

**Madison Board of Aldermen
Regular Meeting
Madison Municipal Building
August 10, 2023
6:00 p.m.**

Members Present: Mayor Pro Tem Matt Bullins
Alderman Alan Hensley
Alderman Virginia Hoover
Alderman Brenda Platt
Alderman Tom Rogers
Alderman Micky Silvers

Members Absent: Mayor William Phillips

Staff Present:

Town Attorney: Michael Cassidy
Town Manager: Kevin Baughn
Town Clerk/Zoning Officer: Amy Roberts
Police Captain: Clint Smith
Fire Chief: Jim Ritchey
Public Works Director: Josh Shuler
Finance Director: Tina West

Others Present:

Steve Boles, Madison Rockingham Rescue
Kitty Williams, Madison Historic Commission
Bobbie Webster, Madison Merchants Guild
Marty Erskine
Other Interested Citizens

Mike Moore, Mike Moore Media
Charlie Lederer
Mavis Dillion, WRCC
Richard Hester

Call to Order

Items 1A: Moment of Silence & 1B: Pledge of Allegiance

Mayor Pro Tem Bullins called the meeting to order at 6:00 p.m. Mayor Pro Tem Bullins called for a Moment of Silence after which he asked that everyone stand for the Pledge of Allegiance.

Item 2: Approval of Agenda for August 10, 2023

MOTION, by Alderman Rogers, seconded by Alderman Platt, to move Item 6K: Madison Rockingham Rescue Squad Request for Funding to Item 4: Public Comments and approve the August 10, 2023 Agenda, as amended. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Item 3: Public Hearing

Mayor Pro Tem Bullins opened and closed the Public Hearing at 6:03 pm as no one wished to comment on the closing of an unopened portion of South Dalton Street.

MOTION, by Alderman Silvers, seconded by Alderman Hensley, to Approve the Consideration of Ordinance and Order to Close an Unopened Portion of South Dalton Street Lying Parallel to South Market Street and Running North and South from East Hunter Street to East Academy Street. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

ORDINANCE AND ORDER TO CLOSE AN UNOPENED PORTION OF SOUTH DALTON STREET LYING PARALLEL TO SOUTH MARKET STREET AND RUNNING NORTH AND SOUTH FROM EAST HUNTER STREET TO EAST ACADEMY STREET.

WHEREAS, North Carolina General Statute 160A-299 authorizes the Board of Aldermen to permanently close any street or public alley, including unopened streets that have been platted but not accepted or maintained by the Town; and,

WHEREAS, the Board of Aldermen of the Town of Madison adopted a Resolution of Intent to Close an Unopened Portion of South Dalton Street Lying Parallel to South Market Street and Running North and South from East Hunter Street to East Academy Street and called for a Public Hearing to be held on August 10, 2023 at 6:00 pm in the Madison Municipal; and,

WHEREAS, the Town Clerk of the Town of Madison caused the Resolution of Intent to be published once a week for four successive weeks prior to the public hearing in the *Rockingham Now* newspaper, sent by certified mail a copy of the resolution to all owners of property adjoining the street and posted notice of the closing and public hearing in at least two places along the street; and,

WHEREAS, all legal requirements in accordance with North Carolina General Statute 160A-299 have been fully complied with and a Public Hearing was held by the Board of Aldermen of the Town of Madison on Thursday, August 10, 2023 at 6:00 pm, and,

WHEREAS, the evidence offered at the Public Hearing did not establish that the closing would be detrimental to the public interest or would deprive an individual or entity owning property in the vicinity thereof of reasonable means of ingress, egress and regress to and from the property; and

WHEREAS, it appears to the satisfaction of and it is determined by the Board of Aldermen from the Petition and other evidence submitted at said hearing that:

1. L & K Rental Properties, LLC, Raymond L. Wilson and Donald R. Wilson are the owners of property on the west side of subject street and Chadwick L. Wall is the owner of property on the east side of subject street which is to be closed;
2. That said street is not under the control or supervision of the North Carolina Department of Transportation;
3. That the closing of a portion of the subject street is not contrary to the public interest and that no individual or entity owning property in the vicinity thereof will be deprived of reasonable means of ingress, egress and regress to and from his property;
4. That upon the closing of a portion of South Dalton Street, all rights, title and interest therein shall be conclusively presumed to be divided, vested, quitclaimed and released to the abutting property owners in accordance with the provisions of NCGS 160A-299
5. That said portion of South Dalton Street should be closed as requested.

