

ADJOURNED MEETING CITY COUNCIL
June 13, 2017

The City Council of the City of Albemarle met in an adjourned session on Tuesday, June 13 2017, at 6:00 p.m. in Council Chambers. Mayor G. R. Michael presided and the following Councilmembers were present, to wit: Chris Bramlett, Benton Dry, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, Bill Aldridge.

Mayor Michael called the meeting to order

The Mayor and City Council continued a Quasi-Judicial public hearing from Monday, June 12, to consider Conditional Use Permit #17-003 for 92.080(C) (11) on the property located at 636 NC Hwy 24-27 Bypass East.

Mr. Aldridge, representing the owner, Marty Larson and Mr. Jim Barnes with Oxendine Barnes & Associates, PLLC representing the owners came before City Council. The correct address of 636 NC Hwy 23-27 Bypass East, Suite 3 was given and a diagram of the interior layout.

Mr. Aldridge and Mr. Barnes answered any questions that Council had. The Mayor reviewed each finding of facts with Mr. Barnes with questions being asked concerning each one of the five.

Upon a motion by Councilmember Dry, seconded by Councilmember Townsend, and unanimously carried, the City Council closed the public hearing.

Findings of Fact

The City Council considered the following findings of fact:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the findings of fact # 2.

- Adult gaming establishments shall not be located in the same building or property where any place of worship, any public or private school, any licensed child day care facility, or any other existing adult gaming establishment is located. Adult gaming establishments shall also not be placed on properties within 500 feet of any of the aforementioned uses, measured by a straight line from nearest point of property line to nearest point of property line.
- Access. All adult gaming establishments shall be open and visible from the front interior of the establishment. At all times while open for business and while patrons are on the premises, adult gaming establishments shall be open for direct, unobstructed access by police officers, fire department personnel, development services department Staff and emergency response personnel. Entrance doors shall remain unlocked at all times while patrons are on the premises. Police officers, fire department personnel, development services and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment.
- Hours of Operation. No person or entity engaged in adult gaming establishments shall engage in the business before 10:00 a.m. or after 12:00 midnight Monday thru Saturday and shall not engage in business before 1:00 p.m. or after 12:00 midnight on Sundays. No playing on any device shall be allowed during the times when computer gaming establishments are required by this chapter to remain closed.
- Age Restrictions. No adult gaming establishment shall allow, permit, or condone any person under the age of 18 to engage in adult gaming operations or supervise operation of machines.
- Signage. Adult gaming establishments shall prominently post the rules of their games.
- Maximum Number. The maximum number of terminals/computers/machines/gaming stations or total number of patrons using gaming apparatus at one time within an adult gaming establishment is 20.
- In addition to all applicable enforcement procedures permissible by City code, any violation of the aforementioned conditions shall be punishable by a fine of up to

\$1,000 for the first violation and \$5,000 for each subsequent violation. Each successive day a particular violation occurs shall be considered a unique violation incident. Notice of violation and citation shall be sent to parties in accordance with notification procedures in Chapter 10. When more than 5 violation incidents occur in any calendar year the use shall be terminated and shall be prohibited anywhere on the property for one (1) year from date of closure. Closure shall be enforceable by the Albemarle Police Department.

- Conditional Use Permit #2017-003 shall expire six months from the date of the issuance of the order and shall need re-approval by City Council.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Councilmember Whitley moved to approve the finding of fact #3. Seconded by Councilmember Townsend. Voting for the motion were Councilmembers Bramlett, Dry, Hughes, Townsend, and Whitley. Voting against the motion was Councilmember Hall. Councilmember Aldridge was absent. The motion carried.

4. The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Albemarle and its environs.

Councilmember Whitley moved to approve the finding of fact #3. Seconded by Councilmember Townsend. Voting for the motion were Councilmembers Dry, Hall, Townsend, and Whitley. Voting against the motion were Councilmember Bramlett and Hughes. Councilmember Aldridge was absent. The motion carried.

5. Be in general conformance with adopted plans.

Upon a motion by Councilmember Townsend, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the findings of fact #5.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved adding the following condition to the motion:

Conditional Use Permit #17-003 order will be reviewed for re-approval after 6 months operation.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved an Order for Conditional Use Permit#17-003 for 92.080(C)(11) use on property located at 636 NC Hwy 24-27 Bypass East, Suite 3 with a six month condition for review/re-approval.

(Order for CUP #17-003)

The Mayor and City Council considered setting a public hearing for 10, 2917 at 6 pm for a text amendment to allow Adult Daycare Facilities as a conditional use in the R10 Single Family Residential District. This is located parcel at the corner of Rebel Road and the Northeast Connector as the location for an. The property is currently zoned R10 Single Family Residential and adult daycare is not permitted in this zone. Planning Director Kevin Robinson had noted that this would be most appropriate as a conditional use in the R10 zone if a change was made.

