

**TOWN OF BISCOE**  
**BOARD OF COMMISSIONERS MEETING**  
**December 12, 2018**

***\*Note: The Original Date of this meeting was December 10, 2018. It was postponed due to snow/ice until December 12, 2018.***

The Biscoe Town Board of Commissioners met in a regular session on Wednesday, December 12, 2018 at 7:00 pm in the Municipal Building. Present were: Mayor Jimmy Blake, Mayor Pro-Tem Jerry Smith, Commissioners Gene Anderson, Kay Cagle Kinch and John Beard. (James Cagle, Jr. "Jimmy" Cagle's seat is vacant due to his death on December 30, 2017).

Members of Management Present: Town Manager Brandon Holland, Town Clerk Laura Morton, Public Works Director Sam Stewart and Police Chief Brent Tedder.

**Call to Order/Pledge of Allegiance**

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Mayor Blake called the meeting to order at 7:00 pm. The Pledge of Allegiance to the American Flag was recited and a moment of silence was observed.

**Conflict of Interest Statement**

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"In keeping with the Conflict of Interest Laws outlined in Chapter 138A of the North Carolina Board of Ethics, any conflicts of interest or appearance of conflict with matters coming before the Board of Commissioners should be declared," "Having received our agenda for this evening's meeting, are there any conflicts of interest to be announced? If so, please, state them at this time."

Commissioner Anderson told the Board he was going to abstain from the vote on the Consent Agenda due to the ABC Board Appointment.

**Approval of the Consent Agenda**

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*A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch and so the motion carried unanimously to approve consent agenda items:*

- a) Approval of the Agenda
- b) Approval of November 13, 2018 Regular Meeting Minutes
- c) Reappointment of Gene Anderson to the ABC Board
- d) Approval reappointed Fire Chief Sam Stewart

*Please note December's Monthly Financial Report will be provided at January's meeting.*

*AYES: 3; NAYS: 0 Commissioner Anderson Abstained*

North Carolina Governor's Highway Safety Program  
**LOCAL GOVERNMENTAL RESOLUTION**

**Request for Approval of Resolution for  
Police Department Grant**

Manager Holland presented a request for Approval of Resolution for Police Department Grant. The grant would require a \$17,500 match from the Town.

A motion was made by Commissioner Anderson, seconded by Commissioner Beard and so the motion carried unanimously to approve the Resolution and other paperwork to receive request a Police Department Grant.

**Set Public Hearing for Internet  
Sweepstakes/Game Room/Electronic  
Gaming Text Amendment**

Manager Holland requested the Board schedule a Public Hearing for the Internet Sweepstakes/Game Room/Electronic Gaming Text Amendment and a Public Hearing for Melissa Barrett's Game Room Application.

Manager Holland said the highlighted areas are issues the Board will need to discuss and make a decision on at the next meeting.

Mayor Blake said we are trying to be fair to everyone.

Manager Holland said the application process is the same.

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch and so the motion carried unanimously to set a public hearing for the January 2019 meeting (January 14, 2018). *The proposed text amendment is as follows:*

**TOWN OF BISCOE  
INTERNET SWEEPSTAKES CAFÉ/GAME ROOM/ELECTRONIC GAMING**

- Intent
- Definition
- Permit Required
- Criminal History Check Authorized
- Disqualifications
- Prohibited Conduct
- Rules for Operation
- Signage
- Removal to Another Location
- Revocation of Permit

WHEREAS, the Biscoe Police Department (herein called the "Agency")  
(The Applicant Agency)  
 has completed an application contract for traffic safety funding; and that Biscoe Town Council  
(The Governing Body of the Agency)  
 (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Biscoe Town Council IN OPEN  
(Governing Body)  
 MEETING ASSEMBLED IN THE CITY OF Biscoe, NORTH CAROLINA,  
 THIS 12 DAY OF December, 2018, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Police Chief Brent Tedder is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 17,500.00 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and  
(Name and Title of Representative)  
(Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 17,500.00 as required by the project contract; and  
(Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Mayor James E. Blake  
(Chairperson/Mayor)

ATTESTED BY Laura B. Morton SEAL  
(Clerk)

DATE 12-13-2018



## **INTENT**

In the development and adoption of this Section, it is recognized that some uses can have objectionable characteristics if not properly monitored, thereby having a detrimental impact upon property values, public safety, and the quality of life. The purpose of these regulations is to preserve the integrity and character of internet cafes, to deter the spread of urban blight, to protect the public from activities prohibited by state law.

## **DEFINITIONS**

As used in this Section only, the following terms shall be defined as set forth below. All other terms shall have their customary meaning.

*INTERNET CAFÉ.* An internet café is a place where one can use a computer with Internet access, usually for a fee, either per hour or minute; or with a pass for a day or month, etc. It may serve as a regular café as well, with food and drinks being served. This definition does not include internet sweepstake cafes.

*GAME ROOM.* Any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, amusement centers, video game rooms and the like.