NOW THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the Town of Madison:

Section 1. That it appears to the satisfaction of the Board of Aldermen that the closing of a portion of South Dalton Street, running North to South, parallel to South Market Street from East Hunter Street to East Academy Street being sixty-six feet in width and bounded on the East by Lot Nos. 70 and 75 and bounded on the West by Lot Nos. 69 and 76 as shown on the Town of Madison Plat, recorded in Plat Book 3, Page 86 Rockingham County Register of Deed, North Carolina is not contrary to the public interest and that no individual owning property in the vicinity of said street will be deprived of reasonable means of ingress and egress to his property.

Section 2. That the Board of Aldermen does hereby order a portion of South Dalton Street, running North to South, parallel to South Market Street from East Hunter Street to East Academy Street being sixty-six feet in width and bounded on the East by Lot Nos. 70 and 75 and bounded on the West by Lot Nos. 69 and 76 as shown on the Town of Madison Plat, recorded in Plat Book 3, Page 86 Rockingham County Register of Deed, North Carolina as closed and abandoned and all rights, title and interest therein shall be conclusively presumed to be divided, vested, quitclaimed and released to the abutting property owners in accordance with the provisions of NCGS 160A-299.

Section 3. That a copy of this Ordinance to Close and Abandon the aforementioned street shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina as required by North Carolina General Statute 160A-299.

Adopted and in full force this the 10th day of August, 2023

ATTEST:

Matthew Bullins, Mayor Pro Tem

Amy Roberts, Town Clerk

Item 4: Public Comments

Kitty Williams, Madison Historic Commission stated that Freetown was established in the early 1900's between the Towns of Madison and Mayodan and many individuals have researched Freetown over the years in an effort to maintain its history and determine boundaries. Ms. Williams further stated that Mr. Fletcher Dalton, a Madison resident, has been instrumental in working to keep Freetown's history alive and has conducted numerous seminars.

Charlie Lederer, NC Hwy 704, advised that he supports the proposed casino in Rockingham County as it will bring jobs, revenue and visitors to the Town and County

Marty Erskine, Cassandra Road, advised that he is against the proposed casino and feels the people of the County should have a right to vote on the proposition before it is allowed. Mr. Erskine advised that the Towns of Summerfield and Stokesdale have taken a stand against the casino and questioned the Town of Madison's stance.

Bobbie Webster, Madison Merchants Guild, stated that the Fall for Madison Festival is scheduled for October 21, 2023 from 10:00 am until and will include food trucks, vendors and a band.

Mavis Dillion, WRCC stated that the next Chamber Coffee is August 17, 2023 at the Chamber Office sponsored by RockATOP, Lunch and Learn on September 14, 2023 at Deep Springs Country Club and Leadership Rockingham will tour Madison on November 6, 2023.

Steve Boles, Madison Rockingham Rescue Squad requested that the Town and the Rescue Squad have a meeting to discuss a tax Service District in an effort to support the financial needs of Squads in Rockingham County. Mr. Boles stated that all municipalities and the County must agree and adopt resolutions in order to establish a tax service district.

