

AGENDA  
REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
JUNE 26, 2007  
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, June 26, 2007. 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, Town Attorney Woodrow Griffin, Assistant to the Town Manager Alison Melnikova, Planning Director Paul Benson, Finance Director Eddie Caldwell and Public Works Director Fred Baker. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of May 22, 2007

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the May 22, 2007 meeting as presented. The motion carried unanimously.

Presentation of Awards by Town Manager Galloway

Town Manager Galloway said the Town has Workers Compensation Insurance through the North Carolina League of Municipalities. Human Resource Officer Margaret Langston has served on the Board of Directors for the Risk Management Services for the past six years. During 1999-2005, 23% of all claims and 25% of the severe claims were those of police officers. It was found that there was a direct correlation between the number of and the severity of the injuries and the physical fitness of the police officers. Because of this, during the 2005-2007 time period, a Wellness Initiative Pilot Study began among seven police departments in North Carolina with 94 volunteers participating. Participants were encouraged and motivated to make positive health behavior changes. Specific health issues included health risks related to cardiovascular, strength, flexibility, cholesterol, triglycerides, blood sugar and weight.

Participating towns included Kill Devil Hills, Elizabeth City, Hillsborough, Lincolnton, Red Springs, Selma and Waynesville. The 22 volunteers from the Waynesville Police Department had an average weight loss from 206 pounds to 183 pounds and other health improvements including body mass index and triglycerides. "The Most Outstanding Coordinator" was awarded to Sergeant Kenny Aldridge and "The Most Fit Individual" was awarded to Police Chief Bill Hollingsed. "The Most Fit Department" was awarded to the Waynesville Police Department. This award included a trophy and \$1,000 to be spent on a wellness related activity in the department. Manager Galloway said the department worked hard and this is quite a recognition. Lewis Langston with the Waynesville Recreation Department worked with the Police Department to help develop programming.

Mayor Foy expressed appreciation to the Police Department for these accomplishments. He said that considerable work has gone into this effort and it has been good for the department and the Town.

## Public Hearings - Various Amendments to Land Development Standards

Several public hearings were scheduled regarding various amendments to the Land Development Standards. Planning Director Paul Benson and Public Works Director Fred Baker attended the meeting to answer questions regarding the public hearings.

### Amend Section 154.122(B)(6)(C) reduce driveway separation within cluster developments - Pigeon St. Neighborhood District

Town Attorney Griffin opened the public hearing regarding a proposed amendment to change the text of the second bullet by inserting the text in italics:

A minimum separation between driveways of fifty (50) feet is required. The separation distance may be reduced for clustered development if approved by the Public Works Department and the Planning Department; however, a minimum distance of at least twenty-five (25) feet shall be required. ***This distance is to be measured from centerline to centerline of each driveway.*** Town staff, when allowing a reduction of driveway separation, shall consider the width of driveways; the walkability of the development; the percent of green and open space; and the overall topography of the development.

Attorney Jack Kersten said the conditional use permit for the project on 276 was granted and the permit expired so the developer started the process for the project again. One of the plans that was submitted was the same as one that was approved the last time. He said somehow in the midst of the approval process the last time the width and separation of driveways references of measuring from center line to center line was left out and can't be traced anywhere in the minutes, but this is how the plans were approved. It has been recommended by the Planning Board to measure the driveway separation from centerline to centerline.

Public Works Director Fred Baker that this request would be a bad change for the Town's ordinance and he did not recommend the amendment. There are certain principles of neighborhood development that the land development standards are written around. You can violate one or two of them and still make it work. One of the principles is that parking lots and garage doors rarely face the streets, most parking is regulated to the rear of the building. The Town is trying to create a nice street; by reducing the width with this amendment, you are creating an alleyway. He felt that this amendment is unnecessary and respectfully disagreed with the recommendation of the Planning Board.

Alderman Brown asked if the language at the end of this section now protects the integrity of the ordinance in certain cases. Fred Baker said there is not a topographical reason, the only reason in this case is to promote higher density. The proposed amendment would make it difficult to get street trees in and he felt that there should be driveway separations. Streets should have standards for driveway separations. In every district the Public Works Director is given a 60% latitude, so if there is a 50-foot separation allowance discretion is given to reduce it to 30. Typically there is a steep bank and you can't get a driveway in anywhere without reducing the distance.

Attorney Kersten said the reason this came up originally is if you have a unit that is 25 feet in width and the minimum distance apart in the same place you couldn't have driveways because the

driveways would be further apart than the units and this made no sense. Mr. Kersten said the second issue that Mr. Baker is eluding to is to do away with traditional methods of pulling into a garage and there should be an alleyway behind the house. That may be a good thing but this project has been planned and approved for two and one half years. The Public Works Director has the flexibility but since the plans were approved previously, someone thought they were approvable and appropriate.

