

ADJOURNED MEETING CITY COUNCIL
October 19, 2011

The City Council of the City of Albemarle met in an adjourned session on Wednesday, October 19, 2011, at 6:30 p.m. at the Rosebriar Restaurant. Mayor Elbert L. "Whit" Whitley presided and the following Councilmembers were present, to wit: Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, Councilmember Troy E. Alexander.

The City Council held a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment to discuss matters of common interest.

Planning and Zoning Board Chairman Rodney Morgan said the Board has been discussing how to address donation drop boxes. He said staff has put together some options and they wanted to hear Council's thoughts on the matter.

Director of Planning and Community Development Keith Wolf distributed sample regulations he has compiled from other municipalities. He reminded everyone that any regulations adopted would apply to all organizations who participate in similar activities, not just the charity that currently has the blue clothing donation drop boxes throughout the City. Mr. Wolf noted the primary issue for the Planning Board was whether or not to require the boxes to be on property where the charity is located, or to allow them off-premise in certain zones. Upon questioning, he indicated it would not impact charitable solicitations inside businesses or charities.

Planning and Zoning Board Member Perry Moser said he felt the option of requiring the donation drop sites to be on the same property where the charity is located would protect local charities and also provide for better maintenance. He felt if charities had a local presence, they would be more likely to keep overflow donations picked up in a timely manner. Police CEO Ronnie Michael wondered if this might violate federal law. Councilmember Hall suggested getting an opinion from the UNC-CH School of Government.

Mayor Whitley inquired if the City would have the ability to enforce new regulations on the existing drop boxes or if they would have to be

grandfathered in. City Attorney David Beaver believed they did not have to be grandfathered under any new regulations since they were located in the City without any current regulation addressing such activities.

Director of Planning and Community Development Keith Wolf distributed information regarding the City's current regulations of sexually oriented businesses. He noted that from time to time, the City received inquiries about these rules and regulations. He said the City may need to look at and possibly revise the current Ordinance. He noted that when the original Ordinance was adopted, it established that sexually oriented businesses must be at least 1,000-feet from a church, school, daycare, residential and any location that had an on-premise alcohol license. He said the issue the City may have now is that there was originally a very small area of the City where such uses could locate as a use by right. Restaurants selling alcohol have now encroached on this area and the City may not have a location for such businesses and this may be a violation of the first amendment if a legal business is not permitted somewhere in the City.

Mr. Wolf said he has found other municipalities, including Greensboro that have identical regulations, with the exception of the reference to alcohol. He said the City could eliminate this reference from its Ordinance, though he was uncertain what amount of area and where would then be opened up for the location of sexually oriented businesses. Planning and Zoning Board member Perry Moser suggested the possibility of reducing the distance from locations that sell alcohol to 500-feet. This might allow the City to comply with the law and still have very limited areas for such activities.

There being no further business, the meeting was adjourned.