the motion and it carried unanimously.

At 8:48 p.m. Councilmember Willis motioned to adjourn the closed session and resume the open meeting. The motion was seconded by Councilmember Williamson, and unanimously carried.

**CITIZEN COMMENT**

Mrs. Annie Worth expressed numerous concerns regarding construction work being done in connection with the sewer improvements. The Mayor assured Mrs. Worth that the City Manager would talk with the Project Engineer to ensure that her concerns were addressed.

**ADJOURNMENT**

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

The meeting adjourned at 8:58 p.m.

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Thomas W. Parker III, Mayor

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Jennifer A. Tippet, City Clerk