

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
JULY 27, 1999  
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, July 27, 1999. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of June 8, 15, 22 and 29 and July 13, 1999

Alderman Wiggins moved, seconded by Alderman Moore, to approve the minutes of the June 8, 15, 22 and 29 and July 13, 1999 meetings as presented. The motion carried unanimously.

Continuation of Public Hearing - Amendments to Chapter 154: ZONING - Adult Establishments

Town Attorney Bonfoey re-opened the public hearing on amendments to the Zoning Ordinance regarding adult establishments. The following persons spoke:

Diane Szabo, said that she lives in Haywood County and has witnessed how "trash entertainment" can tear down a community. In the 1960's she participated in picketing in Times Square in New York City and was spat upon for picketing. She said that there were boys as young as nine years old whose eyes lacked luster because of the activities being allowed in that area. Ms. Szabo said that the peddling of flesh could be found everywhere in what she referred to as "The Devil's Den". She said that she was disappointed to find that this type of influence has crept into the Waynesville area. She said that she strongly resents the presence of this club and does not want it here. Ms. Szabo asked that the Board keep Times Square and Las Vegas out of Haywood County. She said that she was working on a petition which currently contains 500 signatures opposing the Faze 3 Night Club.

Pat Cartrette, said that her husband is the Pastor of the Free Methodist Church. Ms. Cartrette thanked the Waynesville Police Department for stopping the exotic car wash at the Waynesville Plaza this past Saturday. Ms. Cartrette said that such attire is just not acceptable in this community. She said that she has lived in Waynesville for the past seven years and that prior to that she lived in Atlanta and New Orleans. She said that she has seen these types of establishments and the crime that goes along with them. The community standards are higher in this area and she asked the Board of Aldermen to keep the high standards in Waynesville and that Waynesville will reap the benefits of those high standards.

Reverend Phil Cartrette, Pastor of the Free Methodist Church in Waynesville, said that he lived in Atlanta during the Mayoral tenure of Andrew Young who once commented that Atlanta was an international city and that an international city needs to offer anything that anyone would want. Reverend Cartrette said that Waynesville has "community standards" and it is important that the "sleeze" that is creeping into our area from other places be kept out. Reverend Cartrette asked that the Board of Aldermen get stiffer on their requirements for places like Faze 3 to keep them from

coming in. He said that he believes that in Waynesville that we need to stick with our understanding of the strict conservative and Biblical standards that we have here. Reverend Cartrette said that one of the Police Lieutenants showed him a scar that he has from a cut he received on a call he responded to at Homer's, which was the nightclub in this location prior to Faze 3, and Reverend Cartrette said that he wanted to have businesses like this stopped.

Mike Wray, Faze 3 located at 500 Waynesville Plaza, said that the Waynesville Police Department did not shut their car wash down this past Saturday. Mr. Wray said that they did come and ask them to stop. He said after being personally threatened by the Police Department they did shut their car wash down. Mr. Wray said that his business came into Waynesville, read the laws, saw that they fit into their agenda and that is why they made a decision to come into Waynesville. He felt that he has been attacked personally and financially. He said that he originally had 38 employees and now he has 17. He said that the police force has visited his business 219 times in the past 28 days, and that these police calls amount to approximately \$150 each time. Mr. Wray said that his business is being compared to Homer's but that his business does not have the violence that Homer's had and that his business has no guns, no blades and no bullets. However, he said that he has had every window broken out of his vehicle and that his building has been defaced, and he did not think that this was a Christian thing to do. Mr. Wray said that he has read and obeyed every rule and that his business should be allowed to continue as it is now. He asked that people stop "hounding him" and stop the praying which is "damning us to hell". Mr. Wray said that there are laws that can be followed to stop this and he should like to be left alone because he is within the law. He asked that his rights be left alone and he would leave everyone else's rights alone.

