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**Planning Board**

**January 27, 2022**

**Minutes**

Chairman Tom Hardy called to order a meeting of the Planning Board at 2:00 PM at the Warrenton Town Hall. Attending were Town Administrator Robert Davie, Tracy Stevenson, additional board members Georgiana Weddington, Cynthia Jenkins and George Humphries, and Town of Warrenton legal counsel, Mr. Mitch Styers. Attending via Zoom were Board Member Kristi Steed, property owner, Daymond Milam and Mr. Milam’s legal counsel, Mr. Eugene Lester. A roll call was conducted and a quorum was present. Several surrounding property owners and concerned citizens were also present as well as attending via Zoom.

The minutes of the prior Planning Board meeting were read and a motion to approve was made by Cynthia Jenkins and second by Georgiana Weddington. The motion was approved by unanimous vote. Chairman Tom Hardy asked if any ex-parte communication had taken place. There was none. Chairman Hardy inquired of conflicts of interest with the applicant and application for Special Use. There were none. Mr. Hardy then opened the public part of the meeting.

**109 S. Hall Street Special Use Permit**

Daymond Milam has requested a special use permit to open Play D’Out, LLC, a Children’s Arcade/Mentorship Program at 109 S. Hall Street. Chairman Hardy requested that anyone wishing to speak please identify themselves so they could be sworn in or affirmed at the appropriate time. After swearing in, Mr. Hardy asked the Town Administrator, Robert Davie to detail the staff finding of facts. Mr. Davie stated that staff could not recommend approval of the Special Use permit due to various issues with the application and requirements of the ordinances, which included insufficient parking, numerous citizen complaints of existing businesses located on the premises, and lack of screening from adjoining properties. Mr. Davie presented the staff finding of facts as Exhibit 1 and presented a map of the area as Exhibit 2. Mr. Humphries questioned if the distance of the proposed arcade from the existing gaming establishment met the requirements of the Town ordinance. Mr. Davie indicated there was no Town ordinance with specified distance requirements.

After swearing in, Chief of Police Goble Lane was called as a witness in reference to parking complaints received by the town at the proposed location. There were no questions from applicant’s counsel.

After a swearing in of the applicant, Daymond Milam, the applicant’s counsel called to witness the applicant and property owner, who introduced himself to the group and stated that his reason for opening the Play D’Out children’s arcade was to give back to his native community and to give the children of Warren County something to do to keep them out of trouble. He further stated that the arcade was not currently open to the public. He stated that there was a door between the existing bar and the proposed site for the arcade but that it was locked on both sides. In reference to the newly constructed driveway, he stated that there was ample space for two-way traffic to access the driveway. He also stated that there were currently 30 or more available parking spaces so he does not think parking would be an issue. Mr. Milam stated that safety was not a concern for him due to a 24 hour surveillance camera system that he has at the location. In reference to the operating hours of the arcade, he stated that the arcade will close before the bar opens, with the exception of possible overlapping of hours during the summer. He addressed the concerns of the screening of adjoining properties by stating his plans for additional landscaping. Attorney, Mitch Styers questioned the applicant and asked if a site plan had been submitted with the application and further stated that the entire property must be considered as one parcel – one building. Mr. Humphries questioned the occupancy allowed by the fire marshal for each individual business located in the building. Counsel for the applicant requested time to submit a site plan. Mr. Styers stated the board could delay decision on the Special Use permit to allow applicant to submit the requested items for consideration by the board. Mr. Lester stated a site plan and occupancy limits would be submitted by February 4, 2022.

Dr. Cosmos George was sworn in and called as a witness by applicant’s counsel. He stated he felt the proposed arcade would be a positive impact on the community, boosting children’s dexterity, hand to eye coordination, and possibly preparing the next generation of surgeons. There were no questions by counsels or board members.

As there was no objection to hearing public comments by either party, Mr. Hardy opened the meeting to same.

Mr. Dwayne Hicks, an adjoining property owner, stated that he had reported numerous noise complaints to the Town, not just from the existing bar but also from music blaring from an open door to the arcade, the cumulative events, he felt, showed a lack of respect. He further stated that there was an issue with the property marking of the area and Mr. Milam’s survey did not match the original survey, but he was unable to track down a copy of the original survey. He told the board that Mr. Milam’s statement of 30+ available parking spaces was not true. Mr. Hicks stated that he was an eye witness to the fact that the hours of operation of the bar and the arcade do overlap. There were no questions by counsels or board members.

Ms. Yvette Roberts stated that Mr. Milam should be applauded for his efforts to give back to the youth of Warren County and that she felt the Play D’Out arcade was a great concept. There were no questions by counsels or board members.

Rev. Deloris Jerman stated that during her career she has worked with children at various levels and that they need something to occupy their time. There were no questions by counsels or board members.

Ms. Lakesha Perry stated that she is the fiancé of Applicant, Daymond Milam. As a child growing up in Warren County she remembers an arcade possibly owned by Mayor Gardner. She further stated that Mr. Milam has had sleepless nights over this issue. There were no questions by counsels or board members.

With no additional comments from the public, Chairman Hardy stated to all that the board’s duty was to determine whether the applicant met all the criteria for a special use permit not the merit or worth of the proposed enterprise.

Attorney, Mr. Lester, stated in reference to Town Ordinance 151.113 (B) it is at the board’s discretion to impose additional reasonable conditions and safeguards as may be necessary for the permit to be approved.

A motion was made by George Humphries to suspend the meeting and reconvene on February 10, 2022 at 2:00 p.m. to allow the applicant and his attorney ample time to submit the requested site plan and occupancy information as requested by the board, which was seconded by Cynthia Jenkins. The motion was approved by unanimous vote.

With no further business, the meeting was adjourned.