



Stanly County Planning Board - Special Called Meeting  
June 16, 2023 - Meeting Minutes

**Call to Order** Chair Jay Eckman called the meeting to order on June 16, 2023 at 1:00 p.m. in the County Managers meeting room at 1000 N. First Street, Albemarle, North Carolina.

**Stanly County Planning Board members attending:** David Underwood, Jay Eckman, Joel Mauldin, TJ Smith & Michael Williams

**Excused:** Tim Fesperman & Kevin Brickman

**Stanly County Planning Staff Attending:** Bob Remsburg, Planning Director & Bailey Emrich, Planner 2

Chair Eckman asked for a motion to approve the proposed agenda.

**Motion: David Underwood**

**Second: TJ Smith**

**Approved: 5-0**

Chair Eckman asked if there were any conflicts of interests with the case to be heard due to financial or personal relationships.

**There were none**

Chair Eckman shared that the only item on the agenda is ZA 23-06, a request by County Staff for a Text Amendment to amend section 607.2 and 13.3 of the Stanly County Zoning Ordinance to further define Adult Establishments and Adult Live Entertainment.

**Chair Eckman asked for a motion to bring the item off of the table.**

**Motion: Michael Williams**

**Second: David Underwood**

**Approved: 5-0**

**David Underwood** "We don't have to have a motion to adopt before we discuss?"

**Mr. Remsburg** "The order we have in here is typical and you have already had a presentation from the county staff so you don't really need that. I don't think we have any updates to it because the language is remaining the same.

**TJ Smith** "I will go ahead and make the motion that we approve it."

**Motion: TJ Smith made the motion that this board recommend approval of the proposed text amendment regarding section 607.2 and 13.3 of the Stanly County Zoning Ordinance to further define Adult Establishments and Adult Live Entertainment to clarify uses that are considered Adult Entertainment."**

**Second: Michael Williams**

**Chair Eckman stated that the board could now have discussion.**

**David Underwood** "I know you had an issue with it."

**Chair Eckman** "I feel like it is opening a can of worms."

**David Underwood** "Tell me why."

**Chair Eckman** "What I want to know is prurient because it leaves open a lot of subjectivity. Who is going to regulate that? So when I bring up cover bands that dress like KISS, do they have to get a special permit or are they in violation? Do the Uwharrie Players have to get a permit if they don't have enough men or women and have to get someone dressed up in another way? What about the high school's powder puff games? The boys dress up like cheerleaders, are they going to have to get special permits for that? There is too much gray area and the only thing I don't have a problem with is the massage therapy being pulled out, I think that should be separate. Who is going to be the arbiter of this?"

**David Underwood** "But, the definition of that word is having special interest in sexual matters."

**Chair Eckman** "Someone brought it up to me, what about if the Uwharrie Players play Tootsie? Where someone was dressed up as a woman? Or a football player dressed up as cheerleaders? Who is the arbiter of what is and what is not? What someone finds offensive or what someone finds sexual in nature."

**David Underwood** "So what would it take for you to be satisfied with the issue?"

**Chair Eckman** "I don't know how you define this and who is going to be the arbiter. The whole powder puff thing someone says well they did not get a permit and the boys are doing cheers and it was sexual in nature. Who decides if it was or was not and who fines them and tells them that they should have gotten a permit"

**David Underwood** "You are talking common sense versus pinpointed accuracy."

**Chair Eckman** "I had this conversation with someone this morning and they said that is the problem, no one has common sense anymore."

**TJ Smith** "What if it was written to say excluding x,y &z from it so certain things were not included?"

**Michael Williams** "But this is saying that the text amendment is for adult establishments so that tells me that it is for a specific location rather than a play or something like that."

**Chair Eckman** "Well we are talking about two different things. The Adult Establishment is different from the Adult Live Entertainment."

**Joel Mauldin** "Well how hard is it to get a permit on this? What does it take?"

**Chair Eckman** “You have to go get a Special Use Permit from the Board of Adjustment so you go to a meeting and you have to pay the fees.”

**Joel Mauldin** “So it is on a per case basis.”

**Michael Williams** “What if we put in here something along the lines of adult entertainment not of a sexual matter?”

**David Underwood** “Then it goes back to the problem of it is all a gray area.”

**Chair Eckman** “My whole point for tabling this was if the State is going to do something with this then let them define it but like I have heard it said, that definition will ultimately end up in court.”

**TJ Smith** “I had no problem with beefing it up but I am not against it being a permitted thing. If you are saying that high school powder puff football games need to be permitted just to make sure there is no gray area then I am fine with that.”

**Joel Mauldin** “Well something like what The Boardroom had 6 months ago with the drag show, should that be a permit case? I think so.”

**David Underwood** “The city is having the same issue we are but we cannot ban it. We can't say that they can't have them.”

**Chair Eckman** “I tend to be more libertarian in that if someone wants to do that with their business, everyone is either going to support them or it is going to kill their business.”