Sheila Berry, a resident of Maggie Valley, said that she presented a speech to the Maggie Valley Board of Aldermen when they were dealing with a decency ordinance. Ms. Berry said that she applauds the Waynesville Police Force and what they are doing. She said that she was very upset with the topless bar and what can happen because of the bar. She said that this type business will degrade women and cause a lack of respect for women which will lead to more abuse and rape, promote prostitution, spread diseases and increase more violent crimes. Ms. Berry said that it will discourage decent moral people from wanting to come to this area and bring in more evil, immoral and indecent people. Ms. Berry asked that the Board of Aldermen adopt the strictest ordinance possible and enforce it to the highest degree to protect and guide the people in this area

Dean Thomas, a Haywood County resident who lives north of Maggie Valley, said that his family came here three years ago because of the wholesome environment in this area. Mr. Thomas said that he is in favor of freedom of speech and freedom of expression. However, he feels that it is the responsibility of the Board of Aldermen to do what is requested by a majority of the people.

Reverend Roy Kilby, of the Bethel Baptist Church, said that he applauds the action taken by the Waynesville Police Force. Reverend Kilby said that the operation of this business is not a matter of rights, it is a matter of greed, adding that if you take the money or profit making out of this business it will fold up. Reverend Kilby said that this is just another establishment which will desensitize people. He said that sex and violence are making "in roads" into common decency. He said if the Board allows this business that other businesses will also want to come in. Reverend Kilby said that sex should be kept within the bounds of marriage and that adultery and fornication are wrong. He said that this business is a sin against God and asked everyone to take a stand to uphold that which is whole and decent. Reverend Kilby said that no one would want their children to be involved in this type of entertainment, nor would they want the youth of this County to be in harm's way. He

said that this business is desensitizing and he urged the Board of Aldermen to continue the strong course that they have to control this business.

Jack Wadham, Waynesville Supply Company in Frog Level, said that when he moved into his business there were two bars in the area and at that time Frog Level was the biggest drug trafficking area in Waynesville. Mr. Wadham said that when the bars were located in Frog Level, children witnessed activities such as women and men having sex in cars and if the Town allows this type of business to move in, it will “play hell in getting it cleaned up”. He said that when the bars were located close to where he was he had to save a woman in the alleyway who was going to get raped and he said that this business would arouse people and cause things like this to happen. He said that these places have never benefitted Haywood County and he urged people to take a stand before these things do happen.

Nikki Rich, 87 Fifth Street, Waynesville, said that none of the girls who work at Faze 3 are “trash”, and that they come from good families. Ms. Rich said that they work extra jobs in order to raise their children and pay their way through school.

Sherry Rogers, Canton, said that she grew up here and has lived here all her life. Ms. Rogers said that she works at the strip bar, that she has two children of her own to raise and also has a family here. Ms. Rogers said that there has always been crime and Faze 3 will not change the crime rate.

George LeGost, Clyde, thanked the Board for allowing people who did not live in Waynesville to speak at the public hearing because what affects Waynesville also affects Clyde. He said that when he grew up one of the things that was stressed in his family was character, but that character does not count much anymore and we will pay for this in this Country. He said that he was also taught to respect women. He said that anyone who would let a young girl do these things in front of a man does not have respect for the woman, they are just using the woman for the money. Mr. LeGost said that morality is on “the slip slide” and that most of the people in this County would like to see this establishment stay out. He said that many young girls have ended up dead, diseased and become prostitutes because of this type of activity. Mr. LeGost said that scripture says that righteousness lifts up a nation and sinfulness is reproach. He added that pornography demeans a woman and he felt that it is necessary to keep these establishments out of Waynesville.

Kay Holcombe, Canton, said that she has been a single mother and has worked two part time jobs and one full time job to support her children. She said that she hears complaints about the welfare statistics but that all these people want to do is to work and they should be allowed to work. Ms. Holcombe said that she moved here five years ago. She said if you want to see crime you can go to Thunder Ridge or O’Malleys.

Chris Stockton, Canton, said that he works at Faze 3 and walks all the girls out to their cars at night. Mr. Stockton said that no one was going to touch these girls. If they try to hurt them they would have to hurt him first. He said that he takes care of them in the club and if someone touches the girls they will be out. Mr. Stockton added that Mike Wray is the best boss that he has ever had in his life.