Paul Benson said he agreed with Mr. Baker. The ordinance was amended as a result of this project in 2004 to provide for the reduction of 50 feet to 25 feet based on certain standards. There is extensive public record on this in minutes from the Community Appearance Commission, Planning Board, Board of Adjustment and Board of Aldermen. In none of those minutes does a measurement of centerline to centerline appear as the intent behind this ordinance amendment, in fact it is clear in other parts of the ordinance that all driveways are measured from edge to edge. Driveways are close to being 25 feet in this development, the closest one may be 18 feet from edge to edge. He felt that 25 feet can be achieved in this project without a lot of serious amendments by reorienting garages so they are side by side or having more shared driveways. Also, this amendment applies to any project in the Pigeon Street Neighborhood District, not just this development.

Mayor Foy said these units could be designed to meet the Town's ordinance without amendments by reducing the twenty units on this particular site to 18 or 19. He was opposed to amending the ordinance when a developer can comply and felt that this would be a bad precedent to set.

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

Alderman Moore moved to deny the request for an amendment, Mayor Foy seconded the motion. The motion carried with four (4) ayes (Caldwell, Feichter, Foy and Moore) and one (1) nay (Brown).

Amend Section 154.227(C) reduce minimum spacing between buildings with attached single family dwelling units from 20' to 10'

Attorney Griffin opened the public hearing regarding a proposed amendment to change the text of the third bullet as follows: The minimum spacing between buildings shall be ~~twenty (20) feet~~ **(10) ten feet**, plus (1) foot for each one (1) foot of building height in excess of thirty (30) feet, ***or as established by the NC State Building Code, whichever is greater.***

Attorney Jack Kersten said the project on 276 was approved and nothing has been changed since that approval. The problem could be solved by pushing all the buildings together, but the idea was to separate the units and that is why the distance between the units was less than twenty feet. There is a minimum number of units within which the project is feasible. He said this involves about seventy-five dwelling units, \$300,000 units located within three blocks from downtown and someone is willing to invest the money to do this project. Ten (10) feet separation can be met and the Community Appearance Commission and Planning Board have agreed with this amendment.

David Damerau, developer for Glen Meadows said when he originally read the ordinance for cluster development in the Pigeon Street District and spoke with the previous planner, it was his impression that more density was wanted to create a center with more living units so you did not have the sprawl. By creating less units you do not create the density that he felt was wanted. He said he could put 100 units on this property and still meet the code, but they would not be as desirable,

aesthetically pleasing or marketable. That is why he has come up with a mixture of town homes and condos on the property. He did not think that two and three story units would be as desirable a product that people would want to buy. As far as the topography on this property, it falls 250 feet from one end of the property to the other. Putting the garages in the back was discussed for some time, but you would have more asphalt in the back with less green area for water retention. With this type of topography it would be difficult to provide the kind of design on the property that you could have if everything was flat and in perfect squares. Feedback from potential buyers was that they wanted to drive into their garages and have a walkable community. Trails were created for people to walk on, connectivity was created so that people could go from neighborhood to neighborhood.

Mr. Damerau said most buildings are 20 - 25 feet apart. The two end units are about twelve feet apart. NFPA calls for ten (10) feet separation as the minimum spacing for fire prevention issues and this is for this project. All the buildings could be together and get the density that he wants, but the project would not be as desirable and he feels that overall this design is the one selected.

Attorney Griffin closed the public hearing. There was a discussion whether this amendment would be for aesthetics or safety. Alderman Brown asked Mayor Foy as an architect what would make the buildings look better if they were stacked together and what would be enhanced by reducing or increasing the separation. Mayor Foy said they could be stacked to make them look attractive and they could be stacked to make them look bad. Fred Baker said on the plans most of the buildings are 20 feet apart. However, when you scale the plans some may be less. As an example, Mr. Baker said if the bedroom windows in two units are 10 feet apart it may be a problem, but if the buildings can be offset he did not see a problem. If there is no objection from the Fire Chief he did not see a problem with reducing the building separation to ten feet. Mr. Damerau said the units are stepped substantially from each other so that buildings don't look directly into each other. Ninety percent of the buildings in this design do not look directly into anything. With the amount of trees being added on this site there should not be a problem.

Paul Benson said this amendment would apply to all town house developments in this zoning district. A fact to consider is when a building is 10 feet corner to corner it is less of a problem than when the buildings face each other. Mr. Benson said the building code provides for safety separation issues and the land development is more aesthetics.

Mayor Foy said this development could conform if one or two buildings were omitted. The other problem he foresees is that Haywood County has requested that the State make improvements to US 276 from Main Street into Bethel. When this happens it will take out a row of these buildings. Mr. Damerau said the easement has already been taken into consideration and they can't come any closer than what is already set up. Mayor Foy said they could take this property for road improvements because the cemetery is located on the other side of the road.

