



The regular meeting of the Board of Aldermen was held Tuesday, June 25, 2019 at 6:00 p.m. in the Assembly Room of the Municipal Building.

The following members of the Governing Body were present:

Mayor: Danny Ritchie  
Alderman: Terry Yount  
Alderman: Dennis Anthony  
Alderman: Matt Johnson  
Alderman: Rick Cline

Others present:

Town Manager: Sherri Bradshaw  
Town Clerk: Sherry Dula

Absent:

Attorney: Rod Willcox

Mayor Ritchie opened the meeting and Alderman Anthony led the Pledge of Allegiance followed by a moment of silence.

**Approval of Minutes:** The Council voted unanimously to approve the June 4th minutes by a motion from Alderman Yount, seconded by Alderman Johnson.

**Public Hearing for 2019-2020 Budget** – A public hearing was opened at 6:01 pm by a motion from Alderman Cline, seconded by Alderman Anthony. Manager Bradshaw reviewed the budget totals for 2019-2020. Mayor Ritchie called for a motion and second to accept the 2019-2020 proposed budget and Alderman Yount made the motion, seconded by Alderman Cline. With no further discussion in the public hearing a motion was made by Alderman Johnson, seconded by Alderman Anthony to close the public hearing at 6:04 pm.

Upon exiting the public hearing, Mayor Ritchie asked for a vote on the 2019-2020 Budget with 3 votes for and 1 vote against accepting the proposed budget. Alderman Cline voted no because he states he is not for the 2% personnel cost of living increase and he also stated he is not for recreation personnel. Alderman Cline stated that he is trying to take care of things now and he is looking at the future so that we don't have to raise taxes.

**Rezoning Request** – Mayor Ritchie spoke to the visitors to explain a few things before going into public hearing. He stated that we do have a zoning situation and this property needs to come in line with other area businesses. The zoning request and the electronic gaming establishment issue are two totally separate items. Mayor Ritchie stated that he is aware that citizens are concerned with the current type of business conducted in that area and those that have signed up to speak will be given that opportunity to express their concerns. He is hoping that a lot of their questions will be answered with the help of our planner from Western Piedmont Council of Governments, Ashley Kale.

Ashley Kale opened her presentation by explaining that the applicant, Mr. Johnny Shull has requested that his commercial buildings located at 2725 US 70 E and 2735 US 70 E be rezoned from M-1 Manufacturing to B-2 General Business. She stated that the proposed rezoning to B-2 would bring the current tenants into compliance with the zoning district and would allow for more suitable uses of the property. The proposed rezoning request is consistent with the future land use patterns described in the Drexel Community Land Development Plan 2020 adopted in 1998. Ms. Kale also explained that because of the location of the property neither of the buildings in the rezoning request are permitted to operate as an electronic gaming establishment. The Town of Drexel Ordinance has a stipulation in our ordinance that places certain areas such as churches in a

protected use area and electronic gaming establishments are not permitted within 1,000 feet of those areas. This building is less than 1,000 feet from Christ United Methodist Church so therefore it does not comply with the Town Ordinance.

Mayor Ritchie asked the attorney since the gaming establishment is not in compliance with either zoning district, is there anyway the current establishment can be grandfathered in and Attorney Willcox stated no it could not.

Alderman Cline asked Mr. Shull what his future plans were. Mr. Johnny Shull stated that the entire area at this time is zoned manufacturing and if it should stay that way then he would be limited to what businesses would be allowed in his buildings. He states the issue is that he wouldn't be able to rent the building out if the tenants are expelled and it stays manufacturing because it wouldn't be in compliance unless I place a wrecking or junk yard or other various businesses. It is our desire to rezone to B-2 General Business so that we can rent to more suitable tenants. Alderman Anthony asked if he ran any of the gaming machines or was just leasing the building only. Mr. Shull stated he just leases the building only. Mayor Ritchie asked if Mr. Shull received any financial compensation from the gaming establishment other than rental of the property and Mr. Shull stated that they did not.

