

**CITY OF LAURINBURG
COUNCIL MEETING
OCTOBER 22, 2013
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 October 22, 2013 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, 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 Adams.

APPROVAL OF AGENDA

Mayor Parker requested that an item be added after the Closed Session to discuss agreement with Myrtle Bostick.

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

PUBLIC COMMENT PERIOD

There was no one present to speak.

PRESENTATION FOR ADVANCED LAW ENFORCEMENT CERTIFICATE

Mayor Parker presented the Certificate for Advanced Law Enforcement to Juvenile Officer Shawn Chavis. He stated that the City has a very good Police Department and the officers constantly seek additional training.

Officer Chavis explained that he is thankful to work for the Laurinburg Police Department, and he then thanked former Chief Malloy for hiring him, Police Chief Williams, Assistant Chief Cliff Sessoms and Supervisor Terry Chavis.

CONSENT AGENDA

The City Manager presented the Consent Agenda as follows:

- a) Consider minutes of August 13, 2013 agenda workshop; August 20, 2013 regular meeting; September 10, 2013 agenda workshop; and September 17, 2013 regular meeting
- b) Consider Application for Use of Community Access Channel for Slide Information
- c) Consider setting public hearing to be held on November 19, 2013 at 7:00 p.m. to consider a

request to rezone from General Business (Conditional Use) to Office/Institutional the property located at 907 S. Main St. and to rezone from Residential-15 to Office/Institutional the property located at 906 Atkinson St.

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

Ayes: Adams, Leak, Willis, Williamson

Nays: None

PUBLIC HEARINGS

SECOND CDBG HEARING

Mayor Parker opened the public hearing.

There was no one present to speak on this matter.

Mayor Parker explained that the City has not yet received the information for the Community Development Block Grant (CDBG) Program from the State; however, the public hearing had been originally scheduled on July 16, 2013 and continued until this date. He added that without the information from the State, the public hearing would not be continued anymore.

CONSIDER REQUEST FOR A CONDITIONAL USE PERMIT TO EXPAND DAYCARE FACILITY AT 497 PRODUCE MARKET ROAD

Mayor Parker opened the public hearing.

Mrs. Brandi Deese, Planning & Community Development Director, being first duly affirmed, explained that Ms. Teresa Locklear is requesting a Conditional Use Permit to expand an existing daycare facility at 497 Produce Market Road. She added that a 28' X 74' modular unit will be added to the location to accommodate 60 additional children. She further added that Planning Board heard this request at its September 16, 2013 meeting, and voted unanimously to recommend approval of the Conditional Use Permit.

Ms. Teresa Locklear, being first duly sworn, explained that she has been operating the daycare facility for five (5) years at this location, and she would like to expand the pre-school program and after-school programs.

Ms. Nancy Higgins, being first duly sworn, explained that she is a pre-kindergarten teacher and has worked with Ms. Locklear for about a year and a half. She added that the community really needs a safe place for children after school. She further added that Ms. Locklear has an excellent program.

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

Mayor Parker closed the public hearing.

Motion was made by Councilmember Willis to approve the request for a Conditional Use Permit to expand an existing daycare facility located at 497 Produce Market Road in that:

- 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; and
- The request will be in general conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by Council.

Councilmember Leak seconded by the motion and it carried unanimously.

CONSIDER REQUEST TO AMEND ARTICLE II DEFINITIONS, SECTION 15, DEFINITIONS OF BASIC TERMS AND ARTICLE X PERMISSIBLE USES, SECTION 146 TABLE OF PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT ORDINANCE

Mayor Parker explained that this item involves amending the Unified Development Ordinance. He requested decorum and for speakers to talk for a few minutes and to not repeat information already presented.

Mrs. Brandi Deese, Planning and Community Development Director, explained that the request being considered by Council is to amend the Unified Development Ordinance (UDO) to allow military training facilities in the Industrial Zoning District by Conditional Use Permit. She added that this request is not to discuss specific details about a location, but instead to consider that this amendment could affect the entire jurisdiction. She further explained that the applicant for this amendment does have a plan for a specific location, that location should not be discussed until such time as a request for a Conditional Use Permit is received and the public hearing on that request is held. She further added that the original request has been amended to remove live-fire and outdoor training which were the concerns of staff and surrounding property owners. She continued by stating that staff worked with the City Attorney to develop the following definition of a military training facility:

An indoor only training facility that provides military, weapons and other security training courses for police, private security personnel, military personnel or government security personnel, which training may include classroom instructions, the issuing of certificates, onsite dining, overnight accommodations, and indoor shooting ranges utilizing only non-live ammunition that meets or exceeds the specifications of Ultimate Training Munitions (UTM).

Upon question by Councilmember Leak, Mrs. Deese explained that the definition submitted would not allow private facilities.

Further discussion ensued concerning private facilities. The City Attorney clarified that the operation would be a private third-party facility with restrictions on who could be trained at the indoor facility. He added that it was an entirely different concept from an indoor shooting range.

Upon question by Councilmember Williamson, Mrs. Deese explained that staff sought counsel from a third-party regarding UTMs. She explained that there are five (5) types: four (4) non-lethal and one (1) that is lethal but can be stopped by a piece of ¾ inch plywood. She explained that she shot an AR15 at the Harnett County shooting range with non-lethal ammunition at a cardboard target placed against a steel door. She added that the ammunition penetrated the cardboard and left a pasty blue dot on the door which was wiped away by hand. The ammunition is made to dissipate and there is no gunpowder used.

Discussion ensued concerning location of such facilities around residential areas. Mrs. Deese explained that there is a residence located 50 feet from the training facility in Harnett County with many subdivisions in the vicinity.

Upon questions by Councilmember Willis, Mrs. Deese explained that based upon responses receiving from the School of Government Planning listserv, she was not comfortable stating that there were no other military training facilities located within a municipality in the State. She added that one (1) of Gryphon Group's competitors has an indoor live-fire facility in Cumberland County that was recently approved that was located in the county and not in the city limits. She explained that a stand-alone UTM facility was unique in the State of North Carolina. She further added that there were public live-fire training facilities located within municipalities.

Upon question by Councilmember Adams, Mrs. Deese explained that because there is no gunpowder used and the training will be conducted indoor, there would be little noise and would have no impact on the surrounding properties.

Upon question by Councilmember Leak, Mrs. Deese explained that live-fire ammunition is used at the Gryphon Group's facility at the airport.

Upon questions by Mrs. Sallye McLaurin, Mrs. Deese explained that the ammunition used is a lead-free non-toxic powder. She added that it would have no effect on chemicals located on the site since it is non-toxic.

Mayor Parker opened the public hearing.

Mr. Greg Icard, Scotland County Economic Developer, explained that he was in favor of amending the UDO as a way to recruit military companies.

Mr. Michael Vadan, owner of Gryphon Group, explained that he understood the concern expressed by citizens for having a business such as his. He added that Gryphon Group has trained over 28,000 military personnel and 12 different agencies including the President's Office. He further added that his company has the best safety record in the industry and has never had a gunshot wound or a ricocheted wound. He further explained that his company had operated in Brevard County, Florida for over seven (7) years, and had received an award from the Governor for being environmentally friendly. He stated that the purpose of training conducted is to ensure that the students his company trains come home alive to their families. He added that once the community's concerns about safety were heard, he removed the live-fire training facility from the amendment request.

Mr. Vadan continued by explaining that he wants his company to be a source of jobs and pride for the community. He added that his company is very transparent and when he brought his company to Scotland County, he planned to expand training and have the community and other small businesses in the community support the company.

Mr. Vadan explained that because of the size of the building in which he eventually wants to locate, he is proposing to conduct multiple activities including possible manufacturing ammunition.

Upon question by Ms. Joyce Davidson, Mr. Vadan explained that he currently employs 25 full-time and 15 part-time employees.

Upon question by Ms. Renee McNeil, Mr. Vadan explained that the ammunition to be used will sound like a starter pistol, and because of the construction of the building, there should be no noticeable noise coming from the building.

Upon question by Ms. Gwen Rainer, Mr. Vadan explained that he would have no more equipment traveling to and from the facility than Carolina Container and the nearby John Deere facility.

Upon question by Ms. Rainer, Mr. Vadan explained that his original request included live-fire training because his company had been doing that for seven (7) years in Florida. He added that when he saw the article in *The Laurinburg Exchange*, he changed his request because he wanted the community to see his business as a positive and not unsafe.

Upon questions by Mr. Terrence Williams, Mr. Vadan explained that his company has the highest possible licenses issued by the Alcohol Tobacco and Firearm Agency (ATF) and the federal government. He added that to ensure security at his company, he invited ATF to tour his facility and recommend security, and then he doubled what was recommended. He further added that his facility at the Airbase has camera surveillance, armed security and an off-duty deputy on site. He explained that his facility at the Airbase had never had a theft and due to the street lights he installed, the other businesses at the Airbase have commented that safety was increased for other businesses located at the Airbase. Mr. Vadan also explained that some of the military contracts require on-site billeting; however, some soldiers prefer to stay in a hotel. He added that he hoped to partner with some of the local hotels for management of the barracks and to partner with local restaurants or caterers to manage the cafeteria.

Mr. Vadan explained that he was told that the GOJO facility was scheduled to be demolished and the metal inside the building to be sold. He added that because of the Brownfields Agreement, he would like to save the building and make use of it.

Upon questions by Mr. Charles McEachin, Mr. Vadan explained that he would be asking permission to periodically land helicopters on the roof of the building. He added that it would be one (1) at a time with perhaps four (4) personnel disembarking the helicopter for training.

Councilmember Leak explained that he was in favor of responsible development and that the safety of the neighborhood needed to be considered.

Upon request by Mayor Parker, Mr. Greg Icard, Scotland County Economic Development Director, provided the following history of the "Abbott" Building:

- Because of the Brownfields Agreement on the former Abbott facility, it was suggested to the current owner due to the compartmentalization of the building, low ceiling heights, its prior use greatly restricts potential use in the future. Multiple companies have looked at it. Most would not be able to utilize it because of the small room size and things were added on over time. When Abbott Labs was there they built on as they needed additional production and warehouse space. Little thought was given to I assume what would the future use be of the building. So because of those restrictions, current ownership has been suggested with consulting real estate firms, have told them that the best practical use for that building is to tear it down. So we were trying to find out a best use for it in order to add jobs, add investment and provide opportunities for citizens and not have the building torn down. With the Brownfield Agreement, it complicates things as to what can be done on the property in the future. So because of that, its current use as an industrial building is essentially the only thing that you can do with the space currently, other than tear it down. And I would be careful not to frame it in that regard because that, this is to be considered separately as a separate issue. But ultimately you will lose a \$5.9 million building at the end of the day if it is torn down. So that's tax base that is being eroded from the current tax base for the City and also for the County. But at this point, it will be, there is another company that wants the warehouse space and then there is Gryphon that wants the main building, so it would be subdivided, and then you would have 2 companies take possession of the 50 acres plus the 2

buildings. And then going forward you would have potential for additional jobs with this other company as well as the potential for what Gryphon plans to do.

- If the building is torn down, the concrete slab would more than likely have to remain because of the vapor barrier. There is a potential that dirt and grass could be placed on top of the concrete slab; however the NC Department of Environment and Natural Resources would have to approve.

Upon questions by Councilmember Leak, Mr. Icard explained that the State does monitor the soil. He added that the situation is being mitigated by the State and Abbott Labs is responsible for the issue. He further added that the mitigation is a natural abatement process.

A discussion ensued concerning the tax implications of the GOJO/Abbott Labs property, with the following information presented:

- The main Abbott Labs building is valued at \$5.9 million
- The amount of City taxes per year from the building is between \$23,000 to \$25,000
- The warehouse is valued around \$1 million.
- GOJO is in the process of having the property revalued from a commercial real estate viewpoint.

Mrs. Sallye McLaurin expressed concern that if the ordinance is passed, all the other empty buildings in the community could be used for similar purposes. She also expressed concern regarding potential respiratory issues of citizens.

Mr. Vadan explained that the UTM ammunition is a ceramic powder.

Upon question by Mrs. McLaurin, Mr. Vadan explained that there should be no reaction with the chemicals found outside the building since the training would be conducted indoors only.

Mrs. McLaurin presented a petition to the City Attorney, a copy of which is attached to and incorporated into these minutes as Exhibit A.

Mr. Robert Malloy explained that he was opposed to changing the ordinance in order to save a building for whatever reason because that may open the door for similar situations for existing vacant buildings.

Mayor Parker closed the public hearing.

Councilmember Willis explained that citizens want to live in the City limits because cities have stricter ordinances and regulations than counties. He expressed concern that amending the ordinance could have an effect on the other 142 tracts of land that are zoned industrial within the City's jurisdiction.

Councilmember Willis moved to deny Ordinance No. 0-2013-26 which amends Article II Definitions, Section 15, Definitions of Basic Terms and Article X Permissible Uses, Section 146 Table of Permissible Uses of the Unified Development Ordinance of the City of Laurinburg as it is:

- Not consistent with the Land Use Plan or other adopted plan;
- 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 Leak, and the vote was as follows:

Ayes: Willis, Leak

Nays: Adams, Williamson

There being a tied vote, Mayor Parker voted Nay, resulting in the motion being defeated by a 3-2 vote.

Councilmember Williamson explained that Council at this time is considering an amendment to the Unified Development; however, Council and citizens already had a forecast of the project if the amendment is granted. He added that everyone present had the opportunity to hear from Mr. Vadan and his proposal, and hear from the citizens who were opposed to the amendment. He further added that if a Conditional Use Permit is requested, the citizens and Mr. Vadan will be present at the public hearing. He encouraged Mr. Vadan to consider the concerns of the citizens in drafting his Conditional Use Permit request. He further added that if Mr. Vadan files the Conditional Use Permit request, there will be another public hearing and more opportunity for consideration of the details of the request.

Councilmember Williamson moved to approve Ordinance No. 0-2013-26 which amends Article II Definitions, Section 15, Definitions of Basic Terms and Article X Permissible Uses, Section 146 Table of Permissible Uses 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 Adams, and the vote was as follows:

Ayes: Williamson, Adams

Nays: Leak, Willis

(Ordinance No. O-2013-26 on file in the City Clerk's Office)

There being a tied vote, Mayor Parker voted Aye, resulting in the motion being approved by a 3-2 vote.

The City Attorney explained that because this ordinance did not receive the required two-thirds (2/3rds) vote on the first reading of said ordinance, the ordinance will be voted on at the next regular Council meeting, whereby in order for the ordinance to be approved, a simple majority vote will suffice.

Mayor Parker thanked the citizens for the decorum and allowing all sides of this issue present their concerns.

At 8:35 p.m., Mayor Parker called for a short break.

At 8:49 p.m., Mayor Parker reconvened the meeting.

CITY MANAGER REPORTS

The City Manager stated that Halloween was Thursday, October 31st from 6:00 p.m. to 8:00 p.m. for children 12 and under. He added that the Police Department had free reflective bags for trick-or-treaters to pick up.

CONSIDER AWARDING BID FOR AMR/AMI ELECTRIC METERS AND INSTALLATION OF SAID METERS

The City Manager explained that bids were opened on September 24, 2013 for AMR/AMI electric meters and installation of the meters. He added that after review, the City's electric engineering consultant, McGavran Engineering, PC recommends that the bid for the AMR/AMI electric meters be awarded to Shealy Electric Wholesalers in the amount of \$304,880.00 and that the bid for installation of said meters

be awarded to Belwether Innovative Management Solutions in the amount of \$46,593.00 for total award of \$351,473.00 for the two (2) combined bids. He further added that this was for electric meters only and that the City would review water meters in the next year. He explained that the proposed system is drive-by with the capability of a fixed network in the future.

Following a brief discussion, motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to award bid for AMR/AMI electric meters to Shealy Electric Wholesalers in the amount of \$304,880.00 and for installation of said meters to Belwether Innovative Management Solutions in the amount of \$46,593.00.

CONSIDER RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE PETITION

The City Manager explained that this resolution directs the City Clerk to investigate the petition for annexation for the portion of the FCC and Small Business Innovation Center properties and the City's 3-acre tract of land for the pump station.

Councilmember Adams moved to approve Resolution No. R-2013-24 directing the City Clerk to investigate the sufficiency of the petition for annexation. The motion was seconded by Councilmember Leak, and the vote was as follows:

Ayes: Adams, Leak, Williamson, Willis

Nays: None

(Resolution No. R-2013-24 on file in the City Clerk's office)

CONSIDER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE INTERCONNECTION AGREEMENT

The City Manager explained that this Interconnection Agreement is between the City and Laurinburg Farm LLC for the solar farm being constructed at the City's public works facility.

Motion was made by Councilmember Williamson, seconded by Councilmember Adams, and unanimously carried to authorize the Mayor and City Clerk to execute the Interconnection Agreement between the City of Laurinburg and Laurinburg Farm, LLC.

APPOINTMENTS

CRIME AND DRUG COMMITTEE

Mayor Parker explained that Mr. Michael Edds and Ms. Doris Ann Williams submitted applications to be appointed to the Crime and Drug Committee.

Motion was made by Councilmember Adams, seconded by Councilmember Willis, and unanimously carried to appoint Mr. Michael Edds and Ms. Doris Ann Williams to the Crime and Drug Committee for terms expiring November 30, 2015.

COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS

Councilmember Willis expressed concern about the ongoing construction at the Emergency Operations Center (EOC) and whether the City was participating.

The City Manager provided a brief update on meetings held to date.

Further discussion ensued regarding the lack of involvement of the City in the EOC Project including funding and the electric utility provider. It was consensus of Council for the City Manager to schedule a joint meeting between the Laurinburg City Council and the Scotland County Board of Commissioners.

CLOSED SESSION

At 9:10 p.m. Councilmember Adams 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 pursuant to North Carolina General Statute 143-318.11(a)(6) for the purpose of considering the 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 Willis, and carried unanimously.

At 9:43 p.m. motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to adjourn the closed session and resume the open meeting.

AGREEMENT WITH MYRTLE BOSTICK

Motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to amend the agreement with Myrtle Bostick concerning the code enforcement issue on McColl Road.

ADJOURNMENT

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

The meeting adjourned at 9:46 p.m.

Thomas W. Parker III, Mayor

Jennifer A. Tippet, City Clerk