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## MINUTES

APRIL 8, 2010

### REGULAR MEETING

Mayor Samuel Hardwick called the Regular Meeting of the Town of Youngsville Board of Commissioners to order at 7:02 pm. Mayor Hardwick gave invocation. In attendance were Commissioners Catherine Redd, Leelan Woodlief, Graham Stallings, and Joseph Johnson. Also in attendance were Town/Zoning Administrator Brenda Robbins, Deputy Town Clerk Emily Hurd, Administrative Assistant Kathryn Tucker, Town Attorney Pete Tomlinson, and Chief Daren Kirts. Representatives from The Franklin Times, Country 102 and The Wake Weekly were also present.

The first item on the agenda was citizens' comments. There was no comment.

The next item on the agenda was the financial report. There was no comment.

The next item on the agenda was the approval of the Consent Agenda.

#### **MOTION: TO APPROVE THE CONSENT AGENDA.**

The motion was made by Commissioner Woodlief and was seconded by Commissioner Johnson. It passed unanimously.

The next item on the agenda was New Business. The first item under New Business was the Special Use Permit for Mr. Sherwood Newkirk for Youngsville Crossing Shopping Center. Commissioner Stallings asked what Sweepstakes Gaming was and Mayor Hardwick stated it was an internet café. Commissioner Stallings wanted a more detailed explanation of what that entailed. Mr. Newkirk stated that they would offer services such as copying and faxing and would also offer the option for sweepstakes gaming. He explained that the Sweepstakes worked by purchasing internet time to play the game. The game worked by revealing its numbers to win. He stated that it was a predetermined response and not like a slot machine, basically it was a scratch off card for the internet. You can win cash prizes. Commissioner Stallings asked who governed this type of gaming and Mr. Newkirk stated that at this point it was not governed by anyone. He explained that there was an injunction by the State that allowed them to continue operating for the time being. Commissioner Woodlief asked how long the injunction would last and Mr. Newkirk stated that it was unknown, though it would be coming back up in the Legislature in May. Commissioner Stallings asked if there were any kind of licenses required and Mr. Newkirk stated that only the business license. Commissioner Redd asked if there would be enough people interested since there were already two others in town and Mr. Newkirk stated that he felt there would be. Commissioner Woodlief asked what the hours would be and Mr. Newkirk stated that he would like to have it opened 24 hours. Commissioner Woodlief stated that he did not like that idea. Robbins stated that there were already other stores that were opened 24 hours in that shopping center. When asked if the Board could set conditions, Robbins stated no since this was a Special Use Permit instead of a Conditional Use Permit. Concerns were

brought up about the 24 hours being a burden on the Police Department and Robbins stated that any business regardless of the type would be an additional strain on the Police Department. Commissioner Woodlief stated his main concern was that the later hours would draw in a bad element. Chief Kirts asked how the payouts for winnings would be handled and Mr. Newkirk stated that the smaller winnings would be in cash and any bigger winnings would be by check. He stated that the computer terminals would be also used by kids doing homework, not just for Sweepstakes gaming. Mayor Hardwick asked if there would be regulations keeping the younger kids from playing the game and Mr. Newkirk stated that there was a way to set up the younger kids from having access to the Sweepstakes gaming. Commissioner Stallings asked how many could be online at a time and Mr. Newkirk stated that there would be 40 terminals with attendants controlling which machines have the Sweepstakes. They would be the ones in charge of making sure the younger children are not allowed to play. He stated that you have to be 18 to play the Sweepstakes and that an age limit could be put on the business. When asked Mr. Newkirk stated that there would be vending machines for food and drinks but no concessions. There would be no alcohol permitted.

**MOTION: TO TABLE THE APPLICATION FOR A SPECIAL USE PERMIT FROM SHERWOOD NEWKIRK FOR 30 DAYS.**

The motion was made by Commissioner Woodlief. It died for lack of a second.

James Hall, a partner of Mr. Newkirk, stated that if it was run properly there would be no problems. He also wanted to mention that they did do things for the community such as sponsoring Parks and Recreation and charities. He stated that they did want to be good members of the community. Commissioner Johnson asked Chief Kirts if there had been any problems with the ones already located in Youngsville. Chief Kirts stated that there had not been any problems with the one in town but that there had been issues with the one located beside Fox's Pizza on US #1 but that it was not in our jurisdiction. Mr. McPhillips stated that the one by Fox's Pizza looked like a casino and the one that will be located at Youngsville Crossing will look more professional with the business center in the front and the terminals located in the back of the office and the front windows would possibly be tinted. Mr. Newkirk stated that there would be security cameras and a buzzer system to let people in the back room to help with security. Commissioner Woodlief asked what the revenue percentage would be for each business and Mr. Newkirk stated that it would probably be around 80% for the Sweepstakes and 20% for the business center. Commissioner Stallings stated that 40 terminals seemed to be a lot and asked about the capacity of the space. Mr. McPhillips stated that it would be about 1500 ft of terminal room for fire code but they only expected about 30 people at a time. Robbins stated that the Fire Marshall would be the one making the call on how many people could be in the office at one time. Mr. McPhillips stated that they would know if they would need to adjust the terminals after the capacity had been determined by the Fire Marshall. Mr. Newkirk stated that there were around 15 of these businesses in Raleigh and the Police Department did not have to go to them often. Robbins stated that there was one in Louisburg with the blinds lowered so that all you could see were the people's legs. Robbins also stated that she felt that Gemini would not let this business become an eyesore, they would not want it to affect them renting out any of the other spaces. Mr. McPhillips stated that their office did some research and though some of the Sweepstakes look unsavory, most are professional looking. Robbins asked if the contract with Gemini

says what would happen if there were problems and Mr. McPhillips stated that they can default the business if the rules are broken. Robbins recommended that the Board table it until next month so that they could take a look at the rules that Gemini had setup in their contract with Mr. Newkirk.

