

**CITY OF LAURINBURG  
COUNCIL MEETING  
JULY 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 July 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, Herbert M. Rainer, Jr., Kenton T. Spencer, and Andrew G. Williamson, Jr.

Also present were: Edward F. Burchins, 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 Williamson.

**APPROVAL OF AGENDA**

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

**EMPLOYEE RECOGNITION**

Mayor Parker honored Tommy Blackwell who retired from the City effective July 1, 2012 with the following plaque:

*APPRECIATION TO  
TOMMY BLACKWELL  
JUNE 1982-JUNE 2012*

*In special tribute to Tommy Blackwell for his dedicated public service as Water Treatment Plant Operator I, Maintenance Mechanic/Operator II, Senior Plant Maintenance Mechanic and Cemetery Supervisor.*

*The Laurinburg City Council expresses its sincere appreciation for his tireless and unselfish service to the citizens of Laurinburg. Throughout his 30 years of service, Tommy ensured that the interests of the citizens and the community were protected and preserved. His invaluable contributions of knowledge, time and sound judgment made him the epitome of a public servant. The community is a much better place to live and grow because of his service.*

*Presented this the 17<sup>th</sup> day of July, 2012.*

*Thomas W. Parker, III  
Mayor*

*Kenton Spencer  
Mayor Pro Tempore*

*Herbert M. Rainer, Jr.  
Councilmember*

*Curtis B. Leak  
Councilmember*

*Mary Jo Adams  
Councilmember*

*Andrew G. Williamson, Jr.  
Councilmember*

Mayor Parker explained that Bob Bell, Human Resources/Risk Management Director, is leaving the City to work with the City of Fredericksburg, Virginia. He added that Mr. Bell was an active citizen of Laurinburg and would be missed.

Mr. Bell explained that he enjoyed working at the City of Laurinburg and that the citizens and co-workers made his job a joy.

## **PUBLIC COMMENT**

There was no one present to speak.

## **CONSENT AGENDA**

The Consent Agenda was as follows:

- a) Consider minutes for the May 15, 2012 agenda work session, May 22, 2012 regular meeting
- b) Consider Ordinance No. O-2012-22 amending the 2012-2013 Budget Ordinance (O-2012-21) which allocates \$40,000 grant money from the NC Rural Center for evaluation of Leith Creek Outfall line
- c) Consider Ordinance No. O-2012-23 amending the 2012-2013 Budget Ordinance (O-2012-21) which allocates \$400 from Administration Salaries & Wages to City Manager Travel & Schools
- d) Consider Ordinance No. O-2012-24 condemning the property located at 346 Douglas Street and authorizes the Building Inspector to demolish and clear the property
- e) Consider Ordinance No. O-2012-25 condemning the property located at 202 Second Street and authorizes the Building Inspector to demolish and clear the property
- f) Consider Ordinance No. O-2012-26 condemning the property located at 606 Hall Street and authorizes the Building Inspector to demolish and clear the property
- g) Consider Ordinance No. O-2012-27 amending Chapter 2, Article II, Section 2-32 Organizational Meetings, of the Code of Ordinances
- h) Consider Resolution No. R-2012-21 declaring property surplus and authorizing sale

on [www.govdeals.com](http://www.govdeals.com)

i) Set public hearing to be held at 7:00 p.m. on August 21, 2012 in the council chambers of the Municipal Building to consider request to amend Article II Basic Definitions and Interpretations, Section 15, Definitions of Basic Terms; Article X Permissible Uses, Section 146 Table of Permissible Uses; and Article XI Supplementary Use Regulations, by adding Section 180.3 Tattoo Parlors.

Councilmember Rainer requested that Item i) be removed from the Consent Agenda.

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

Ayes: Adams, Leak, Williamson, Rainer, Spencer

Nays: None

## **PUBLIC HEARINGS**

### **CONSIDER AMENDMENT TO ARTICLE X, SECTION 146 AND ARTICLE XVII, SECTION 287 OF THE UNIFIED DEVELOPMENT ORDINANCE**

Mayor Parker opened the public hearing.

Mrs. Deese explained that this public hearing and the subsequent public hearing were related. She further explained that this public hearing concerns the location of off- premises signs or billboards. She added that many municipalities allow such signs in the General Business zone and prohibits them in the Industrial zone. She further added that the next public hearing is an amendment to the City zoning map to create off-premises signs overlay districts. She stated that she would like Council to consider creating the overlay billboard district as this district would allow billboards at major entrances to the City and would include supplemental regulations to prohibit a cluster of signage. She presented the proposed supplemental regulations as follows:

- Must be 2,000 feet from other signage
- Must be 20 feet setback from the right-of-way
- Requires that the sign be labeled with the owner or corporation to ensure the owner maintains the signage, and if they do not the City has recourse to remove it.