Chief Treadway stated that this property is outside the town limits and our law enforcement has no jurisdiction at that property, this is the jurisdiction of the Burke County Sheriff's Department but we do provide mutual aid. He stated that according to Sheriff Whisnant there is a plan in the works to cease the gaming establishments but he is not at liberty at this time to give any further information on this plan. Alderman Yount stated that he thought they had already been served notice to cease operations. Mayor Ritchie asked Chief Treadway if they had been served and he stated yes. Alderman Yount stated that we should just back up a truck and seize all their machines. Mayor Ritchie asked the Chief if the Sheriff's Department knew about this letter and if there was a possibility that they would assist in seizing the machines. Chief Treadway stated they had it all in place to handle the gaming establishments until the new District Attorney came on board but now they are having to wait for a new plan of action to be implemented. Manager Bradshaw stated that the establishment had been served papers to cease operation earlier this year because the property was not in compliance with the M-1 Manufacturing and then Mr. Shull asked for a rezoning of the property. At that time, the current tenants were granted an extension to stay in the building until he could get everything moved out and the second time we went out was when Mr. Shull got involved and asked for a rezoning of the property. After this request, the tenants were granted a second extension to stay in the building until the rezoning process was completed. Mayor Ritchie asked if the paperwork gave him a certain number of days to move from the building after the rezoning process is completed. Manager Bradshaw stated it does not have a timeframe for him to move out. She stated that once we started the rezoning process is when we determined the proximity of the building would not meet the Town's zoning requirements. Even though he requested rezoning, it would still be non-compliant because the proximity of the building does not meet the town ordinance stipulations. Mayor Ritchie then asked the board for a motion to contact and serve notice to give the current tenants x number of days to move out and a motion was made by Alderman Yount, seconded by Alderman Johnson to give 10 days grace upon receiving of notification to stop operation and the vote was unanimous. Alderman Yount stated that after the time period had expired, machinery would be confiscated. Chief Treadway asked the Mayor who would be responsible for seizing the machines? Mayor asked if the Sheriff's Department would assist in seizing the machines. Chief Treadway stated that they will not seize the machines unless criminal charges were brought against the business because they wouldn't have anywhere to store them until they go to court which could take a year or more. Mayor Ritchie asked if we could store in the water plant and Chief Treadway does not want to be responsible for holding those machines. Alderman Yount made them aware that if they were stolen or damaged while in our possession then we would be responsible. Mayor Ritchie then asked the attorney, if we should send the letter and they don't

vacate the property then can we fine them and Attorney Willcox stated the general statute says \$50 per day. He states that we could probably seek injunctive relief but we would have to go to civil court. We wouldn't have the right to remove the machines but with injunctive relief through civil court, we would have the right to padlock the business. Alderman Anthony asked why Mr. Shull didn't request them to get out or do an eviction. Mr. Shull answered by stating he wasn't at the meeting for the gaming establishment issue, he was there for the rezoning and could not comment on the eviction of the current tenants until he sees the cause of action to be served by a letter to the tenants because it appears that the Town was going to do that for him. Mayor Ritchie reiterated that the gaming establishment is out of compliance regardless of whether it's rezoned general business or not. Attorney Willcox explained that the Board has directed the steps to be taken and it is not an overnight process but it will not be allowed to be used as a gaming establishment in the future.

**Public Hearing for Proposed Rezoning Request** – A motion was made by Alderman Johnson, seconded by Alderman Anthony to open the public hearing for the rezoning request at 6:34 pm. Mayor Ritchie opened the meeting for public comment. The following citizens commented:

- Rev. Cindy Wechter, pastor of Christ United Methodist Church was there to address the gaming facility issues and the trouble that it's causing the neighborhood. She would like to see good businesses on 70 and the Town of Drexel grow. She is there for the gaming issues so since the public hearing is for rezoning she will not be speaking on that matter. If you have any questions about the issues we have ran into in the community then I can address those.
- Johnny Cuthbertson – I work at the Sunshine Carwash and ever since the gaming establishment came the carwash has had break ins in the vacuums and in the backdoor. He sees them looking in automobiles. If something isn't done then someone will get hurt.
- Doug Williams, lives in Stonehaven Condominiums. I see them dropping off girls. You know they aren't in there playing pacman or donkey kong. The place is always packed. When I have spoken to any of them and asked where they live, they always say I'm just passing through. Someone is going to get hurt. Most of the people who live in our community are retired and some get out and walk their dogs and the people are sitting out on the side of the building and I don't know what they are doing. The people ask for money cause they say they don't have money to eat. Some of the elderly are going to get attacked.
- David Coffin, president of the homeowners association for Stonehaven was present and he states that they are scared to death. There is a bad element over there and he is not there to be unneighborly to the Shulls, they have a right to make an income off their property. There are drugs deals going down and young girls being dropped and picked up later in the day. They fixed up the basement and we don't know what might be going on in that basement. I walk my dog behind the medical building and the language I hear over there and young women screaming and running down past the medical building with guys running after them, it's just a matter of time before something is going to happen and it's going to be serious and I hope it's not all on our shoulders.
- Rita Poteet, resident on Starnes St. I am just a few feet from this establishment and I fear for my family. The people from the establishment are always walking up and down the street shaking their hands and one guy even got a stick and acted like he was sweeping the street all the way down to the gaming steps. My car was broken into. One night I got up and 5 men were standing under our security light and they were talking loud. I understand that some of them have been sleeping at the tennis courts. One morning a car went flying up our street and then back down and flew in behind the building and a girl got out and was screaming bloody murder and ran.

