

**CITY OF LAURINBURG  
CITY COUNCIL SPECIAL MEETING/WORK SESSION  
OCTOBER 15, 2014  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
7:00 p.m.**

**MINUTES**

The City Council of the City of Laurinburg held a special meeting/work session on October 15, 2014 in the Council Chambers of the Municipal Building at 7:00 p.m. 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. Tippett, City Clerk; and William P. Floyd, Jr., City Attorney.

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

Councilmember Williamson gave the invocation.

**APPROVAL OF AGENDA**

Motion was made by Councilmember Hammond, seconded by Councilmember Adams, and unanimously carried to approve the agenda as submitted.

**AGENDA FOR OCTOBER 21, 2014**

The City Manager reviewed the agenda for October 21, 2014 as follows:

- 3) Presentation to Diane Chavis' family
- 4) Consent Agenda
  - a) Consider minutes of August 25, 2014 special meeting/retreat; September 10, 2014 special meeting/work session and September 16, 2014 regular meeting

**DELEGATION**

- 5) Nuekie Aku Oyata and Terrence Williams, NAACP – Sister City Proposal  
*The City Manager explained that Ms. Oyata and Mr. Williams want to present information on a proposal for the City to be a sister city with Tema, Ghana. Discussion ensued and staff was instructed to provide the membership fee information and any affect this proposal would have on membership fee.*

**CITY MANAGER REPORTS**

- 6) Set public hearing to be held on Tuesday, November 18, 2014 at 7:00 p.m. to consider an amendment to the Unified Development Ordinance (solar farm)  
*The City Manager explained that this public hearing is to consider amending the UDO with regard to solar farms to address Council's concerns.*

*Councilmember Willis explained that he thought Council was going to rescind the amendment passed earlier this year to the UDO as to zoning district where solar farms were allowed and leave in the supplemental regulations included in the amendment.*

*Mrs. Deese explained that staff had been directed to remove the permitted use in Industrial and require a Conditional Use Permit in the R-20 and R-20MH districts and leave the supplemental regulations adopted earlier this year in place.*

Following further discussion, Mayor Parker suggested that the agenda be amended and allow Mr. Holland to present information on the updated UDO and address the solar farm regulations. It was consensus of Council to amend the agenda and allow Mr. Holland to proceed with his discussion of the updated UDO.

### **UDO UPDATE – SOLAR FARM DISCUSSION (Holland Consulting)**

Mr. Dale Holland, of Holland Planning Consultants, appeared before Council to discuss the draft updated UDO. He added that after Council has had a month to review the draft updated UDO, for him to return to discuss and answer any questions. He further added that it was important for Council to understand the UDO and is confident in the document. He further explained that he did not given particular attention to the solar farm issue since Council had recently adopted the solar farm regulations; therefore, the draft includes said solar farm regulations currently adopted by Council. He provided a brief overview of the changes in each article, as shown on Attachment A, a copy of which is attached to and incorporated into these minutes.

Mr. Holland explained that the draft updated UDO is organizationally much better than the current UDO. He added that he was aware that changes would be made to the draft such as to incorporate new legislation concerning granny pods. He further added that recent court cases have necessitated that local governments provide specific consistency statements in motions to approve or deny zoning requests. He suggested that Council review the draft UDO and then he would return to a later work session to discuss and answer any questions.

Upon question by Councilmember Hammond, Mr. Holland explained granny pods.

Upon question by Councilmember Hammond, Mr. Holland explained that local government has very little control with regard to fracking operations other than site buffering requirements. He advised Council that because regulation of fracking operations is still being debated, nothing be included in the UDO until more information is available.

Upon question by the City Attorney, Mr. Holland explained that Conditional Use Zoning Districts are not included in the draft UDO because of the difficulty for staff in monitoring and the activity level in Laurinburg does not justify such zoning districts.

Upon question by Councilmember Williamson, Mr. Holland explained that he did not see anything wrong with the City's current solar farms regulations. He added that within certain parameters, solar farm regulations could be included in the UDO. He further added that the

City's ordinance was similar to what has been adopted across the state. He further explained that most communities similar to Laurinburg have most of the solar farms existing in lower density districts such as R-20 and R-20MH. He added that there is increasing demand for solar farms in industrial areas because of supplementing the power industries.

A discussion ensued concerning the Court decision to overturn Council's decision to deny a Conditional Use Permit (CUP) for a solar farm on Johns Road.

Councilmember Williamson explained that because the Court overturned Council's decision to deny the aforementioned CUP, he felt that Council requested staff to revise solar farm regulations, and in his opinion, the current requirement that solar farms be located in Industrial zoning district is too restrictive.

Mr. Holland explained that Council could increase the buffer, the property setback lines and allow solar farms in the R-20 and R-20MH zoning districts might meet Council's requirements. He added that his understanding is that Council's concern with requiring solar farms only in the Industrial zoning district is there would be property zoned Industrial where it might not have existed unless a developer had plans to develop a solar farm.

Further discussion ensued concerning the Johns Road CUP for a solar farm. Mrs. Deese explained that because the supplemental regulations were approved after Council's decision to deny the CUP, the developer was required to follow the regulations in the UDO at the time of the denial.

Further discussion ensued concerning supplemental regulations for solar farms and suitable zoning for solar farms.

Upon question by Councilmember Williamson, Mrs. Deese discussed the City's civil penalty remedy for failure to adhere to requirements of the UDO such as decommissioning of the solar farm.

Following further discussion, motion was made by Councilmember Willis, seconded by Councilmember Hammond, and unanimously carried for staff to prepare an amendment to the Unified Development Ordinance to allow solar farms in the R-20 and R-20MH zoning districts by Conditional Use Permit, remove the permitted use in the Industrial zoning district, and retain all previously adopted supplemental regulations for solar farms.

Upon question by Councilmember Adams, Mr. Holland explained the he did not address anything specific with regard to military training facilities but would be prepared to discuss this use next month.

Upon request of the City Manager, it was consensus of Council to amend the agenda to discuss Special Events/Temporary Uses next since it had been discussed by Council about additional regulations in the UDO for such uses.

## **SPECIAL EVENTS/TEMPORARY USES UPDATE**

Mrs. Deese explained that based upon Council's request to poll the Planners listserve, the following are suggestions were submitted on the listserve:

- Limit the use to the tax parcel instead of the applicant.
- Limit each tax parcel to two (2) events per year.
- Require written permission from the property owner, not the manager of a business.
- Prohibit yard sales in the commercial districts, but allow special events such as bake sales and car washes by permit issued by the Planning Department.

Upon question by Councilmember Hammond, Mrs. Deese explained that residential yard sales are governed by the City Code and four (4) are allowed per year.

Discussion ensued concerning the number of events allowed. Mrs. Deese explained that the information presented was feedback from the listserve and that Council could determine the number of events per year to allow.

Mayor Parker explained that by requiring the property owner of a commercial property to provide written permission for a special event could be a problem because the property owner could potentially be located out of state.

Mrs. Deese explained that property owners should be aware of what is happening on their property as there could be liability issues for the property owners.

Upon question by Councilmember Adams, Mrs. Deese explained that regulating special events and yard sale would address the sale of items on holidays such as Valentine's Day. She further explained that agricultural sales are regulated by the state. Mrs. Deese added that a perfect ordinance cannot be drafted to cover every possible event that may occur.

Following discussion concerning limiting special events to four (4) special per year per tax parcel and requiring property owner's written permission, to not allow yard sales in commercial areas and use of property such as the American Legion and the National Guard Armory by non-profit groups or other groups for fund raising opportunities, staff was instructed to develop a definition of "special event" and regulations for special events.

## **REVIEW OF OCTOBER 21, 2014 AGENDA**

The City Manager resumed review of the October 21, 2014 agenda as follows:

- 6) Set public hearing to be held on Tuesday, November 18, 2014 at 7:00 p.m. to consider a request for a Conditional Use Permit for an accessory apartment at 203 West Cronly Street  
*The City Manager explained that the current owners of the Gill House restaurant have requested a Conditional Use Permit in order to live on the second level.*
- 7) Update on Urgent Repair Grant

*Mrs. Deese explained that she wanted to provide information concerning the Urgent Repair Grant as applications are still needed for the program.*

- 8) Consider authorizing the Mayor and City Clerk to execute Construction Agreement with CSX Transportation, Inc.
- 9) Consider Resolution No. R-2014- authorizing upset bid procedure for amended lease of property for period of more than 10 years and authorizing appropriate City officials to execute related documents

*The City Manager explained that Laurinburg Farm LLC agreed to amend the lease amount to \$500.00 per acre on the lease and clear the property.*

## **ITEMS FOR CONSENT AGENDA**

It was consensus of Council to add Item 8 to the Consent Agenda.

Councilmember Leak requested that Halloween Trick-or-Treat regulations be mentioned during the regular Council meeting and for staff to publicize the regulations and caution citizens to be careful.

## **CONSIDER AUTHORIZING EXPENDITURE TOWARDS BRANCH'S CAR CARE PROJECT**

The City Manager explained that the School Board and Scotland County Commissioners have approved paying for one-third (1/3<sup>rd</sup>) of the cost towards the Branch's Car Care Project.

Mayor Parker suggested that the City agree to pay one-third (1/3<sup>rd</sup>) up to a maximum of \$8,000.00.

The City Manager explained that Laurinburg Downtown Revitalization Corporation (LDRC) will purchase the property for \$3,000.00 and has discussed donating it to the City or County. He added that the City will take care of demolition, the County will waive the tipping fees at the Landfill, and the School System will provide fill dirt to add to the site once the tank has been removed and the contamination cleaned up by the contractor.

A discussion ensued concerning ownership of the property and the use of the property. Upon question by Councilmember Hammond, the City Manager explained that all of the entities involved in this project will have input on the use of the property.

Motion was made by Councilmember Williamson to authorize the expenditure of one-third (1/3<sup>rd</sup>) of costs up to a maximum of \$8,000.00 for the Branch's Car Care Project. The motion was seconded by Councilmember Adams, and carried by a vote of 4-1 with Councilmember Leak casting the dissenting vote.

The City Manager explained that Council had discussed that it did not want the funds for this project to come out of Demolition Funds included in the FY 2014-2015 Planning & Development budget. He added that there should be additional funds available in the Sanitation tipping fees line item.

## **COUNCIL RULES OF PROCEDURE**

The City Manager explained that the City Clerk had prepared a draft of Council Rules of Procedures and Council's input on the draft is needed.

Councilmember Hammond explained that at last month's meeting the order of business and adding the Pledge of Allegiance were discussed and had been added to the proposed resolution. She added that the resolution looked fine to her.

Upon questions by Councilmember Adams, the City Clerk explained that she would review the information concerning the organizational meeting and the presiding officers' control of disruptive speakers or observers to ensure that the information was consistent.

Upon question by the City Manager, the City Clerk explained that the procedure would be for Council to rescind the appropriate sections of the City Code and then adopt the resolution to govern Council procedures.

## **ROLES AND EXPECTATIONS**

The City Manager explained that this had been discussed previously and feedback from Council was needed on Roles and Expectations of the Mayor, Council, City Manager and City Clerk.

Councilmember Hammond suggested that the section concerning Rules of Procedure needed to be revised to reflect the resolution. She added that although the Roles and Expectations were changed in 2010 to clarify that in the Manager's Expectations of Council section to include that Council could request information from staff but to go through the City Manager when requesting action.

Following further discussion, the City Manager explained that once Council's input was received he and the City Clerk would compile and provide an updated version to Council.

## **ADJOURNMENT**

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

The meeting adjourned at 8:52 p.m.

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Thomas W. Parker, III, Mayor

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Jennifer A. Tippett, City Clerk