

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MAY 9, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 9, 2006. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Administrative Intern Alison Melnikova and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 25, 2006

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the April 25, 2006 meeting as presented. The motion carried unanimously.

Public Hearing Amendment to Section 154.031 and 154.233 Regarding Inns

The Planning Board held a meeting on April 17, 2006, to consider the request for an amendment to the Land Development Standards concerning Inns. There has long been a concern about the impact that Inns and Bed and Breakfasts have or could have upon neighboring residential property when these facilities are located in residential areas. This concern was noted and discussed at the meeting of the Planning Board. The Planning Board recommended that the Town Board consider amendments to Sections 154.031 and 154.233 regarding Inns, changing the definition of "Inn" to allow meals other than breakfast be served to guests and to allow 12 special events per year for non-guests of the inn and one meal per month to the general public. These amendments would apply to inns permitted subject to special requirements.

Attorney Griffin opened the public hearing. The following persons spoke:

Paul Benson said the town staff and Planning Board recommended two changes. In neighborhood districts, Inns are permitted as a restricted use. In the commercial or mixed use districts, inns are allowed without those restrictions. The first proposed change is to delete in the definition the reference to breakfast being the only meal served and that it is served to guests only. Town Staff tends to agree with this since it applies to all inns and the inns in commercial districts should not be restricted. In residential districts all restrictions should be in the supplemental use section. In the supplemental use section it is proposed that a conflict be resolved. In the definition section there is a limit of up to twenty rooms - in the supplemental section it allows thirty rooms. It is proposed that the number of rooms be limited to twenty in the supplemental section so that both sections agree. The staff and Planning Board felt that special events should be addressed and that special events should be limited to twelve per year and that twelve meals per year are allowed for the general public. The Board felt that the special events

and meals should be defined in the amendment. This would only be in conjunction with inns where the primary use is defined in the ordinance. Approximately eight inns are within the Town's jurisdiction and seven of those are in neighborhood districts and would be subject to these changes. The Herron House and Adger House offer outside meals but most of the others do not. All of these are below the five-acre standard, but there is an exemption for inns that are historic.

Leslie Merrill with the Adger House said the Town Ordinances do not override the Haywood County Ordinances regarding the requirement of a commercial kitchen or catering by a licensed caterer. Ms. Merrill said their business was defined as a Bed and Breakfast Inn, rather than a Bed and Breakfast Home. She said small businesses in the community are often asked to do special events which include weddings and breakfasts. In addition, the Bed and Breakfast Association has been working over the last couple of years to increase the awareness of bed and breakfasts and their historical significance. One of the ways to enhance their business is to create a package offering something in addition to an overnight stay to bring people to the community and enhance their marketability. People coming to this area spend money in the community. Ms. Merrill said she uses a licensed caterer because they do not have a commercial kitchen. Since they are in a neighborhood area, they are very conscientious about the impact to their neighborhood. When they opened their business, they had to go through a lot of planning and zoning issues to include adequate parking for guests. The Planning Board recommended potentially twelve events and twelve dinners per year. This is an opportunity for them to promote their inn and bring people to their community. Ms. Merrill said they have five rooms in their business. She can sleep fourteen people with the capacity to serve special dinners for twenty-two people. This is an opportunity to allow people to experience an inn. 50 - 60% of the inns in small communities are offering some type of special opportunity to show the personality or character of bed and breakfasts.

George Fain, operates the Inn at Iris Meadows, the Old Barber House on Love Lane, and agrees with Ms. Merrill about the importance of inns in the community. Mr. Fain and his wife bought their inn two years ago. On May 4, 2004, the Board of Adjustment granted a conditional use permit for the former owner to operate a bed and breakfast inn. At that time there were ten rooms and he and his wife now have seven rooms. The former owner was told by Mr. Swift that inns are allowed to have up to 30 rooms if the property contains more than five acres. This property consists of 5.47 acres. With a proposal to change the number to twenty rooms he asked what they could do to protect their investment, keep the number at thirty rooms and if they would be grandfathered if a change is made. Attorney Griffin said what is grandfathered is what exists at the time of the change.