Consent Agenda

Items: 5A: Minutes & 5B: Budget Report

MOTION, by Alderman Silvers, seconded by Alderman Rogers, to approve the minutes of the meeting held July 13, 2023 as presented along with the Budget Report ending July 31, 2023. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

New Business:

Item 6A: Resolution Honoring Freetown

MOTION, by Alderman Rogers, seconded by Alderman Hensley, to Approve the Resolution Honoring Freetown. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

A Resolution Honoring Freetown Town of Madison, Rockingham County

WHEREAS, In the early 1900's an area known as Freetown established itself between the Towns of Madison and Mayodan, and;

WHEREAS, For more than 70 years, Freetown functioned with no formal boundaries, no form of government and was never recognized on maps; however, Freetown was known as a vital community throughout the area, and;

WHEREAS, Freetown comprised a section of land stretching from Carter Street in Madison, northeast to the Mayo River and following the river into the Town of Mayodan to Whitbeck Drive, northwest to Taft Street to Ayersville Road. Then with Ayersville Road South to Fern Street and running southeast parallel to Ayersville Road through Mt Carmel Street and Rockingham Square to Highway Street, southeast to its beginning with Carter Street, and;

WHEREAS, Freetown strived as a complete and separate African American Town with its own residents, schools, churches, and businesses, and;

WHEREAS, By the mid-20th century, Freetown was absorbed into the Corporate Limits of the Town of Madison or the Town of Mayodan but still continued as its own place into the 1970s, and;

WHEREAS, Although the center of Freetown has been replaced by commercial development, many of its streets and buildings still exist and older individuals who were part of the Freetown era still remember it fondly, and;

WHEREAS, The Town of Madison feels it important to recognize, maintain and remember the history and significance of Freetown and further feel it important to educate the public of this history.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF MADISON, NORTH CAROLINA, that the Town of Madison hereby recognizes Freetown as an element of its past, supports education and seminars on its history and honors its contribution to the Town of Madison and Rockingham County.

Approved this the 10th day of August, 2023

ATTEST:

Matthew Bullins, Mayor Pro Tem

Amy Roberts, Town Clerk

Mayor Pro Tem Bullins presented the Resolution Honoring Freetown to Gene Kelly, Madison Historic Commission Chairman.

Item 6B: Resolution Supporting the Creation of the Eastern Piedmont NC Home Consortium

MOTION, by Alderman Silvers, seconded by Alderman Hensley, to Approve the Resolution Supporting the Creation of the Eastern Piedmont NC Home Consortium. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

NORTH CAROLINA
TOWN OF MADISON

**RESOLUTION SUPPORTING THE CREATION OF THE
EASTERN PIEDMONT NC HOME CONSORTIUM**

WHEREAS, if approved, this resolution would offer support for the creation of the Eastern Piedmont NC Home Consortium and further authorizes the Town Manager to negotiate and enter into an agreement with other units of local government in the five (5) counties in creating the consortium, and further authorizes the Town Manager to sign all contracts, grant agreements, certifications with the US Department of Housing and Urban Development, the State of North Carolina, or other agencies as may be required to carry out the activities of the consortium.

WHEREAS, the creation of the HOME Consortium provides an opportunity for federal block grant funding to be used toward the development of affordable housing opportunities within the Eastern Piedmont Consortium, which covers Alamance, Caswell, Davidson, Randolph and Rockingham Counties. This action does not commit the Town of Madison to provide any funding, as the only time a funding commitment may be required is if the Town were to pursue grant funding through the consortium for an affordable housing initiative.

WHEREAS, the HOME Investment Partnerships Program (HOME) provides formula grants to States and localities that communities use, often in partnership with local nonprofit groups, to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership, or providing direct rental assistance to low-income households. HOME is the largest Federal block grant to state and local governments, designed exclusively to create affordable housing for low-income households, with HOME funds awarded annually as formula grants to participating jurisdictions.