**Joel Mauldin** “Well, do we set an age precedence on it?”

**Chair Eckman** “Well I don't disagree that if it is an adult type show you should not be bringing grade school children in.”

**Joel Mauldin** “So 18 and older because we all know where this is going.”

**TJ Smith** “Do you have a copy of what we saw? What is on there now and what is to be added?”

**Mr. Remsburg** “Please keep in mind that Adult Establishments can only be in certain districts and must be a thousand feet from any religious institution, school, residential zoning, park & playgrounds or other places where minors regularly congregate. It also has to be a thousand feet from any other adult establishment. That is already in the ordinance. The goal here is to address male and female impersonations that appeal to a prurient interest. I think Jay is right that it is difficult to enforce and figure out who it is. Who enforces that ? There are some jurisdictions that put that as a business license type situation. North Carolina does not like business licensing but I have seen that done and it is enforced by administration so it is not part of the zoning ordinance. The Sheriff's Department would probably be a better place to do this enforcement as opposed to our department doing it. We are complaint driven also.”

**TJ Smith** “Can we not write it to exclude those things though. It is like the ordinance for golf carts. They are called slow moving vehicles and you can use gators or a side by side and those are the examples and you can feed off of that. If someone has a question then they can go to someone and ask if that is something that they need a permit for.”

**David Underwood** “The problem with that is if they got a permit to ride their golf cart in Oakboro and the highway patrol arrested him on 24/27 driving it drunk and he says that he got a permit from you but is told he is not in Oakboro. That's how things happen. We can exclude it but I don't know what that would bring later on down the road.”

**TJ Smith** “I personally am fine with how it sits.”

**David Underwood** “Another thing that we need to remember is when we send this to the Commissioners then they will tweak it too. To me the worst thing to do is nothing at all and we are going to have to give them something. They will read the minutes I am sure.”

**TJ Smith** “Could we do the vote and then recommend what Eckman is saying as far as prurient and say this is what we are having a problem with, where does it stop?”

**Bob Remsburg** “Along those lines, probably the way to do it is to leave the language the same as we have it and add a definition based on the dictionary definition of prurient. We could add something that says this does not include activities such as “.....”.”

**Chair Eckman** “Then you get into drag queen story time for the kids and that kind of thing.”

**David Underwood** “But if I was a business establishment could I come back and say “You have allowed this why won't you allow me?””

**Bob Remsburg** “Anybody can sue anybody so yes. Then it becomes case law and a decision is made. At this point as far as that bill goes, as far as I know it is still just stuck. ”

**TJ Smith** “I say we vote and see where everyone stands because it is going up there one way or another.”

**Bob Remsburg** “I would say before you vote if you want to tweak any of the language this would be the moment to do it and then you would vote on the amended language.”

**David Underwood** “So could I say if I was doing a powder puff football game that it is not considered sexual in nature and I do not need a Special Use Permit? I am trying to keep those people out of this.”

**Mr. Remsburg** “Staff would have to make that determination and enforcement would have to see if what they are doing falls under prurient in nature. We would make a ruling and someone would have the right to appeal.”

**David Underwood** “I say we need to add the definition of prurient to it.”

**Mr. Remsburg read off the definition of prurient per Merriam Webster.**

**Mr. Remsburg added the definition to the amended language.**

**TJ Smith** “At the end of the day there are so many interest groups out there and that opens up more of a political thing but it should be a permitted thing where you have to go and ask if it is okay instead of doing it whenever and wherever. That is where I stand and that is not against anyone. To each his own.”

**TJ Smith revised his motion to state that the board recommend approval of the proposed text amendment regarding section 607.2 and 13.3 of the Stanly County Zoning Ordinance to further define Adult Establishment and Adult Live Entertainment to clarify uses that are considered Adult Entertainment and to also add Merriam Webster's definition of prurient.**

**Second by Michael Williams**

**Approved : 5-0**

Chair Eckman stated the County Commissioners will likely hear the request following a legislative public hearing at their meeting scheduled for Monday, July 10, 2023 at 6:00 PM.

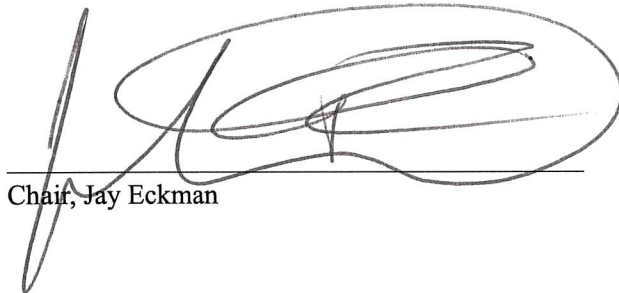
**Chair Eckman entertained a motion to adjourn.**

**Motion: David Underwood**

**Second: TJ Smith**

**Approved: 5-0**

Time adjourned: 1:35 PM

A handwritten signature in black ink, appearing to be "Jay Eckman", written over a horizontal line. The signature is stylized and somewhat cursive.

Chair, Jay Eckman

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Clerk, Bob Remsburg