Kayleen Putnam, Route 3, Waynesville, said that she has been devastated to read about what is going on in this area. Mr. Putnam said that she does not want her child to grow up to go or work at this type of establishment. Mr. Putnam said that God intended for sex to be between a man and his wife. She said if Christians give up and let this activity take place what will happen? She said since Faze

3 has moved into Waynesville she will not even go to the Waynesville Plaza to shop or go to the movies. Ms. Putnam asked that the Board make a decision to benefit the majority of the people.

Mike Evans, Haywood County resident, said that there is nudity on TV and in the movie theater and he did not feel that the entertainment at Faze 3 is any different. Mr. Evans said that he has been by the Waynesville Plaza since this business opened and he has not seen any secondary effects or a visible sign of the business being located there. Mr. Evans said that the business provides jobs for people and contributes to Waynesville's tax base.

Honi Phillips, PO Box 901, Andrews, said that she works at Faze 3 and there is a difference between their work and prostitution. Ms. Phillips said that the employees at Faze 3 are not prostituting their bodies in any way. She said that anyone who works does so because they want to make money and not because of greed. Ms. Phillips said that she has a son to raise and said that everyone's "precious children" are already on drugs and they just may not know it and there is already crime in this area.

Valerie Ambrose, a Cruso resident, said that she came to the meeting to get an idea of what was going to be said and what the issues would be, but after hearing other comments she decided that she needed to also speak. Ms. Ambrose said that she had been a single mother who did not have to sell her body to raise her children. She said that she was raped and molested because of pornography. She said that there may be nudity out there but that does not make it right. Ms. Ambrose said that she has four children, two sons and two daughters and that she is now married and proud of the fact that her children can grow up in a community with values. She said that she feels that this business is being operated because of money. Ms. Ambrose said that it was unfortunate that there are the same type businesses just thirty minutes away from Waynesville and they are being allowed there because people are just not strong enough to stand up to it.

Jim Brackett, 461 Mica Mine Drive, Canton, thanked the Board for their efforts, adding that he hopes the Board will look far and wide to see what other cities have done to keep these establishments out of their community. Reverend Brackett said that he would like to address Mike Wray and his employees. Reverend Brackett told them that although he signed a petition opposing their business he did not agree with the wording "trash" on the petition and he would like to apologize for that. He said that he wanted to respect Mr. Wray as a person but that he did not agree with what he is doing. Reverend Brackett said that he would like to remind the Board that what they are dealing with is visual prostitution, which is a step from physical prostitution. He said that he did not want this in the community because it only destroys people and demeans women in the community.

No one else spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson said that he was not here at the last meeting and that he thought that this Board passed an ordinance at the time that Maggie Valley passed theirs. Alderman Williamson said that he could not believe that Faze 3 could get a business license for a coffee shop and then operate a topless night club. He expressed concern that two movie theaters were located in front of this business. Alderman Williamson said that he was here to protect the people who voted to put him in office and it was sad to think that something like this business would be allowed to take place. Alderman Williamson asked Attorney Bonfoey if the proposed ordinance is adopted how it would affect the business which is already operating.

Attorney Bonfoey said that any business which is already in existence which may be nonconforming

would be allowed to remain for an amortization period of two years, assuming that they are in compliance with licensing regulations. Attorney Bonfoey said that ordinances from Maggie Valley, Asheville, Guilford County and other cities were used to draft the proposed ordinance, which he felt to be the most restrictive ordinance that the Town could adopt. Attorney Bonfoey said that the ordinance does not stop the entertainers but that the entertainers and the business owner do have to comply with the regulations of the ordinance.