WHEREAS, generally, units of local government form consortia to access direct formula allocations of HOME funds to support housing activities and programs, for which States are automatically eligible for HOME funds and receive their formula allocation or \$3 million, whichever is greater. Local jurisdictions eligible for at least \$750,000 under the formula also can receive a direct allocation. Communities that do not qualify for an individual allocation under the formula can join with one or more neighboring localities in a legally binding consortium whose members' combined allocation would meet the threshold for direct funding. Under current funding levels, if all eligible counties, and municipalities, join this consortium, the proposed consortium would have funding of approximately \$2,172,070 annually. The net funding level after deducting administrative fees used to run the program would be approximately \$1,960,000.

WHEREAS, there is a 25% on-going match requirement on all funds drawn from the consortium's HOME Investment Trust Fund treasury account in that fiscal year. The 25% non-federal match can be in the form of cash, assets, labor or other services valuable to the HOME program. The 25% match will be the responsibility of the recipient accessing the funds on a project-by-project basis. In the current regional consortium, funds from private and non-profit partners have produced far more match funds than would be required and no local funds have been required for match. No money is required from local governments to join the consortium.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MADISON, that the Board of Aldermen is in support of participation in an Agreement to join the Eastern Piedmont NC HOME Consortium, which will provide an opportunity for Low Income Residents of the Town of Madison to receive benefit from grant funds to be used toward the development of affordable housing.

Adopted this the 10th day of August, 2023.

Attest:

Mayor Pro Tem

Town Clerk

Item 6C: Consideration of Proposal and Scope of Services – Big Beaver Island Creek Stream Restoration at Idol Park

MOTION, by Alderman Hensley, seconded by Alderman Rogers, to Approve the Proposal and Scope of Services – Big Beaver Island Creek Stream Restoration at Idol Park. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

A copy of the Proposal and Scope of Services will be on file in the Town Clerk's Office.

Item 6D: Consideration & Approval of Ordinance Amending Chapter 13, Article IX. Watercraft Access Area of the Town Code of Ordinances

MOTION, by Alderman Rogers, seconded by Alderman Hoover, to Approve the Ordinance Amending Chapter 13, Article IX. Watercraft Access Area of the Town Code of Ordinances. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

STATE OF NORTH CAROLINA
TOWN OF MADISON

AN ORDINANCE AMENDING CHAPTER 13 OF THE
CODE OF ORDINANCES OF THE TOWN OF MADISON

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Madison, North Carolina, that Chapter 13 Public Places and Property, Article IX Watercraft Access Area of the Town of Madison Code of Ordinances be amended as follows:

The following Chapter, Articles and Sections of the Town of Madison Code of Ordinances are hereby repealed from and after the effective date of their ordinance:

Chapter 13. **Public Places and Property**

Article IX. Watercraft Access Area

~~§ 13-200 WATERCRAFT ACCESS AREAS.~~

~~_____The following acts or activities on the Town owned river access areas located adjacent to Lindsey Bridge Road and Water Street shall be prohibited.~~

~~(a) Activities Prohibited.~~

~~(1) Loitering;~~

~~(2) Consumption of alcoholic beverages;~~

~~(3) Fires, grill, camping and fishing;~~

~~(4) The solicitation or selling of concessions or renting of equipment or other commercial enterprises;~~

~~(5) Littering; and~~

~~(6) Occupation of the property between the hours of 8:30 pm or sunset, whichever first occurs and dawn.~~

~~(b) Penalty. Violation of this section shall constitute a misdemeanor punishable in accordance with NCGS 14-4.~~

Adopted by the Board of Aldermen of the Town of Madison this 10th day of August, 2023

Matthew Bullins, Mayor Pro Tem

ATTEST:

Amy L. Roberts, Town Clerk

Item 6E: Consideration & Approval of Ordinance amending Chapter 16 Taxation of the Town Code of Ordinances

MOTION, by Alderman Rogers, seconded by Alderman Hensley, to Approve the Ordinance amending Chapter 16 Taxation of the Town Code of Ordinances. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

STATE OF NORTH CAROLINA
TOWN OF MADISON

AN ORDINANCE AMENDING CHAPTER 16 OF THE
CODE OF ORDINANCES OF THE TOWN OF MADISON

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Madison, North Carolina, that Chapter 16 Taxation of the Town of Madison Code of Ordinances be amended as follows:

The following Chapter, Articles and Sections of the Town of Madison Code of Ordinances are hereby repealed from and after the effective date of their ordinance:

CHAPTER 16:

TAXATION

Article: I. General Provisions

II. License Tax

Adopted by the Board of Aldermen of the Town of Madison this 10th day of August, 2023

Matthew Bullins, Mayor Pro Tem

ATTEST:

Amy L. Roberts, Town Clerk

Item 6F: Consideration & Approval of Ordinance Amending Chapter 12 Police

MOTION, by Alderman Silvers, seconded by Alderman Hensley, to Approve the Ordinance amending Chapter 12 Police of the Town Code of Ordinances. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Madison, North Carolina, that Chapter 12: Police of the Town of Madison Code of Ordinances be amended as follows:

Chapter 12: Police

Article I: General Provisions

Section

12-3 Chief of Police; appointments; residency requirement

§ 12-3 CHIEF OF POLICE; APPOINTMENTS; RESIDENCY REQUIREMENT.

The Chief of Police shall be appointed by the Town Manager and be required to reside within a radius of ~~five~~ **fifteen** miles of the town limits.

Adopted by the Board of Aldermen of the Town of Madison this 10th day of August, 2023

Matthew Bullins, Mayor Pro Tem

ATTEST:

Amy L. Roberts, Town Clerk

Item 6G: Consideration & Approval of Ordinance Amending Chapter 8, Article III Health Salons, Massage Establishments of the Code of Ordinances

MOTION, by Alderman Hensley, seconded by Alderman Silvers, to Approve the Ordinance amending Chapter 8, Article III Health Salons, Massage Establishments of the Code of Ordinances. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Madison, North Carolina, that Chapter 8 Licenses and Business Regulations of the Town of Madison Code of Ordinances be amended as follows:

Chapter 8: Licenses and Business Regulations

**ARTICLE III: HEALTH SALONS, MASSAGE ESTABLISHMENTS,
AND RELATED BUSINESSES**

Section

8-71 Purpose
8-73 Licensing of Massage Business Operators
~~8-74 Licensing of massagists~~
8-754 Enforcement; revocation of license
8-765 Employer to use licensed employees
8-776 Posting of license
8-787 Hours of operation
8-798 Patronage by minors; employment of minors
~~8-80 [Reserved]~~
8-840 Massage of private parts

§ 8-71 PURPOSE.

To protect public health, safety, welfare, and morals, ~~the privilege-license~~ provisions and regulations in this article are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying on of the businesses, trades, or professions commonly known as massage establishments, health salons, physical culture studios, or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced. The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, or nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, chiropractor, or registered nurse with certification in therapeutic massage in connection with the practice of medicine, osteopathy, or chiropractic. (~~1973 Code, §11-1-1~~) (~~Ord. 97-6, passed 11-13-1997~~)

§ 8-73 LICENSING OF MASSAGE BUSINESS OPERATORS.

- A. No person shall operate a massage business unless that person has first applied for and received ~~the privilege-license~~ approval **by the Board of Aldermen** provided by this section.
- B. Every application for ~~the privilege-license prescribed in this section~~ shall be upon a form approved by the Town Manager and shall be filed with the Town Clerk. Every application shall be made under oath and shall contain the following information:
 1. If the applicant is a person, the name and residence address of that person. If the applicant is a partnership, corporation, or association, the name and residence address of all persons having any legal or beneficial interest in the applicant;

2. The address of the premises where the massage business shall be located;
 3. A complete statement of all convictions of any person whose name is required to be given in subsection (b)(1) above for any felony or prostitution or any violation of any law relative to prostitution, **if applicable**;
 4. A complete statement of any revocation by any governmental unit of any license to operate a massage business or to engage in the business or profession of massage held by any person whose name is required to be given in subsection (b)(1) above, **if applicable**;
 5. A complete statement of any conviction of any person whose name is required to be given in subsection (b)(1) above, for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a massage business or the business or profession of massage, **if applicable**;
 6. The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (b)(1) above, wherein the business or profession of massage is carried on; and
 7. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
 8. **The applicant must furnish the following proof of training: a diploma or certificate of graduation from an institute or school of massage whose curriculum is approved by the American Massage Therapy Association, the Rolf Institute, the Trager Institute, the National Certification Board for Therapeutic Massage and Body Work; or a diploma, transcript, or certificate of completion from a school or other institution of learning approved by the American Massage Therapy National Certification Board of Therapeutic Massage and Body Work, the U.S. Department of Education or Council on Postsecondary Accreditation; or a workshop/seminar, the curriculum of which has been approved by the American Massage Therapy Association, the Rolf Institute, the Trager Institute, the National Certification Board for Therapeutic Massage and Body Work, the U.S. Department of Education, or Council on Postsecondary Accreditation. The diploma, transcript, or certificate of completion shall indicate that the applicant has received a minimum of 500 hours of instruction in massage therapy techniques, massage treatment principles and theory, anatomy, and physiology; and**
 9. **In lieu of the training hours listed in subsection (b)(4) above, the applicant may provide a certificate indicating that the applicant is designated nationally certified in therapeutic massage and body work by the National Certification Board for Therapeutic Massage and Body Work. Certification must be maintained throughout the licensing.**
- C. The Town Clerk shall transmit a copy of the application to the Police Department for an investigative report and to the Inspections Division to determine compliance with all zoning and building regulations and ordinances, and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments and the Inspections Division shall, within a reasonable time not to exceed 45 days, report the results of their examinations to the Town Clerk.
- D. An application in proper form accompanied by all reports required by this section shall be submitted to the Board of Aldermen, which shall approve the application if the Board of Aldermen determines that:
1. The application contains no misstatement of fact;
 2. The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including, but not limited to, G.S. Ch. 14, Art. 26 and Ch. 14, Art. 27, or of any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage;
 3. The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes; and
 4. The applicant, or any person having a legal or beneficial ownership interest in the applicant, has not, for the three-year period preceding the application, had a previously issued license for engaging in the business or profession of massage revoked.
- E. ~~Upon approval of the application by the Board of Aldermen and upon receipt of the applicable license fee pursuant to § 16-22 and 16-54, the Tax Collector shall issue a privilege license to the applicant.~~
- F. A license **Approval** issued pursuant to this section shall be revoked by action of the Board of Aldermen, if the Board of Aldermen determines that:
1. The licensee has violated any provision of this article;
 2. The licensee, or any agent of the licensee, employs or permits to be on premises of the applicant's massage business any person practicing the business or profession of massage who has not been issued the privilege license required by § 8-74 73, or whose license under § 8-74 73 has been revoked;
 3. The licensee, or the legal or beneficial owner of any interest in the licensee, is convicted of any crime involving sexual misconduct, including, but not limited to, G.S. Ch. 14, Art. 26 and § 14-208;
 4. Any employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including, but not limited to, G.S. Ch. 14, Art. 26 and Ch. 14, Art. 27; and/or
 5. The licensee violates any zoning, building, or fire prevention ordinance.
- G. A license issued pursuant to this article is void if the licensee moves or ceases operating a massage parlor at the location required to be stated in the application for license. (1973 Code, § 11.1-3) (Ord. 97-3, passed 10-9-1997) Penalty, see § 1-14

§ 8-74 LICENSING OF MASSAGISTS.

