

**CITY OF LAURINBURG
COUNCIL MEETING
APRIL 17, 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 April 17, 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 (arrived at 7:03 p.m.), Andrew G. Williamson, Jr. and Herbert M. Rainer, Jr.

Also present were: Edward F. Burchins, City Manager; Jennifer A. Tippet, 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 Leak.

APPROVAL OF AGENDA

Mayor Parker requested that Item 6, Delegation, Scotland County Local Food Initiative, be removed from the agenda.

The City Manager explained that Item 7 was added to the agenda after the agenda work session. He added that it was a request from the Laurinburg-Maxton Airport to execute a deed to the Scotland County Economic Development Corporation which would be discussed in closed session. He also requested that a closed session to discuss a personnel issue be added to the agenda.

Councilmember Williamson moved to amend the agenda by deleting Item 6, Delegation, Scotland County Local Food Initiative and by adding a closed session for a personnel issue, and to adopt the agenda as amended. Councilmember Adams seconded the motion, and it unanimously carried.

PUBLIC COMMENT

There was no one was present to speak.

CONSENT AGENDA

The City Manager reviewed the Consent Agenda.

- a. Approve the minutes of the February 8, 2012 special meeting; minutes of the February 14, 2012 agenda workshop; minutes of the February 21, 2012 regular meeting; and minutes of the March 1 2012 Citizen Input session.
- b. Award bid to Utility Service Company, Inc. in the amount of \$196,000.00 for repainting of the US 401-South Elevated Water Storage Tank
- c. Authorize Mayor and City Clerk to execute a Mowing Agreement with the North Carolina Department of Transportation for mowing shoulders on US 401 Bypass from Highland Road to Blues Farm Road, including ramps at 63 interchanges

- d. Set public hearing to be held at 7:00 p.m. on Tuesday May 22, 2012 to consider request to rezone property located at 318 E. Church Street from Residential-15 to Office/Institutional
- e. Set public hearing to consider request to amend Article X, Section 146, Permissible Uses, of the Unified Development Ordinance regarding multi-family housing regulations
- f. Consider Ordinance No. O-2012-07 condemning the property located at 506 N. Caledonia Rd.
- g. Authorize Mayor and City Clerk to execute special deed conveying property on Lincoln Street

Councilmember Adams explained that on page four (4) of the February 14, 2012 minutes, “McDuffie Village” should be changed to “McDuffie Building”.

Councilmember Williamson moved to approve the Consent Agenda with the correction to the February 14, 2012 minutes. Councilmember Adams seconded the motion, and it was approved by the following vote:

Ayes: Williamson, Adams, Rainer, Spencer, Leak
Nays: None

CONSIDER REQUEST TO REZONE FROM GENERAL BUSINESS TO INDUSTRIAL A 3.4 ACRE TRACT OF LAND ON MCCOLL ROAD AT ITS INTERSECTION WITH BARNES BRIDGE ROAD.

Mayor Parker opened the public hearing.

Mrs. Brandi Deese explained that Mr. Lee Howell of Scotland Motors has requested that a 3.4 acre tract of land at the intersection of McColl Road and Barnes Bridge Road be rezoned from General Business to Industrial for the purposes of erecting an off-premises sign/billboard. She added that off-premises signs are only allowed in the Industrial Zoning District by Conditional Use Permit. She further added that property surrounding the subject tract is zoned Industrial and Residential. She further added staff recommends careful consideration of this request. She concluded by stating that this request was heard by the Planning Board at the February 14, 2012 meeting, and by a vote of 5 to 2, Planning Board recommended denial of the request.

Mr. Howell appeared before Council to request that the subject property be rezoned for the sole purpose of erecting an off-premises sign. He explained that because of the setbacks, he did not see any industrial use for the property except for a billboard. He stated that the sign would be no higher than the tree line and the area around the sign would be landscaped.

Upon questions by Councilmember Leak, Mrs. Deese explained that if Council wishes to restrict the use of the property, that process is called Conditional Use Zoning District. She added that Council cannot place conditions on a rezoning. She added that if Mr. Howell would like to request Conditional Use Zoning District, the process would have to start over again.

The Assistant City Attorney explained that under current regulations, the only way to erect an off-premises sign is in an Industrial Zone by Conditional Use Permit. He added that if Council approves the rezoning request submitted by Mr. Howell, all of the permitted uses in the Industrial Zone would be available to the property owner. He further added that Council cannot rezone the property to Industrial but limit it for the erection of an off-premises sign.