She concluded by stating that this request was heard by the Planning Board at the May 15, 2012 meeting and Planning Board voted unanimously to recommend approval.

Upon question by Councilmember Williamson Mrs. Deese explained that currently the non-conforming status states that once signage has been entered as non-conforming, there is a six (6) month grace period. She added that after the six (6) month period, the City would send notices and remove the sign.

There was no one present to speak in favor of or against this request.

Mayor Parker closed the public hearing.

Councilmember Leak moved to approve Ordinance No. 0-2012-28, which amends Article X Permissible Uses, Section 146 Table of Permissible Uses, and Article XVII Signs, Section 287 Off-Premises Signs of the Unified Development Ordinance as it is:

- Consistent with the Land Use Plan or other adopted plan;
- Advances the public health and safety or welfare; and
- Provides a positive impact to the public at large.

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

Ayes: Leak, Spencer, Adams, Williamson, Rainer

Nays: None

(Ordinance No. O-0212-28 on file in the City Clerk's office)

**CONSIDER AMENDING THE CITY OF LAURINBURG ZONING MAP BY DESIGNATING CERTAIN AREAS TO BE LOCATED WITHIN OFF-PREMISES SIGN OVERLAY DISTRICTS**

Mayor Parker opened the public hearing.

Upon request of Councilmember Rainer, Mrs. Deese explained that this public hearing was to consider amending the City's zoning map to create Off-Premises Sign Overlay Districts. She further explained that the existing zoning of the property to be located in the Off-Premises Sign Overlay Districts would remain the same as it is currently zoned; however, an overlay zoning for the Off-Premises Signs would be created. She added that the parcels located within the Overlay Zoning District would need to be zoned General Business in order for an Off-Premises Sign to be located on the parcel. She further added that the process requires that a Conditional Use Permit be approved by Council for erecting an off-premises sign in the Off-Premises Sign Overlay District.

Upon question by Mayor Parker, Mrs. Deese explained that the Supplemental Regulations provided that off-premises signs could be located no closer than 2,000 feet from another. She added that with the requirement that the initial zoning of property be General Business, there would be very few signs that could be located within the designated Off-Premises Overlay Districts.

Upon question by Councilmember Spencer, Mrs. Deese explained that in each of the proposed Off-Premises Sign Overlay Districts, the maximum number of signs allowed would be two (2) or three (3), resulting in an approximate number of eight (8) to 12 maximum number of signs in all Off-Premises Overlay Districts combined.

A discussion ensued concerning the right of a property owner to allow or not allow an off-premises sign to be located on his property, as well as any negotiations would be between the property owner and the entity requesting location of an off-premises sign.

Upon question by Councilmember Spencer, Mrs. Deese explained that two (2) or three (3) entities had expressed interest in erecting off-premises signs.

Upon question by Councilmember Leak, Mrs. Deese explained that the proposed Supplemental Regulations required that off-premises signs be located 20 feet from the street right-of-way.

Upon question by Councilmember Rainer, Mrs. Deese replied that overlay districts have never been attempted in the City of Laurinburg.

There was no one present to speak in favor of this request.

Mr. Sam Snead, a resident of Aberdeen Road, appeared before Council and explained that he was against the overlay districts because the proposed zones are not located inside the City limits, but instead are located only in the City's Extra-Territorial Jurisdiction (ETJ). He also explained that he did not want to be approached by businesses wanting to locate signs on his property.

Ms. Robin Snead, a resident of Aberdeen Road, appeared before Council and expressed concern that location of an off-premises sign close to her property could affect the resale value of her property and would also create an unpleasant view.

A discussion ensued concerning the possible location of off-premises signs near Mr. Snead's property on Aberdeen Road.

Councilmember Spencer discussed the need for approval by the landowner for a sign to be located on his property, the need for the entity requesting to locate a sign to submit a request for a Conditional Use Permit from Council, and the ability of Council to place additional restrictions during the Conditional Use Permit process.

Upon question by Councilmember Adams, Mrs. Deese explained that property owners were notified by letter from the City Clerk giving a brief summary of the request and which letter encouraged property owners to attend the public hearing as well as to contact the City for additional information.

The City Clerk added that the General Statutes require that property owners within 100 feet of the property in question must receive the first notification of the public hearing no earlier than 25 days prior or no later than 10 days prior to the public hearing. She further added that Mrs. Deese and her staff provide the list of property owners.

Mr. Kenneth Pegues, on behalf of his mother who lives at 1901 McColl Road, appeared before Council and explained that his mother does not want a sign allowed near her property.

Mayor Parker explained that no one could put a sign on property without the property owner's permission and without meeting the requirements of the Unified Development Ordinance.

The City Manager explained that the requirements Council approved following the previous public hearing would ensure that a public hearing would have to be held to consider a Conditional Use Permit for an off-premises sign and the additional standards must be met prior to erection of a sign.

Mayor Parker closed the public hearing

Councilmember Spencer moved to approve Ordinance No. 0-2012-29, which amends the City of Laurinburg zoning map by designating certain areas to be located within Off-Premises Sign Overlay Districts as it is:

- Consistent with other development in the area;
- Advances the public health and safety or welfare; and
- Provides 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, Leak

Nays: None

(Ordinance No. O-0212-29 on file in the City Clerk's office)

## **CITY MANAGER REPORTS**

### **CONSIDER SETTING PUBLIC HEARING ON TATTOO PARLORS**

The City Manager explained that Councilmember Rainer requested that this be pulled from the Consent Agenda which was a request by staff for Council to set a public hearing to be held on August 21, 2012 at 7:00 p.m. to consider amending the Unified Development Ordinance regarding tattoo parlors. He added that when a tattoo parlor opened in the Central Business District staff received several complaints including one (1) from the Chairman of the Laurinburg Downtown Revitalization Corporation (LDRC). He further added that the complaint is based on whether tattoo parlors are an appropriate use in the Central Business District. This matter was considered by the Planning Board at its July 10, 2012 and was discussed in great detail.

Upon question by Councilmember Rainer, the City Manager explained that there had been a tattoo parlor downtown but had since closed.

Upon question by Councilmember Rainer, the Assistant City Attorney explained that homeowner's association regulations would be a private covenant between the landowners and would be enforceable with respect to each other.

The City Manager added if LDRC adopted similar regulations, they would not be enforceable by the City.

Upon question by Councilmember Rainer, the Assistant City Attorney explained that LDRC could act as its own policy enforcement if they became incorporated or had an association that

would not involve the City. He added that it would require each landowner to join that organization to approve that authority.

Motion was made by Councilmember Williamson to set a public hearing to be held at 7:00 p.m. on August 21, 2012 in the council chambers of the Municipal Building to consider request to amend Article II Basic Definitions and Interpretations, Section 15, Definitions of Basic Terms; Article X Permissible Uses, Section 146 Table of Permissible Uses; and Article XI Supplementary Use Regulations, by adding Section 180.3 Tattoo Parlors. The motion was seconded by Councilmember Adams and the vote was as follows:

Ayes: Williamson, Adams, Rainer, Leak, Spencer

Nays: None

### **RESIGNATION OF COUNCILMEMBER HERBERT M. RAINER, JR.**

Mayor Parker read a letter of resignation from Councilmember Rainer, a copy of which is attached to these minutes and incorporated herein by reference. He added that he had talked with Councilmember Rainer and asked him to reconsider his decision, but that he would honor his request.

Councilmember Rainer expressed that he has enjoyed his time on Council and has learned a lot about city and state government. He stated that he would like to nominate J. D. Willis to fill the remainder of his term and that he hoped that everyone would support his nomination by approving J. D. Willis as the next councilmember. He added that he plans to stay in Laurinburg but perhaps explore the possibilities of helping on the state level of government.

Mayor Parker, on behalf of Council and City staff, thanked Councilmember Rainer for his service and explained he would be missed.

Councilmember Rainer expressed his amazement at the accomplishments that have occurred and how Laurinburg has become more modern and efficient while he has been a councilmember. He cited the improvements in the trash collection system, the water system, the absorption of power costs, and no tax rate increases as examples. He explained that he felt he was leaving Laurinburg in better shape than when he got here.

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

Mayor Parker requested that Mr. Burchins research to determine if there any businesses are delinquent in paying their privilege license fees. A brief discussion ensued concerning privilege license fees.

### **ADJOURNMENT**

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

The meeting adjourned at 7:49 p.m.

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Thomas W. Parker III, Mayor

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Jennifer A. Tippett, City Clerk