- (a) ~~No person shall engage in the business or profession of massage unless that person shall have first applied for and received the privilege license provided by this section.~~
- (b) ~~The application for the license required by this section shall be upon a form approved by the Town Manager and shall be filed with the Town Director of Finance. The application shall be given under oath and shall contain the following information:~~
- (1) ~~The name, age, and residence address of the applicant;~~
 - (2) ~~The date and place of applicant's birth, the names of the applicant's parents, and the residence address or addresses of the applicant for the five years immediately preceding the date of application;~~
 - (3) ~~A copy of the zoning compliance permit for the business location of the applicant;~~
(1973 Code, § 11.1-4) (Ord. 2003-1, passed 5-8-2003) Penalty, see § 1-14
 - (4) ~~The applicant must furnish the following proof of training: a diploma or certificate of graduation from an institute or school of massage whose curriculum is approved by the American Massage Therapy Association, the Rolf Institute, the Trager Institute, the National Certification Board for Therapeutic Massage and Body Work; or a diploma, transcript, or certificate of completion from a school or other institution of learning approved by the American Massage Therapy National Certification Board of Therapeutic Massage and Body Work, the U.S. Department of Education or Council on Postsecondary Accreditation; or a workshop/seminar, the curriculum of which has been approved by the American Massage Therapy Association, the Rolf Institute, the Trager Institute, the National Certification Board for Therapeutic Massage and Body Work, the U.S. Department of Education, or Council on Postsecondary Accreditation. The diploma, transcript, or certificate of completion shall indicate that the applicant has received a minimum of 500 hours of instruction in massage therapy techniques, massage treatment principles and theory, anatomy, and physiology; and~~
 - (5) ~~In lieu of the training hours listed in subsection (b)(4) above, the applicant may provide a certificate indicating that the applicant is designated nationally certified in therapeutic massage and body work by the National Certification Board for Therapeutic Massage and Body Work. Certification must be maintained throughout the licensing.~~

§ 8-75 4 ENFORCEMENT; REVOCATION OF LICENSE.

- A. It shall be the duty of the Chief of Police to inspect, periodically, the premises licensed under this article to determine any violations of its provisions, and to otherwise enforce this article.
- B. Whenever the Chief of Police has good cause to believe there exist grounds for revocation of any license acquired under this article, he or she shall submit a written recommendation of revocation to the Board of Aldermen and, by registered mail, shall forward at least ten days prior to the hearing a copy of his or her recommendation to the licensee. The recommendation shall state the specific grounds for the revocation of the license.
- C. The Board of Aldermen, whenever it has good cause to believe there exist grounds for revocation of any ~~license~~ **approval** acquired under this article may, upon its own motion, set a hearing, as hereinabove provided, to show good cause why ~~the license~~ **approval** should not be revoked. Written notice stating the specific alleged grounds for revocation shall be forwarded by registered mail to the licensee at least ten days prior to the hearing, which shall be held in the same manner as if initiated by the Chief of Police.
- D. Before the Board of Aldermen revokes a ~~license~~ **approval** issued pursuant to this article, or if the Board of Aldermen determines reasonable grounds exist to deny an application for a ~~license~~ **approval** pursuant to this article, the Board of Aldermen shall cause a written notice to be sent by certified mail to the ~~licensee~~ or applicant affected at the address stated in the ~~license~~ or application. The notice shall advise the affected party of a right to appear before the Board of Aldermen, with or without legal counsel, at a stated time and place for the purpose of presenting any evidence relevant to the revocation or denial and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing the evidence.
(1973 Code, § 11.1-5)

§ 8-765 EMPLOYER TO USE LICENSED EMPLOYEES.

No person ~~licensed~~ **approved** under § 8-73 shall allow or permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving the massage or treatment has complied with all requirements of licensing under § 8-74 73. Violation of this section shall be grounds for revocation of the license issued to the violator pursuant to this article. (1973 Code, § 11.1-6) Penalty, see § 1-14

§ 8-776 POSTING OF LICENSE.

Every massagist shall post the license required by this article in his or her work area.(b) Every person licensed under § 8-73 shall display the license in a prominent place.

§ 8-787 HOURS OF OPERATION.