Ken Mounds said about three years ago he and his wife bought property at 142 Country Club Drive which was being operated a vegetarian bed and breakfast. His business participates in public events such as the Apple Festival, sponsors a Christmas tour and they are participating in The Relay for Life. All guests tend to be upscale and spend money in Waynesville in the shops and restaurants. If the amendments are permitted to add additional revenue to inns it would be a "God send." He said the settings of bed and breakfasts tend to be unique and gives them an opportunity to expose their image in the community.

Attorney Griffin closed the public hearing.

Alderman Brown moved, seconded by Alderman Feichter, to table the issue until a later meeting. The motion carried unanimously. Paul Benson will prepare another draft with clarification for the Board of Aldermen to review.

Proposed Amendment Section 154.308(B)(2) Regarding Signs

At the meeting of April 11, 2006, the Town Board held a public hearing on the request of Moss Sign Company that the Town's sign regulations be amended so that neon tubing is permitted as an internal illumination source and that channel letters be permitted for all types of signs.

When this matter came before the Planning Board on March 20, 2006, Planning Staff recommended that neon tubing be permitted for internal illumination and that channel letters be allowed. Because of their concern for the brightness which could be emitted by this type signage, staff recommended that the light source be shielded by translucent faces or that a silhouette type sign is used where the light source illuminates the sign background and the letters or symbols are opaque. The Planning Board voted unanimously to recommend the wording from the Staff Report as an amendment.

At the Town Board meeting of April 11, the matter was tabled, and Town Staff was directed to provide additional information on the matter. In an attempt to better explain the request, Planning Staff was directed to take some photographs of signs using channel letters within Waynesville. Several of these pictures were taken in Mountain Creek Shopping Center where a new restaurant, Los Amigos, has opened, and a number of businesses there already use channel letters. Other businesses in Town have channel letter signs, and in comparison to panel signs which are internally illuminated with fluorescent tubes, the channel letters may emit less light than the panel signs.

Mike Herron, a representative of Moss Sign Company, attended the meeting. He explained that fluorescent tubing cannot be bent to fit letters but neon tubing can. He presented photographs of signs using channel letters internally illuminated with neon tubes. He explained that some of these signs have a "raceway" which contains the secondary wiring behind the signs. Without the raceway, two-1 1/2" holes are drilled through the wall for the wiring. If the business does not own the building, the landlord sometimes requires a raceway box because in case the business changes because it is difficult to repair the holes.

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.308(B)(2) regarding signs as recommended. The motion carried unanimously. (Ord. No. 15-06)

Victoria Young Update on Robert Wood Johnson Foundation Grant

Ms. Victoria Young requested time on the agenda to bring the Board up to date on the application of the county for the Robert Wood Johnson Foundation Grant. After the Council on Aging began to encounter operational problems, Mountain Projects, Inc. stepped up to take the leadership role in applying for this grant and to spearheading efforts to secure the funding.

Ms. Young said she hoped the Board had read the good news that the Haywood County Partnership received the \$750,000 grant from the Robert Wood Johnson Foundation to implement an aging plan in Haywood County. Eleven grantees around the Nation that received the first part of the grant had the opportunity to apply for and have received the second part of the grant. They were impressed with how the community came together and that the towns and county gave the same amount of matched funding that was previously approved even after the Council on Aging was dissolved. Haywood County has taken over ownership of the MARC building and has given them office space there. A mini resource center with information on programs and services available for the aging population is included in the second part of the budget through this grant. A shop in Waynesville that has gone out of business has offered free brochure racks to Waynesville, Clyde, Canton and Maggie Valley. Ms. Young thanked the Town of Waynesville Board of Aldermen for their support.

Resolution Identifying Area Under Consideration for Future Annexation Into Waynesville

Every two years, the Town has adopted a Resolution to announce its intention to consider areas for annexation. In the past, this resolution has encompassed the vast majority of the Richland Creek drainage basin, and it entailed Lickstone Ridge and Waynesville Mountain on the east, the Blue Ridge Parkway on the south, Eagle Nest and Mauney Cove ridge on the west and an area abutting Clyde and Lake Junaluska on the north.

Although Waynesville has not been aggressive about annexing property by involuntary means, by adopting this Resolution, the Town is able to move forward more rapidly with future annexation plans. Having the resolution in place reduces the waiting time prior to an annexation.