**MOTION: TO TABLE THE DISCUSSION UNTIL THE MAY BOARD MEETING IN ORDER TO LOOK OVER THE CONTRACT BETWEEN GEMINI AND SHERWOOD NEWKIRK.**

The motion was made by Commissioner Stallings and was seconded by Commissioner Woodlief. It passed unanimously.

The second item under New Business was the NCLM Municipal Environmental Assessment Coalition Project Participation Agreement. Robbins explained that it was something that we were asked by the NCLM to adopt. She stated that they were trying to get all of the municipalities to adopt this.

**MOTION: TO ADOPT THE NCLM MUNICIPAL ENVIRONMENTAL ASSESSMENT COALITION PROJECT PARTICIPATION AGREEMENT.**

The motion was made by Commissioner Woodlief and was seconded by Commissioner Johnson. It passed unanimously.

The third item under New Business was to go into Executive Session to discuss personnel. Executive Session started at 7:28pm and ended at 7:53pm.

The next item on the agenda was Reports and Other Business. Mayor Hardwick stated that he had been involved in the replacement process of Representative Lucy Allen. He wanted to state that the Town has appreciated all of the things that Representative Allen has done for Youngsville. Mayor Hardwick also wanted to mention that he was glad Robbins was back from her surgery.

Commissioner Stallings wanted to mention that debris has been blowing from the area by the Youngsville Rescue construction and tends to get blown to Mr. Hall's house. Commissioner Stallings also wanted to know about the new parking lot at the Youngsville ABC Store. He wanted to know how that was getting paid for and Robbins stated that it came out of the ABC Store budget. He asked who approved for it to be paved and Robbins stated that the ABC Board did and that it was estimated at around \$18,000. When asked why it was necessary to pave it, Robbins explained that it had been needed for a long time. There were huge potholes and the delivery truck was having problems getting close to the building so that area had to be built up. She also stated that this would also add some space for parking.

Commissioner Johnson stated that the areas paved by the new manholes looked good and that the Easter Egg Hunt went well.

Commissioner Redd stated that the Public Hearing for Stephen's Glen last month had brought some issues to light for her. She asked if there were ways to get the public more

involved with changes that are happening in the Youngsville area. She was wondering if there were sections on the web page that could be expanded with more information about local meetings and such. She stated that she knew it was not the Town's responsibility to inform the neighborhoods for changes like the Stephen's Glen Special Use Permit but to maybe require the developers to notify their residents. Robbins stated that she had spoken with David Culley and told him that he needed to let the residents know but it seemed that he decided against that. Robbins stated that for Public Hearings of that nature, signs were put out two weeks ahead of time and it was advertised in the local paper as well. Commissioner Redd stated that she wanted more clear communication with the citizens and Robbins stated that the citizens also needed to be proactive in looking for information for their community. Mayor Hardwick stated that another section could be added to the website. Robbins stated that Gil Johnson is the webmaster and we could ask him if he can add a page with extra information for things like that. Mayor Hardwick stated that Youngsville is changing and the website has been a good help for our citizens.

Commissioner Redd also stated that Franklin County Commissioners are looking to instate a Conflict of Interest Policy. It would do two things. The first was to keep Commissioners from taking personal actions that could have a negative impact on their service to the Board. The second thing was to keep family members of the Board from working for Franklin County. She stated that she felt those were important things for a Board to have. Commissioner Harry Foy presented a policy that was written for another Board and Franklin County is looking to work on one that will work for them. Commissioner Redd stated that they will be going to ethics training and will do a work session including the new policy. She stated that once Franklin County worked out their policy that Youngsville should also adopt one suited for us as well. She stated that this will help maintain accountability for the Town of Youngsville. Robbins stated that the Town Commissioners would also have to undergo ethics training before January of 2011.

Chief Kirts stated that last week, the Police Department received a donation of 10 almost new vests and around 40 duty belt items. He stated that these were worth around \$5,000 and left the officers only needing the new belts and holders to have the set. Chief Kirts stated that he has stepped up traffic enforcement during day and night shifts and, that has doubled the amount of DWI's from last month.

Chief Kirts also wanted to bring to the Boards attention that several of the patrol cars have over 150,000 miles and were in critical condition. He stated that it could affect patrols and response times. Mayor Hardwick acknowledged that the Town has always had problems with the cars. He also wanted to mention that the Police Department was doing a great job.

The meeting adjourned at 8:08 pm.