- Jeff Mercer, part owner of Drexel Discount Drug was there to address the same issues and he stated a lot of his questions have already been answered. I see first hand things going on in our parking lot and people harassing and begging our customers for money. We have a lot of elderly patients coming into the store and I just want to protect our patients.
- Frances Burroughs, lives across from Stonehaven is here to represent some of her neighbors. She has seen girls standing at the church smoking and she is thinking may be some prostitution. We need to get rid of this place.
- Ricky Staley, owner of Sunshine Carwash states that he finds needles, drugs and human feces in the trash. Someone broke into the building and stole money. They have destroyed property which is expensive. They stick stuff in the bill changers and even say they have put money in the changers and said it took their change when they didn't put any money in the machine. He would like to put up more cameras. He believes they are selling drugs in the carwash bays. I have nothing against the landowners, just think that something needs to be done.

A motion was made by Alderman Johnson, seconded by Alderman Yount to leave public hearing at 6:58 pm.

A motion was made by Alderman Johnson to approve the Planning and Zoning Board recommendation to rezone 2725 & 2735 US 70 E from M-1 Manufacturing to B-2 General Business, seconded by Alderman Yount and the vote was 3 voting yes and 1 voting no.

Alderman Cline stated that since they own the business why can't they as owners ask them to leave? If you wanted to evict I know there is a period of time. I'm concerned and I'm totally against gambling and this needs to go. I understand the County is working on a plan so lets give them a little time.

Mr. Coffin had one more question, is there any way to limit hours of operation to normal business hours. Mayor Ritchie stated that would have to be answered by the County because we only have zoning jurisdiction for this property because this is outside the town limits of Drexel and we don't have the authority.

Mayor Ritchie thanked the Shulls for being there and asked if they understood the concerns of the citizens and if there is any way they could help the Town with this matter, we would appreciate. Mr. Shull stated that he understands the concerns.

**2019-2020 Electric Rate Schedule** – Manager Bradshaw explained that the only change to the electric rate schedule was in the renewable energy fees:

Residential went from \$ 0.68 to \$ 0.72 and Commercial from \$3.62 to \$3.93

A motion was made by Alderman Cline, seconded by Alderman Johnson to approve the changes in the electric rate schedule and the vote was unanimous. A copy of the rate schedule is attached as part of the minutes.

**WPCOG Agreement for Technical Planning Assistance and GIS Maintenance** – A motion was made to enter into the agreement for Technical Planning Assistance and GIS Maintenance with WPCOG by a motion from Alderman Anthony, seconded Alderman Johnson and the vote was unanimous. A copy of the agreement is attached as part of the minutes.

**Departmental Reports** – Since this meeting replaces the July meeting and we haven't reached the end of June yet then the reports could not be calculated yet. June and July reports will be available at the August meeting.

**Attorney Report** – Nothing to report at this time.

**Flex Route Bus Service Update** – The Flex Route Bus Service continues to be a free service through the end of August. Some changes have been made to the scheduled stops in order to improve services and to accommodate the needs of riders. For Drexel, a stop was added in the area of the Cash Points and Drexel Kwik Mart on Oakland Ave. The stop at the R.O. Huffman Center was eliminated.

**Miscellaneous** –

- Next meeting will be August 6th at 6 pm
- ElectriCities Annual Conference will be August 12<sup>th</sup> – 14<sup>th</sup> in Williamsburg, Virginia

**Adjournment** – A motion was made by Alderman Yount, seconded by Alderman Anthony to adjourn the regular meeting at 7:13 p.m. and the vote was unanimous.

TOWN CLERK \_\_\_\_\_

MAYOR \_\_\_\_\_

ALDERMAN \_\_\_\_\_

ALDERMAN \_\_\_\_\_

ALDERMAN \_\_\_\_\_

ALDERMAN \_\_\_\_\_