

Planning Board Meeting
February 9th, 2015

6:30 PM

Council Chambers

Minutes & General Account

Planning Board Members Present: Art Wise, Chair; Sarah Glanville, Vice-Chair; Kerry Miller, Dot Perdue, Eddie Oakley, Ted Johnson and Steve Monroe, ETJ.

Council Liaison: Lynn Montgomery

Staff Present: Chuck Smith, Carrie Spencer, Jessie Day, PTRC, and Martha Wolfe

Visitors: Glen Fesko, Sr., Mary Gillett, Carol Brooks of the Jamestown News, Glen Fesko, Jr., Larry Kiser, Michael Fesko and Cheryl Fesko

1. Call to Order – Art Wise called the meeting to order.
2. Introduction of new Board Member and Town Staff – Eddie Oakley introduced the new ETJ Member, Steve Monroe. Mr. Monroe lives in Cedarwood Subdivision. He has lived here for over 20 years. The Members welcomed him to the Board.

The Town Manager introduced the new Town Planner, Carrie Spencer. She has been on staff for about 2 weeks. We are glad Carrie is with us and look forward to working with her.

3. Approval of minutes from the January 12, 2015 meeting – Kerry Miller made a motion to approve the minutes from the January 12, 2015 meeting as presented. Sarah Glanville made a second to the motion. The motion passed by unanimous vote.
4. Review and discussion of definitions and draft ordinances regarding Hookah Cafes and Vapor Lounges as permitted uses – Carrie Spencer, Town Planner, stated she was a spectator at the last meeting. It seems at the last meeting, there were still some unknowns about what e-cigarettes are and their use. Since her hiring as Town Planner, she began to research the subject. She quickly found information on opinions from the medical profession. Setting that aside, our job is not to determine whether it is a health risk. However, it is of significance to recognize there are tobacco smokers that have quit smoking with the use of e-cigarettes.

She also spoke with GTCC Community College to hear their policy regarding e-cigarettes. They would like for the Planning Board to consider the temptation of this type of use near their smoke-free & tobacco free campus. They are a tobacco free campus which includes e-cigarettes.

Per Spencer, the FDA has not decided whether to deem e-cigarettes as the same use as tobacco. The NC Statues have limited age restrictions to purchase e-cigarettes. Must be 18 years old to purchase. They have not yet included e-cigarettes in the category of tobacco restricted use at bars and restaurants.

Spencer stated that NC has included e-cigarettes in the definition of tobacco for purposes of defining a tobacco store. Up until now, anybody that wanted to open a Hookah Lounge or e-cigarette store could do so wherever a tobacco store was allowed. Our Town ordinance allows tobacco stores in most commercial districts. Today's tobacco stores are very different from the definition of what a tobacco store once was. We need to define tobacco store & e-cigarette and decide where they may be permitted. The health impact does lead us to consider buffers where minors congregate.

Oakley stated it sounds to him as if there are 2 different categories: E-cigarettes and Smoke/Hookah Lounges. Spencer stated that these definitions suggest that Hookah or e-cigarettes or tobacco would all be under the same category as tobacco store because that is how the statutes define it. The distinction would be between a bar or retail store use. In that case anything one might smoke (not illegal) would fall under this category of tobacco store.

Art Wise asked if we need to distinguish between a lounge and a retail store. Miller said at the last meeting we discussed a Hybrid Approach versus only permitting the use in an Industrial District.

Jessie Day, PTRC, displayed some slides showing different scenarios of tobacco use in zoning districts in Town.

- The first map showed the areas where churches, schools & GTCC are located. These are potential areas where minors might congregate
- The second map added the commercial districts where tobacco stores are currently allowed. Art Wise stated the map should include the land GTCC purchased located southeast of GTCC. It is a large parcel.
- The next map showed where the Industrial & Commercial districts are located if the Planning Board recommended allowing tobacco stores in the Commercial (currently allowed) and added Industrial Zoning Districts.

Spencer said the existing Vapor Store located in Town, should request to be grandfathered.

Oakley asked if the existing Vapor Lounge would be allowed to be grandfathered. The Vapor Store is located next to High Point City Lake Park. Spencer said her understanding was that the Planning Board wanted to consider buffering schools, churches and GTCC. However, we can consider the Parks as one of the buffers.

- The next map showed the use of a ¼ mile buffer around churches, schools & GTCC. They pointed out where the Parks would be located, so the Planning Board could visualize this as a buffered area

Oakley said he has no problem with the retail store. He is more concerned about the Hookah Café/Lounge. He feels where High Point City Lake is located could affect the current Vapor Lounge. The Planning Board discussed how High Point properties could affect the Town's buffers. Smith said we can concentrate on zoning districts within Jamestown.