Alderman Wiggins asked how flexible the two year amortization period was. Attorney Bonfoey said in looking at other cases, it was his opinion that the two-year period was the shortest period of time that the Board could adopt that would be upheld by the Court System. Attorney Bonfoey added that this ordinance requires that adult establishments can not be located or operated within 1,320 feet, or one-quarter mile of a church, synagogue, or regular place of worship, a public or private elementary or secondary school, a public library, a boundary of any residential area, a public park or playground, a licensed day care center, an entertainment business that is oriented primarily toward children or another sexually oriented business. Alderman Caldwell said that this ordinance is also based upon State regulations which state what can be regulated by the Town.

Alderman Moore said that he hopes that Mr. Wray has a copy of the ordinance and has read it and he added that he hopes the ordinance will be enforced to the full extent.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt the amendments to Chapter 154: Zoning regarding Adult Establishments. The motion carried unanimously. (Ord. No. 16-99)

#### Fee Schedule for Adult Entertainment Establishments and Other Sexually Oriented Businesses

The Board also discussed the need for adoption of a fee schedule for adult entertainment establishments and other sexually oriented businesses.

Alderman Williamson moved, seconded by Alderman Moore, to adopt the fee schedule for adult entertainment establishments and other sexually oriented businesses. Annual fees for businesses are to be \$1,000 per business and individual licenses are to be \$500 each. The license fees shall be in addition to any licenses for the sale of food, beverages and any other item, any charge calculated upon a per-seat or per-room basis or any other license from that section of the Town Code or Fee Manual setting privilege license fees. The motion carried unanimously.

#### Closed Session to Discuss Legal Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session to discuss a legal matter.

Alderman Moore moved, seconded by Alderman Williamson, to return to regular session. Both motions carried unanimously.

#### Minor Subdivision Plat - Mr. James M. Nicholas - Old School Road

Mr. James M. Nicholas owns a 8.46 acre tract of land on Old School Road. The property is zoned R-1, and Mr. Nicholas is dividing the property into four (4) lots. Each lot will have town water and a septic tank. The plat meets or exceeds town standards, and town staff recommends approval.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision for Mr. James M. Nicholas located on Old School Road. The motion carried unanimously.

Minor Subdivision Plat - Mr. William D. Buchanan - Camp Branch Road

Mr. William A. Buchanan owns a 4.25 acre tract of land on Camp Branch Road. The property is zoned R-1, and Mr. Buchanan is dividing the property to create a one (1) acre lot to transfer to Michael and Lisa Burnette. The new lot has access to Waynesville water and sewer systems. The plat meets or exceeds town standards, and town staff recommends approval.

Alderman Wiggins moved, seconded by Alderman Williamson, to approve the minor subdivision for William D. Buchanan located on Camp Branch Road. The motion carried unanimously.

Harry Robbins - Complaint Regarding Paving of Muse Street and Hendrix Street

Mr. Harry Robbins, along with neighbors Carroll Sheehan and Gene Moody, came to the meeting because of dissatisfaction with the paving of Muse Street. The Town contracted with WNC Paving to have Muse Street resurfaced using a treatment known as Bitumous Surface Treatment, sometimes referred to as Chip Seal. Mr. Robbins asked that the Board come out to look at Muse Street. He said that Muse Street was just fine the way that it was, that there were no potholes and it was clean and free of debris. Mr. Robbins said that Muse Street and Hendrix Street are in terrible condition now, that the tar sticks to your shoes, children can't roller skate or ride their bicycles and the street needs to be repaved with smooth pavement. He added that an older lady fell on the loose gravel while walking to her mailbox. Mr. Robbins said that the paving company had pulled down a power line and damaged the cement bridge by running over it with a large piece of equipment.

Alderman Williamson said that he did look at Muse Street and that he felt that WNC should go back and resurface the street.

Town Manager Galloway said that the Town uses this type of surface treatment on low volume, dead end streets. Manager Galloway said that this treatment has been used on roads such as Eagle Nest Road and Chinquapin Lane.

Alderman Williamson moved, seconded by Alderman Moore, to authorize WNC to repave Muse Street with a smooth surface, that the paving be a priority and that someone investigate any damages which may have been done to the cement bridge. The motion carried unanimously.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:48 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor