

**CITY OF LAURINBURG
COUNCIL MEETING
AUGUST 21, 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 August 21, 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. 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 Adams.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

There was no one present to speak.

CONSENT AGENDA

The Consent Agenda was as follows:

- a) Consider minutes of May 29, 2012 reconvened meeting, and May 31, 2012 reconvened meeting
- b) Set public hearing to be held on September 18, 2012 at 7:00 p.m. in the council room of the Municipal Building to consider a request for a Conditional Use Permit to erect an off-premises sign (billboard) on a 3.4 acre tract of land at the intersection of US Hwy 401 and Barnes Bridge Road
- c) Set public hearing to be held on September 18, 2012 at 7:00 p.m. in the council room of the Municipal Building to consider a request to rezone property located at 304 US Hwy 401 Bypass from Industrial to General Business
- d) Set public hearing to be held on September 18, 2012 at 7:00 p.m. in the council room of the Municipal Building for the Initial Public Hearing for potential CDBG application for 2012 cycle of funding
- e) Authorize Mayor to execute Order to Collect Taxes

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

Ayes: Adams, Leak, Spencer, Williamson, Rainer

Nays: None

PUBLIC HEARINGS

CONSIDER AMENDMENT TO ARTICLE II, SECTION 15, ARTICLE X, SECTION 146 AND ARTICLE XI OF THE UNIFIED DEVELOPMENT ORDINANCE

Mrs. Deese explained that the Unified Development Ordinance (UDO) currently addressed the use of tattoo parlors through a broad category entitled “Services not primarily related to goods or Merchandise” (3.120). She further explained that after a tattoo parlor recently opened in the downtown area, staff received complaints about the use and the need to amend the ordinance to prohibit tattoo parlors in the Central Business District. She added that research on this issue revealed that many communities in North Carolina regulate tattoo parlors with specific supplemental regulations as well as prohibiting them in downtown zoning districts. She added that Planning Board heard this request on July 10, 2012 and voted unanimously to recommend approval of this request with the modification that it be a conditional use permit in the General Business Zoning District instead of the supplemental regulations. She explained the supplementary regulations as follows:

- 1) Tattoo Parlors shall be at least 1,000 feet from a church, school, playground, or another tattoo parlor facility and shall be a minimum of 500 feet road frontage spacing from residential uses.
- 2) Signage for the tattoo facility shall meet all requirements for signage in the General Business zoning district.
- 3) The tattoo facility shall be open to the public only between the hours of 8:00 a.m. and 11:00 p.m.

Upon question by the City Manager, Mrs. Deese explained that the current ordinance concerning tattoo parlors is dated, and the supplemental regulations will affect not only the Central Business District but the General Business zoning district as well.

Mayor Parker opened the public hearing.

Mr. Jim Willis, a downtown business owner and President of the Laurinburg Downtown Revitalization Corporation (LDRC), appeared before Council and expressed his support for the proposed changes to the UDO. He explained that he spoke for the majority of merchants in downtown Laurinburg and LDRC in stating that having tattoo parlors downtown would go against the goals of LDRC of creating an inviting, vibrant and successful downtown.

A discussion ensued concerning the appearance of tattoo parlors in downtown Laurinburg, and that tattoo parlors could have positive and negative effects on the downtown community.

Upon question by Councilmember Adams, Mrs. Deese explained that the Supplemental Regulations would apply to all tattoo parlors. She added that each tattoo parlor would be required to get a zoning permit from the City and would have to meet all of the supplementary regulations prior to obtaining the zoning permit.

Mrs. Jeanette Herlocker, owner of Helpline, explained that her concern was to make downtown Laurinburg a better place, and that she did not see how tattoo parlors presented a positive image for downtown.

There was no one present to speak against this matter.

Councilmember Williamson moved to approve Ordinance No. 0-2012-30 which amends 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 of the Unified Development Ordinance of the City of Laurinburg 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 Leak, and the vote was as follows:

Ayes: Williamson, Leak, Rainer, Spencer, Adams

Nays: None

(Ordinance No. O-0212-30 on file in the City Clerk's office)

DELEGATION

MR. JIM WARD – CONCERN REGARDING COUNCIL VACANCY

Mr. Jim Ward appeared before the Council. He expressed his disapproval of the individual recommended to fill the remainder of Councilmember Rainer's term, as he was defeated in the last election.

Mayor Parker explained that in the past Council has appointed the outgoing councilmember's recommendation. He added that development of a policy could be discussed at the September Retreat. He then thanked Mr. Ward for his concerns and comments.

CITY MANAGER REPORTS

NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONFERENCE

The City Manager explained that the North Carolina League of Municipalities Annual Conference would be held October 21-23, 2012 at the Charlotte Convention Center. He requested that if any Councilmember wanted to attend that the City Clerk be notified to make

arrangements.

The City Manager explained that the Annual Business and Economic Summit is being held September 10–11, 2012 in Washington D.C., and that representatives from the City, Chamber of Commerce, and Scotland County will be attending to network and promote various projects.

APPOINTMENTS

BEAUTIFICATION COMMITTEE

Mayor Parker explained that the Laurinburg/Scotland County Area Chamber of Commerce recommended Harley Norris be appointed to fill Drew Williamson's unexpired term on the Beautification Committee as the Chamber's representative. He added that Mr. Williamson's term expires May 31, 2013.

Motion was made by Councilmember Leak, seconded by Councilmember Spencer, and unanimously carried to appoint Harley Norris to fill Drew Williamson's unexpired term ending May 31, 2013 on the Beautification Committee.

RURAL LAND USE ADVISORY COMMISSION

The City Manager explained that Mr. Bob Bell was the City's previous representative on the Rural Land Use Advisory Commission (RLUAC). He added that he recommended Mrs. Brandi Deese, Director of Planning and Community Development, be appointed the City's representative on RLUAC.

Motion was made by Councilmember Adams, seconded by Councilmember Williamson, and unanimously carried to appoint Brandi Deese as the City of Laurinburg's representative on RLUAC.

SCOTLAND COUNTY COMMUNITY FOUNDATION

The City Manager explained that the Scotland County Community Foundation was formed in the 1970's to provide donations to non-profit organizations in Scotland County. He added that over the years, the Board of Directors has diminished and a suggestion was made to dissolve the Foundation; however, at least 10 of the 15 Board members must be seated in order to take any action. He further added that Mr. Charles Brown, Treasurer of the Foundation, requested that the City fill its four (4) seats and he recommended the following individuals:

Mike Vinson
Martha McCoy Fulton
Drew Williamson

The City Manager stated that Councilmember Spencer agreed to be the City's fourth member.

Upon question by Councilmember Rainer, the City Manager confirmed that the Scotland County

Community Foundation currently has \$180,000.00 in assets that could be directed toward non-profits in Scotland County.

Motion was made by Councilmember Leak, seconded by Councilmember Rainer, and unanimously carried to appoint Mike Vinson, Martha McCoy Fulton, Councilmember Drew Williamson and Councilmember Kenton Spencer to the Scotland County Community Foundation.

RESIGNATION OF HERBERT M. RAINER, JR. AND FILLING VACANCY

Mayor Parker explained that Councilmember Rainer submitted his resignation from the Laurinburg City Council at the July 17, 2012 Council meeting to be effective August 31, 2012, and that Councilmember Rainer's term expires in November of 2013. He explained that according to NC General Statute 160A-63, "A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council."

Upon question by Councilmember Leak, the Assistant City Attorney confirmed that the resignation needed to be accepted first in order to create a vacancy to exist. He added that the resignation would be accepted to be effective at a future date and that Councilmember Rainer would be eligible to vote until such resignation becomes effective.

Motion was made by Councilmember Spencer and seconded by Councilmember Leak to accept Herbert M. Rainer, Jr.'s resignation from the Laurinburg City Council effective midnight on August 31, 2012. The motion was approved by a 4-1 vote with Councilmember Spencer casting the dissenting vote.

Mayor Parker explained the next step would be to appoint someone to fill Mr. Rainer's seat effective at 12:01 a.m. on September 1, 2012.

Motion was made by Councilmember Rainer and seconded by Councilmember Leak to nominate Mr. J. D. Willis to fill the unexpired term of Herbert M. Rainer, Jr.

Councilmember Spencer stated that he would like to nominate Dr. Jesse Brunson to fill the unexpired term of Herbert M. Rainer, Jr.

The Assistant City Attorney stated that a nomination was not in order following a motion duly seconded unless Council wanted to change from a motion procedure to a nomination procedure.

The motion to appoint Mr. J. D. Willis to fill the unexpired term of Herbert M. Rainer, Jr. on the Laurinburg City Council effective 12:01 a.m. on September 1, 2012 carried unanimously.

LUMBER RIVER COUNCIL OF GOVERNMENT TRANSPORTATION ADVISORY COMMITTEE

The City Manager explained that Councilmember Rainer was appointed by Scotland County as the municipal elected official to the Lumber River Council of Government Transportation

Advisory Committee. He added that at the agenda workshop, Councilmember Mary Jo Adams agreed to serve on this committee.

Motion was made by Councilmember Williamson, seconded by Councilmember Leak, and unanimously carried to recommend that Scotland County appoint Councilmember Mary Jo Adams to the Lumber River Council of Government Transportation Advisory Committee.

COMMENTS FROM MAYOR AND/OR COUNCIL

Councilmember Rainer shared his appreciation for the support in his nomination. He appreciated that Council was diverse in its strength and background, was headed in the right direction, and through good leadership, Laurinburg would continue to progress.

Mayor Parker and Councilmember Spencer expressed their appreciation for Councilmember Rainer's service and accomplishments.

Councilmember Leak expressed his concern about City of Laurinburg personnel changes and developments that would be occurring in the near future and the steps that were needed to prepare for these changes, and he suggested that a retreat in September would be the best time to begin these tasks.

The City Manager explained that the City was accepting applications for the Human Resources (HR) Director until August 26, 2012. He explained that the current Electric Supervisor would be allowed to manage the Electric Department for several months to determine the job he can do, and that if that is not a good fit, a job search would begin for the Electric Services Director.

Following discussion, it was consensus of Council to hold a retreat on Thursday, September 6, 2012 at 5:30 p.m.

Upon questioning by Councilmember Leak, the City Manager confirmed he would bring all requested data and plans to the retreat.

Discussion ensued concerning the recruitment process for the Human Resources/Risk Management Director. The City Manager stated that there were 220 inquiries and 35 applications for the HR Director position.

Upon questioning by Councilmember Leak, the City Manager explained that the consultant's efforts to sort through resumes would cost \$6,000.00 and the funds would be taken from the savings from the former HR Director's remaining salary.

Mayor Parker commented that the Council was lucky to have two (2) qualified candidates to choose from to fill Mr. Rainer's Council seat. He thanked both candidates for wanting to serve the City.

Upon question by Councilmember Rainer, the City Manager confirmed that he could provide copies of the final candidates' resumes for the Human Resources Director position to Council.

RECESS

Motion was made by Councilmember Spencer, seconded by Councilmember Adams, and unanimously carried to recess until Thursday, September 6, 2012 at 5:30 p.m. for Council's Retreat.

The meeting recessed at 7:56 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippett, City Clerk