Miller said Food Lion is located next to Jamestown Elementary School and sells tobacco products. Sheetz is located next to GTCC and sells tobacco products. He does not have a problem with this. He has a problem with Hookah Lounges opening with a wine bar in a vacant space. He feels we need to determine where the Lounges, potential wine bars and cafes are permitted.

Glanville said if you cannot tell a retail store they cannot smoke in the store then how does that not become a lounge. Spencer said she can create a definition of Lounge and what it is. It would include on-premises use. She has been working with the School of Government on this from the zoning & definition side. Spencer said this type business seems like a very viable popular business. They are opening in lots of places. There will be people that would like to take advantage of this and open tobacco stores. Some Planning Board members said they did not have a problem with the retail tobacco stores. However, they do have a problem with the smoking lounges.

Glanville said if we want people to come to Jamestown. A store would probably not accomplish that. People come to Jamestown to go to Southern Roots, Potent Potables, and Oyster Bar. Places that have an atmosphere. It seems a Lounge provides an atmosphere. From an economic standpoint, it seems to make sense to allow both.

Spencer said alcohol is controlled. There are lots of regulations in place to control bars & restaurants. Tobacco is not yet controlled. She would almost rather err on the side of caution until more is known. Oakley stated he doesn't have any problem with being conservative with retail stores. But on the smoking side and the potential use after it is smoked (especially if alcohol is served) is of concern. Until we know what the State & Federal regulations will be, he doesn't mind being tough on the use.

Jessie Day, PTRC, discussed the recommendations that are being presented to the Planning Board:

- Amend the Ordinance text to add definition for Tobacco Store (to include e-cigarette) and add a definition of Cigar Bar.
- Add a definition for a Lounge and where the business is allowed.
- It is recommended that Tobacco Stores & Cigar Bars be permitted in Commercial & Industrial zoning districts.
- It is recommended that all new Tobacco Stores and Cigar Bars be separated a ¼ mile radius from locations where minors congregate. Buffer areas around schools, GTCC, churches and Parks. The Planning Board recommended that a new Tobacco Store or Cigar Bar could not be located within ½ mile distance from each other.

There was still confusion on the definition of Lounges. Confusion on where Lounges & Vapor Shops could be located. Spencer stated Cigar Bar is defined as a bar, serving alcohol. The recommendation is to allow Lounges in specific zoning district, same as Tobacco Shops. The Hookah Cafes & Vapor Lounges would fall in the tobacco shop "on-premises" consumption. Miller asked that a definition be added to the recommendations to include "on-premises" and e-cigarettes.

The Planning Board agreed to include the following items for review at the March meeting.

- Definition of Tobacco Store, Cigar Bar as presented in recommendation memo
- Define Lounges/Tobacco Store "on-premises consumption" and define e-cigarette
- Permit Tobacco Stores & Cigar Bars in Commercial & Industrial zoning districts.
- Buffer a ¼ mile radius from schools, GTCC, churches and Parks
- Business must be ½ mile distance between any new Tobacco Store or Cigar Bar

5. Public Comment Period – Glen Fesko, Sr., 302 Newview Rd., High Point, NC. Mr. Fesko stated there are 3 or 4 bars in Jamestown that serve alcohol. The Planning Board is discussing buffering from

children. The bars are located near schools. He understands that his Vapor Store could possibly be grandfathered. However, he would not be able to move his business to a larger location.

Glen Fresko, Jr., 403 Circle, Thomasville, NC. He stated they do ID at the Vapor Store. You must be 18 to purchase. At his Thomasville location, he has customers that do not like to drink alcohol. They like to congregate at the Vapor Lounge. Some of his customers are long time smokers and have quit cigarette smoking by using e-cigarettes. It is a positive thing.

It seems from the meeting, there is more buffering. Spencer said because the first map buffered from the center of the property when it should have been from the edge of the property. Fesko said that the buffer really does block a lot of potential for commerce. The vaping industry is huge. There is a lot of growth in this industry.

Fesko continued that the Vapor Lounge is still being lined with Hookah Lounges. The Hookah Lounge is a younger congregation. They are definitely smoking. They are actually inhaling smoke. Combustion is involved. At a Vaping Lounge they are not inhaling smoke. Please consider that as well.

6. Other business – Spencer asked the Planning Board if they were interested in having some refresher training on their duties and responsibilities as a Planning Board Member. We have a new Board Member and it occurred to her that this might be a good time to do it. The Planning Board agreed. Possibly do some training at each of the regular Planning Board meetings. (Maybe 15 – 20 minutes per meeting.)

Dot Perdue made a motion to adjourn. Sarah Glanville made a second to the motion. The motion passed by unanimous vote. The meeting ended at 7:30 pm.