Town Planning Director Paul Benson presented a map at the meeting showing the area under consideration. Manager Galloway said the staffs for the Towns of Maggie Valley and Waynesville have been working on an annexation boundary agreement between the two municipalities. Based upon the areas being designated for one town or the other, the resolution of consideration being presented to the Town Board this year will have some minor changes from what has been presented and approved in the past. These are not major but will fit in with the annexation boundary agreement proposal being hammered out by the town staffs.

Alderman Brown moved, seconded by Alderman Feichter, to adopt a resolution identifying the area under consideration for annexation. The motion carried unanimously. (Res. No. 14-06)

Report of Town Clerk Annexation Petition - The Great Laurels, Inc.

At the meeting of April 25, 2006, the Town Board received an annexation petition from The Great Laurels and Eton Corporation for approximately 27 acres of land near the intersection of U. S. 276 (Russ Avenue) and U. S. Route 19. The acreage in question is located to the southeast of that particular intersection and is located to the south of the Lakeview Motel which faces U. S. Route 19.

Town Clerk Phyllis McClure has investigated the sufficiency of this petition and found that it meets the requirements of State law. If the Town Board wishes to proceed with further

consideration of this annexation petition, the next step would be to pass the attached resolution which sets the public hearing date for this annexation for the next meeting of the Town Board on May 23, 2006.

Alderman Brown moved, seconded by Alderman Feichter, to set the date for a public hearing for Tuesday, May 23, 2006. The motion carried unanimously. (Res. No. 15-06)

Reappointment of Members of Various Town Boards

Community Appearance Commission

There are several terms which have already expired on this Commission. The terms of Ron Muse, Buffy Messer and Don Norris expired on March 1, 2006. All three have been contacted and indicated that they wish to continue serving.

In addition, Mr. Roger Winge, Vice-Chairman of this Commission, has moved to Asheville and resigned from his post. The Board will need to appoint someone to fill out the remainder of Mr. Winge's term which will run to March 1, 2008.

Alderman Feichter moved, seconded by Alderman Caldwell, to reappoint Ron Muse, Buffy Messer and Don Norris to serve another four (4) year term on the Community Appearance Commission. These terms will expire on March 1, 2010. The motion carried unanimously.

Planning Board

There are four terms which will expire on May 31, 2006. Lee Bouknight and Dan Wright are members who reside inside of the corporate limits and both indicate that they would like to be reappointed for an additional three year term.

Patrick Bradshaw and Gary Sorrells are members residing outside the corporate limits. Both have indicated that they would like to be reappointed to the Board. In the case of members outside the corporate limits, the County Commissioners make those appointments, though the Mayor and Board of Aldermen may certainly make recommendations to the Commissions on names for appointment for a three year term.

Alderman Moore moved, seconded by Alderman Brown, to reappoint Lee Bouknight and Dan Wright to serve additional three (3) year terms to expire May 31, 2009. The motion carried unanimously.

Alderman Brown moved, seconded by Alderman Caldwell, to recommend to the Haywood County Commissioners that Patrick Bradshaw and Gary Sorrells be reappointed to serve additional three (3) year terms to expire May 31, 2009. The motion carried unanimously.

Board of Adjustment

There are three terms which will expire on May 31, 2006. Ken Stahl is an Alternate Member who lives within the corporate limits. He has indicated that he would like to continue serving on this Board for another three year term. An alternate member may attend any meeting, but the only time this type member can vote is when he or she is filling in for another member who is absent or unable to vote on an issue.

Neal Ensley is serving as a Regular Member who lives outside of the corporate limits. He has indicated that he would like to continue serving on this Board for another three year term. Mr. Boyd Medford is an Alternate Member who lives outside of the corporate limits. As noted with Mr. Stahl, an Alternate Member may attend any meeting, but only votes when he or she is filling in for another member who is absent or unable to vote on an issue.

Alderman Feichter moved, seconded by Alderman Caldwell, to reappoint Ken Stahl as an alternate member to serve an additional three (3) year term to expire May 31, 2009. The motion carried unanimously.

Alderman Brown moved, seconded by Alderman Moore, to recommend to the Haywood County Commissioners to reappoint Neal Ensley and Boyd Medford to serve an additional three (3) year term on the Board of Adjustment. The motion carried unanimously.

Release of Tax Overpayments

Tax Collector James Robertson has discovered that a piece of property located at 589 Wayneview Drive, off Eagle Nest Road, is not within the corporate limits of town. Mr. George Vogel purchased the property from James Chester Goodin in 1997, and Mr. Vogel first received a real estate tax bill from the Town of Waynesville in 2005. After receiving the Town's tax bills in 2005, Mr. Vogel paid the charges on September 15, 2005. He now realizes that the property is not within the corporate limits and is requesting a refund.

Town staff checked back on the Town's records and can find no record of a petition for annexation having ever been received from Mr. Vogel or Mr. Goodin. Fred Baker checked the Town maps and the annexation maps used during the large annexation the Town did in 1991, and this particular lot was not part of the annexation.

If a property tax has not yet been paid, the law allows the Tax Collector to release the taxes; however, under State law, a property tax which has been paid may only be refunded by action of the elected officials of the entity. The amount of the taxes paid by Mr. Vogel comes to \$432.34. It is requested that the Board grant the refund of these 2005 property taxes to Mr. Vogel.

Alderman Moore moved, seconded by Alderman Caldwell, to release \$432.34 for overpayment of taxes by Mr. Vogel for the property located at 589 Wayneview Drive. The motion carried unanimously.

Resolution Pertaining to Statewide Bond Issue for Water and Sewer System Improvements

A memorandum was received from Bill Gibson, Executive Director of the Southwestern Commission. In the memo, Mr. Gibson explains that the funds from the bond issue of 1998 have been depleted, with the money used to generate some economic development and to correct some water and sewer problems across the state.

The Rural Center has been gathering information from various governments across North Carolina to demonstrate the need for funding for water and sewer projects in the future. When the last study was done approximately ten years ago, the needs identified totaled around \$11 billion dollars. The most recent study by the Rural Center reveals that the needs today total more than \$16 billion dollars. The Rural Center is urging a new bond referendum for the November 2006, ballot, hoping that the General Assembly will approve an amount of \$1 billion.

Mr. Gibson is distributing a resolution to all the local governments in Region A in hopes that each will adopt a resolution calling on the General Assembly to present a \$1 billion referendum to the voters in the November 2006, election.

Alderman Moore moved, seconded by Alderman Brown, to adopt a resolution asking the General Assembly to present the \$1 billion referendum to the voters in the November 2006 election. The motion carried unanimously. (Res. No. 16-06)

Comments by Larry Payne, 161 Riverbend Street

Larry Payne, 161 Riverbend Street, asked to speak to the Board. Mr. Payne was concerned that the Dodge Magnum and Dodge Durango vehicles that the Town purchased are too expensive and not needed. He also felt that a new Fire Department was not needed, adding that the one currently on Main Street has worked well at its current location, and the Town should consider installing additional traffic lights to stop traffic on Main Street if the Fire Department has a problem getting on and off Main Street. Mr. Payne said he works at Associated Packaging and has to live within his means and feels that the Town of Waynesville should follow suit. He does not feel that raising taxes for a new Fire Department is a critical issue, and would be an unfair form of taxation without representation. Mr. Payne said he has lived in Waynesville for thirty-seven years and there comes a time when things have to cease. The Board expressed appreciation to Mr. Payne for his comments.

Fiscal Year 2006-2007 Budget

Manager Galloway said the proposed budget for fiscal year 2006-2007 will be distributed to the Board before the end of the week. It was the consensus of the Board to schedule a budget workshop for Monday, May 15 at 5:00 p.m.

Report by Town Manager Regarding New Parks and Recreation Director

Manager Galloway said Rhett Langston, former Assistant Director for Buncombe County and Buncombe County employee since 1992, has been hired as the new Parks and Recreation Director for Waynesville and will begin his new position on July 3. Manager Galloway said Mr. Langston has served as administrative officer, handling and overseeing sports parks, marketing

and serving as liaison of the youth league. He will work with Mike Smith for about three months before Mr. Smith retires. Manager Galloway said he is pleased to have Mr. Langston employed with the Town, adding that he is a “good salesman.” The Board thanked Manager Galloway for the update.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 8:40 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk
Henry B. Foy, Mayor