1. No person ~~licensed~~ **approved** as a massagist under § 8-74 73 shall massage or treat any person or engage in the business or profession of massage before 8:00 a.m. or after 12:00 midnight.
2. No person ~~licensed~~ under § 8-73 shall admit customers or prospective customers or remain open for business, or allow, permit, or condone any massage or treatment of any person upon the premises before 8:00 a.m. or after 12:00 a.m.
3. No person in charge of managing a massage business upon the premises shall allow, permit, or condone any massage or treatment of any person before 8:00 a.m. or after 12:00 a.m.
(1973 Code, § 11.1-8) Penalty, see § 1-14

§ 8-798 PATRONAGE BY MINORS; EMPLOYMENT OF MINORS.

1. ~~No person licensed as a massagist under § 8-74 shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist. The order shall be dated and in the possession of the massagist giving the massage or treatment. A violation of this subsection (a) shall be grounds for revocation of any license issued to the violator pursuant to this article.~~
2. No person ~~licensed~~ **approved** under §8-73 shall allow, permit, or condone the massage or treatment of any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist. The order shall be dated and a true copy of the order shall be in the possession of the licensee before administration of any massage or treatment. A violation of this subsection shall be grounds for revocation of any license issued to the violator pursuant to this article.
3. No person licensed pursuant to § 8-73 shall employ any person under the age of 18 years in the operation of a massage business. (1973 Code, § 11.1-9) Penalty, see § 1-14

~~**§ 8-80 [RESERVED.]**~~

§ 8-810 MESSAGE OF PRIVATE PARTS.

It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire. As used in this section, the term *MASSAGE* means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device, for sexual gratification; *PRIVATE PARTS* means the penis, scrotum, mons veneris, vulva, or vaginal area.
(1973 Code, § 15-17.1) Penalty, see § 1-14

Adopted by the Board of Aldermen of the Town of Madison this 10th day of August, 2023

Matthew Bullins, Mayor Pro Tem

ATTEST:

Amy L. Roberts, Town Clerk

Item 6H: Consideration of Massage Therapy Application

MOTION, by Alderman Rogers, seconded by Alderman Hensley, to Approve the Massage Therapy Application submitted by Elaine Michelle Phillips Blackwell as all requirements are met. Ayes:

Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Item 6I: Confirmation of Abatement Cost

MOTION, by Alderman Silvers, seconded by Alderman Hoover, to Approve the Confirmation of Abatement Cost for property located at 806 Ridge Street in the Amount of \$200.00. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Item 6J: Request to use Town-owned Property.

MOTION, by Alderman Silvers, seconded by Alderman Platt, to allow David Baker to use the grassy area by the Town Stage on East Murphy Street for a fundraiser on October 6-7, 2023. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Board and Committee Appointments

Item 7A: Board of Adjustment

MOTION, by Alderman Silvers, seconded by Alderman Rogers, to reappoint Dave Peters to the Board of Adjustment for a three-year term ending September 10, 2026. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Item 8A: Manager/Manager Comments & Announcements

Town Manager Kevin Baughn advised that Gia Distillery will be having a Jeep Show on Saturday, August 19, 2023 and request a portion of North Dalton Street from East Decatur to East Murphy Street be closed.

MOTION, by Alderman Silvers, seconded by Alderman Hensley, to close a portion of North Dalton Street from East Decatur to East Murphy Street on August 19, 2023 for Gia Distillery Jeep Show. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

Mr. Baughn advised that the Dan River Boat Race has been cancelled due to a lack of participation and Town Offices will be closed September 4, 2023 for Labor Day.

Item 9: Adjournment

MOTION, by Alderman Rogers, seconded by Alderman Hoover, to adjourn the meeting. Ayes: Aldermen Hensley, Hoover, Platt, Rogers Silvers and Mayor Pro Tem Bullins. Nays: None. Motion carried.

ATTEST:

Amy Roberts, Town Clerk

Matthew Bullins, Mayor Pro Tem