

SPECIAL SESSION OF JULY 11, 2019

The City of Kings Mountain, North Carolina met in a Special Session at 6:00 p.m. on Thursday, July 11, 2019 in Council Chambers at City Hall with Mayor Scott Neisler presiding.

ATTENDANCE

The following Councilmembers were present: Keith Miller, Mike Butler, Annie Thombs, Tommy Hawkins, Jay Rhodes, David Allen and Rodney Gordon.

Also, present: Marilyn H. Sellers, City Manager, Mickey Corry, City Attorney and Karen Tucker, City Clerk.

INVOCATION

The invocation was given by Mayor Scott Neisler.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Scott Neisler.

Upon Motion by Councilmember David Allen, seconded by Councilmember Jay Rhodes, it was unanimously voted to recess the Special Session and enter into a Public Hearing at 6:01 p.m.

PUBLIC HEARING

Stuart Gilbert, Economic Development and Planning Director stated that purpose of this Public Hearing is to determine whether or not the City would like to establish a moratorium, per N.C.G.S. 160-A-381 (e) on any new tattoo parlors, vape shops or body piercing establishments. Mr. Gilbert gave some background on this issue stating that some members of Council approached the Planning Department back in December inquiring about our current ordinances related to these establishments. This inquiry prompted us to look at the ordinances and resulted in the Planning and Zoning Board holding two meetings and a public hearing on this topic. Planning and Zoning has provided their deliberation on the topic to Council.

Mr. Gilbert stated that additionally there was a draft ordinance to limit the above referenced establishments to certain districts that was going to be considered at the last City Council meeting however, it was unable to be considered due to an error in the published Notice of Hearing. This matter has been republished if you wish to review this at the July meeting. At the suggestion of the City Attorney, you may want additional time to review the information and this would be a mechanism to have a Public Hearing to consider a moratorium so that you would not have to make a decision right away. Also, there has also been one vape shop that has opened in the last twenty days. Establishing a moratorium tonight, would give you an opportunity to review the Planning and Zoning Board's recommendation with a possible decision at the July meeting, but not necessarily. You would have until September 11, 2019 to make a decision under the Ordinance that is proposed tonight.

Mickey Corry, City Attorney stated that another purpose for the moratorium would prevent any additional applications coming in that you may have to consider under the present ordinance.

Mr. Gilbert stated that this ordinance would not affect any business who has already received a zoning verification letter, even those who have opened in the last few days. This would stop any new establishment in the City for the period of 60 days or less.

Councilmember Keith Miller questioned the procedure for voting on the four requirements of the City, per the statute. Mickey Corry stated that these four requirements must be considered to make the adoption of the ordinance valid. Mr. Gilbert stated that these are actually included in the ordinance. Mr. Corry commended Mr. Gilbert on the Ordinance.

No one spoke for or against the establishment of this moratorium.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Mike Butler, it was unanimously voted to close the Public Hearing and re-enter the Special Meeting at 6:08 p.m.

SPECIAL MEETING

Upon motion by Councilmember David Allen, seconded by Councilmember Jay Rhodes, it was voted unanimously to adopt **Ordinance 19-12** establishing a 60-day or less moratorium on new tattoo parlors, vape shops, and body piercing establishments per N.C.G.S. 160-A-381 (e).

Item 7 – Board Appointment

Upon Motion by Councilmember Tommy Hawkins, seconded by Councilmember Annie Thombs, it was unanimously voted to appoint Brenda Lovelace to the TDA Board, with term expiring 6/30/2022.

ADJOURNMENT

Upon motion by Councilmember Rodney Gordon, seconded by Councilmember Keith Miller, it was unanimously voted to adjourn the Special Session of the City Council at 6:10 p.m.

ATTEST:

G. Scott Neisler, Mayor

Karen A. Tucker, CMC