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The City Manager had noted that in speaking with planning staff, they feel it would be best to consider the text amendment at one meeting and then the CUP and site plan at a separate meeting. This schedule would still allow for the potential for the CU Permit to be granted at the August 7 meeting.

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Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, the City Council set a public hearing for July 10, 2917 at 6 pm to consider a text amendment to allow Adult Daycare Facilities as a conditional use in the R10 Single Family Residential District for a parcel at the corner of Rebel Road and the Northeast Connector.

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Planning and Development Services Director Kevin Robinson came before the City Council to review new businesses and locations between February and May 2017.

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Mr. Robinson reviewed the 13 new businesses added with their location, one change of ownership, and two businesses that moved with expansion for a total of 84 new jobs.

Mr. Robinson answered any questions that Council had.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the Mayor and City Council adjourned to a Closed Session Pursuant to N.C.G.S. 160A-318.11 (1) & (5) - To prevent the disclosure of information that is privileged or confidential pursuant to the laws of the State and Real Estate.

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held Pursuant to N.C.G.S. 160A-318.11 (1) & (5) - To prevent the disclosure of information that is privileged or confidential pursuant to the laws of the State and Real Estate and there was nothing to report at this time.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the reappointments to the Historic Resources Commission:

Sheila Simpson	(3 yr. term expiring July 2020)
Gene Starnes	(3 yr. term expiring July 2020)

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the reappointments to the Parks and Recreation Advisory Board:

Lawrence Duratt	(3 yr. term expiring July 2020)
Rick Johnson	(3 yr. term expiring July 2020)

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council appointed the following:

New Appointment – replacing Ritchie Hearne

John Lipcsak (3 yr. term expiring July 2020)

Mayor Michael stated that Wade McSwain is unable to fill his term on the Convention and Visitors Bureau (CVB) Board and Council needs to replace this slot:

Councilmember Bramlett stated that he will speak with David Scarboro about being appointed to the Historic Resources Board and get back with Council.

Councilmember Bramlett stated that he will speak with Peter Ascitutto about being appointed to the CVB also.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, City Council approved the reappointments to the Planning and Zoning Board:

Re-Appointment

Jason Andrew (3 yr. expiring term, July 2020)
Todd Furr (3 yr. expiring term, July 2020)

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, City Council approved the reappointments to the Tree Commission.

Reappointments

Hannah Hearne - (3 yr. term expiring July 2020)
Sandra Rushing - (3 yr. term expiring July 2020)

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, City Council approved the reappointment to the Zoning Board of Adjustment:

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Dean Speight - (3 yr. term expiring July 2020)

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The Mayor and City Council considered a request of CFM Real Estate Development, the developer for the Pfeiffer building requesting the City pay Windstream an estimated \$16,000 - \$24,000 to relocate the overhead phone lines to underground on North Fourth Street adjoining the property we donated for the project. The lines are in the way for firefighting efforts to be made from the street and the development group does not want to include a fire fighting staging area on the property. They are requesting the City pay Windstream to relocate these lines.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council authorized the Mayor and City Manager to negotiate a contract with Windstream for an estimated cost of \$16,000 - \$24,000 to relocate the overhead phone lines to underground on North Fourth Street adjoining the property the City donated for the Pfeiffer University project.

Mayor Michael stated that concerning the City's purchase of Bank of NC building, there was a contract sent to the City a few weeks ago and staff noticed errors that needed to be corrected. The Mayor had a copy of the new purchase agreement and distributed copies to the rest of Council

Upon a motion by Councilmember Dry, seconded by Councilmember Bramlett, and unanimously carried, the City Council authorized the Mayor and City Manager to sign the new purchase agreement other purchase documents concerning the City's purchase of the Bank of NC building.

Councilmember Bramlett mentioned that Representative Justin Burr had entered language into the State budget bill that would prohibit Stanly Community College from operating a culinary arts program off the main campus. This would not allow it to proceed in the downtown location as SCC, the Commissioners and the City wanted.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved drafting a Resolution and send

to send to our legislative delegation, Speaker of the House Tim Moore and Senate Majority Leader Phil Berger asking that the legislation be removed and the culinary arts school be allowed to be located downtown.

Mayor Michael stated that the letters were mailed out to potential donors for the Wiscassett fundraiser and each stakeholder will be interviewed by the City.

Mayor Michael stated that Senator McGinnis will be at the middle school in Ellerbe, NC on Friday, June 23 from 10:30 am until 2 pm.

Upon a motion by Councilmember Hughes, seconded by Councilmember Bramlett, the City Council adjourned until Monday, July 10 at 6:00 p.m. in the City Hall for a regular session meeting.