*ELECTRONIC GAMING DEVICE.* Any electronic device (computers, terminals, etc.) that is capable of visually displaying information to sweepstake entrants in the form of game play, or simulated game play, including but not limited to:

A video poker game or any other kind of video playing card game, video bingo game.  
A video craps game, video keno game, video lotto game, eight liner, pot-of-gold.

Video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

*INTERNET SWEEPSTAKES.* Any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

## **PERMIT REQUIRED**

- (A) Every operator of a game room shall be required to pay a privilege permit tax in accordance with the privilege permit ordinance contained in this code.
- (B) In addition, every operator of a game room shall apply for and obtain a permit from the Town Manager, or his or her designee, to operate a game room. Application for a permit shall be made upon forms provided by the Town Manager or his or her designee.
- (C) An application fee shall be paid when the application is submitted to cover the cost of administration of this chapter.
- (D) The permit shall expire on June 30 of each year and shall not be transferable.
- (E) A new permit must be applied for and obtained, by the operator of the game room, annually, in accordance with divisions (B) and (C) above.
- (F) It shall be unlawful to operate a game room within the town without a permit as required by division (B) above.
- (G) Internet sweepstakes cafes shall be permitted in HB Highway Business District as a conditional use, subject to the requirements of this section.

### **CRIMINAL HISTORY CHECK AUTHORIZED**

- (A) A criminal records background check is required for applicants for permit under this chapter, in order to protect the public health, safety and welfare.
- (B) The background check shall be conducted by the Town Police Department in conformity with state law. The result of the background check can determine the suitability of the applicant.

### **DISQUALIFICATIONS**

- (A) Permit shall not be issued to any applicant who:
  - (1) Has been convicted of unlawfully selling alcoholic beverages, intoxicating liquors or narcotic drugs;
  - (2) Is not a resident of the state; or
  - (3) As a result of the criminal background check, the Town Manager, or his or her designee, determines that the applicant's operation of the business for which the permit is applied would create a risk of illegal activity, because of the applicant's previous conduct involving moral turpitude.
- (B) If the Town Manager, or his or her designee, denies a permit to an applicant, the applicant shall be notified, in writing, of the decision within 15 days of the decision and the applicant shall be notified of his or her right to appeal the decision to the Board of Commissioners.
- (C) If an applicant, who has been denied a permit, requests an appeal in writing to the Board of Commissioners within 30 days of the date the notification letter was mailed from Town Hall to the applicant, he or she shall be granted a hearing of appeal by the Board of Commissioners. The hearing shall be held by the Board of Commissioners within 30 days of receiving written notice, from the applicant, that a hearing is desired.

### **PROHIBITED CONDUCT**

Permittees under this chapter shall not, and neither shall their employees:

- (A) Suffer or permit any gambling on the permitted premises at any time; nor the sale or use of any racing, football or other parlay cards, or gambling boards or devices;
- (E) No loud noises shall be allowed to emanate beyond the permitted premises.
- (B) Suffer or permit the permitted premises to become disorderly; or permit any profane, obscene or indecent language thereon;
- (C) Suffer or permit any alcoholic beverages, intoxicating liquors or narcotic drugs to be sold or kept or consumed on the permitted premises;
- (D) Employ, in carrying on the business, any person who has been convicted of unlawfully selling alcoholic beverages, intoxicating liquors or narcotic drugs;
- (E) Employ, in carrying on the business, any person who has been convicted of an unlawful sex offense; or
- (F) Employ, in carrying on the business, any person who has been convicted of any offense against a minor, as defined by state law.

### **RULES FOR OPERATION**

The following rules shall be observed by all operators of game rooms within the town.

- (A) All game rooms are allowed to remain open from 7:00 a.m. until 12:00 midnight, seven days per week.
- (B) No play on any game shall be allowed during the times when game rooms are required by this chapter to remain closed.
- (C) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside

- may be had from the street.
- (D) No screens, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
  - (E) No electronic gaming device shall be used for sweepstake activities prohibited by State law.

#### **SIGNAGE**

- (A) In addition to the sign regulations of the zoning ordinance, signs shall not obstruct the view of electronic devices from exterior of the building.
- (B) Window signs shall cover no more than 25% of the window surface area.

#### **REMOVAL TO ANOTHER LOCATION**

- (A) The removal, from one location to another, of any business designated above shall require a new and separate permit to operate and privilege permit.
- (B) The owner must apply for and obtain the required permits prior to relocating the business. All provisions of this chapter shall apply to the business at its new location.

#### **REVOCAION OF PERMIT**

After giving the operator of a game room adequate notice and an opportunity to be heard, the Board of Commissioners may revoke the permit of any game room operator who:

- (A) Violates any provision of this chapter; or
- (B) Is convicted of unlawfully setting alcoholic beverages or narcotic drugs.

#### **Public Comment**

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No one spoke during the public forum.

#### **Adjournment**

There being no further business to bring before the Board, Commissioner Beard made the motion to adjourn, and Commissioner Kinch made the second. All voted in favor. Meeting adjourned at 6:25 p.m.

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Laura B. Morton, Town Clerk