Upon question by Councilmember Spencer, Mrs. Deese explained that the Industrial Zoning District allows the harshest uses such as auto body repair and manufacturing and would have adverse impact on surrounding property.

Upon question by Councilmember Spencer, Mrs. Deese explained that in the General Business Zoning District, a business has to be located on property in order for a sign to be erected on said property. She added that no billboards or off-premises signs are permitted in the General Business Zone.

Upon question by Councilmember Rainer, Mrs. Deese explained that the billboards located along US 74 and US 401 are regulated by North Carolina Department of Transportation.

Upon question by Councilmember Adams, Mrs. Deese explained that since Mr. Howell submitted his requests, she had received inquiry from business owners along US 401 who also own vacant lots along US 401 regarding the process for erecting off-premises signs.

Mr. Bill Bethea appeared before Council to express his opposition to this request. He explained that he is opposed to the rezoning because Mr. Howell owns other property that is more suitable within 200-300 yards south of the subject property. He further added that this was a dangerous intersection.

Mr. Gib McCall of 8120 Glasgow Road appeared before Council to express his opposition to this request. He explained that he represented a group of residents of Scotch Meadows who are opposed to the rezoning request. He added that most of the group is not opposed to a billboard in that location; however, the group is opposed to the Industrial zoning in order to erect a billboard. He further added that the group would like for Council to find a way to allow the billboard without changing the zoning of the property to Industrial.

Councilmember Leak explained that the abutting residential property owners have no objection to the rezoning request and the erection of a billboard on the subject property.

Upon question by Councilmember Williamson, Mrs. Deese explained that placing conditions on a rezoning request is not allowed. She further explained that a Conditional Use Zoning District would permit the use of the property be restricted to a specific use. She cited the Conditional Use Zoning District created for the property at the intersection of US Hwy 401 and West Boulevard.

The public hearing was closed.

Following discussion and upon question by Mayor Parker, Mr. Howell explained that he did not have a problem with providing City staff the opportunity to research alternatives for billboard regulations.

Councilmember Kenton Spencer moved to deny Ordinance No. 0-2012-05 which rezones from General Business to Industrial a 3.4 acre tract of land on McColl Road at its intersection with Barnes Bridge Road as it is:

- Not consistent with other development in the area;
- Does not advance the public health and safety or welfare; and
- Does not provide a positive impact to the public at large.

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

Ayes: Spencer, Williamson, Rainer, Adams

Nays: Leak

(Ordinance No. O-0212-05 on file in the City Clerk's office)

CONSIDER REQUEST FOR CONDITIONAL USE PERMIT TO ERECT AN OFF-PREMISES SIGN (BILLBOARD) ON A 3.4 ACRE TRACT OF LAND ON MCCOLL ROAD.

The Assistant City Attorney explained that because the previous request was denied by Council, this request cannot be considered.

CLOSED SESSION

At 7:40 p.m. Councilmember Spencer moved to go into closed session pursuant to General Statute 143-318.11(a)(4) to discuss matters related to a location or expansion of industries or other business in the area served by the public body including an agreement on a tentative list of economic development incentives that may be offered by the public body negotiations and pursuant to General Statute 143-318(a)(6) for the purpose of considering qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee.

The motion was seconded by Councilmember Adams and unanimously carried.

At 8:19 p.m., motion was made by Councilmember Spencer, seconded by Councilmember Rainer, and unanimously carried to adjourn the closed session and resume the open meeting.

CONSIDER RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE DEED TO THE SCOTLAND COUNTY ECONOMIC DEVELOPMENT CORPORATION

Councilmember Spencer made a motion to approve Resolution No. R-2012-12 authorizing the Mayor and City Clerk to execute a deed to the Scotland County Economic Development Corporation for a 10-acre tract of land at the Laurinburg-Maxton Airport. The motion was seconded by Councilmember Rainer and the vote was as follows:

Ayes: Spencer, Williamson, Leak, Adams

Nays: None

(Resolution No. R-2012-12 on file in the City Clerk's Office)

COMEMNTS FROM MAYOR AND COUNCILMEMBERS

Mayor Parker thanked the citizens and City staff for their support during the recent misfortune in his family.

ADJORNMENT

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

The meeting was adjourned at 8:21 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippet, City Clerk