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.227(C) as recommended. The motion carried unanimously. (Ord. No. 17-07)

Amend Section 154.128(B)(8)(b) expand permitted uses to include properties adjoining and accessing US 23/74 (South Waynesville Neighborhood District)

The proposed amendment is to replace the text of the first bullet with the following:

All “Institutional and Civic” and “Business, Professional and Personal Services” uses permitted in the SW-ND District (as listed in Sec. 154.128(C)), must be within two hundred (200) feet of Old Balsam Road on lots abutting Old Balsam Road and on lots abutting the Great Smoky Expressway, (US Highway 23-74), provided those lots have approved vehicular access to the Great Smoky Mountains Expressway.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

There was discussion regarding the properties in this area and the driveway cuts and separations allowed by NCDOT onto US Highway 23-74. Paul Benson said the properties in this area have existing driveway cuts to the By-Pass and he was not sure what the driveway separation standards are in this area. Public Works Director Fred Baker said there were six (6) driveways in this area already. Mr. Baker recommended the change because this is a limited range of uses and probably appropriate for this area. He added that it would be nice to have 150 - 200 foot driveway separations for a high speed highway such as this. Paul Benson said there is probably not a limited time line on this request and the Board could table it until a later time if desired.

Alderman Brown moved, seconded by Alderman Moore, to table this issue until a later time. The motion carried unanimously.

Amend Section 154.124(B)(8)(b) expand permitted uses to include properties adjoining and accessing US Business 23 (Raccoon Creek Neighborhood District)

The proposed amendment considered is to replace the text of the first bullet with the following:

All “Business, Professional and Personal Services” uses and “Retail Trade and Food Services” uses permitted in the RC-NC District (as listed in Sec. 154.124(C)) must be within two hundred (200) feet of Business 23 on property abutting Business 23 and located between Sims Circle Road and Monte Vista Drive, or between *Piccadilly Drive* ~~Zemery Lane~~ and Hillside Terrace Drive, provided that Clement Lane may not be used for nonresidential uses.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Feichter, to amend Section 154.124(B)(8)(b) as recommended. The motion carried unanimously. (Ord. No. 18-07)

Amendment to Zoning Map of ETJ to exclude 3 acres in the Hall Top Rural District

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Ralph McClendon requested that three (3) acres from a 39 acre tract located in Mauney Cove Road, in the Hall Top Rural District be excluded from the extraterritorial jurisdiction. A lot/plat plan had already been established for this subdivision prior to this small portion being placed in the ETJ. It was requested that the three acres be removed and that the ETJ follow the original property line.

Alderman Brown moved, seconded by Alderman Moore, to amend Ordinance 1-93 to exclude three (3) acres as recommended. The motion carried unanimously. (Ord. No. 18A-07)

Amend Section 154.403(A)(3) to provide a 50% density bonus to properties within the area subject to the hillside protection standards that have existing town standard road access, and existing water and sewer line access

Attorney Griffin opened the public hearing.

Attorney Jack Kersten said there seemed to be some confusion with the amendment. Throughout the history of this from the Planning Board to today, it was his understanding that the concern was that situations be addressed if there were existing parcels of land served by water and sewer and public streets. If you had to build water and sewer to get to them or a private street it would not apply. If you are going to build a private street within the development itself you could not get the bonus.

Fred Baker said the Land Development Ordinance classifies various streets, lanes and alleys, but not driveways. A driveway is just a vehicular access to a home site. Joint use driveways are encouraged but once you get more than four houses it needs to be constructed to minimum standards. If you are developing a subdivision and building infrastructure, the Hillside Development Ordinance deals with density, etc. This is an exception for existing sites that already have access to a street and the Town would not have to build infrastructure.

Attorney Kersten said if we try to offer some relief from the ordinance to parcels that are already on a public street with water and sewer what difference does it make once you are on the site whether you build a private driveway, lane, etc.

Mayor Foy said the idea of this ordinance is if there is already a street there you could do some cluster development with less land disturbing activities with this amendment.

Paul Benson said this was initiated by the Planning Board in response to an individual that had a four-acre lot with existing water, sewer and streets and they wanted to split the lot. No water, sewer and street construction would be required to do that. The theory behind this is if existing infrastructure is in place, this eliminates land disturbing activities and protects hillsides. Limiting land disturbing activities is the basis of the ordinance. They would get a density bonus on their lot size because they are disturbing land to build the unit but not disturbing land to build the infrastructure. There are very few large tracts of land that do not abut infrastructure at some corner. This is for small situations where no construction of utilities or streets is involved.

Fred Baker said he did not recommend the amendment and felt that it was fatally flawed. A developer of a large tract could comply with the Hillside Development Ordinance and later come back and divide the property into small parcels. He has attended a lot of workshops with Haywood County and there has been discussion regarding at what point you start lowering the tree canopy and compromising water supply and quality because of development. He felt that the Town has a good Hillside Development Ordinance and hillside conservation allows more flexibility with the ordinance.

Attorney Kersten said the impact of the Hillside Development Ordinance started when Mr. McClure tried to get a variance. They went back to the Planning Board and meetings were held to discuss the Hillside Development Ordinance. After much discussion the Planning Board came up with this amendment with some relief that would apply to a limited number of situations.

Paul Benson said after talking with Fred it was felt that if the amendment is adopted, it should be tweaked to establish the date of adoption as the date when existing infrastructure would need to be in place.

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

Paul Benson said this issue came up at the Planning Board Meeting of May 21. There is no hurry with this amendment. The Board can discuss it further at a later time.

Alderman Feichter moved, seconded by Alderman Moore, to table this issue until a later time. The motion carried unanimously.

Amend Section 154.271(C) to eliminate the maximum density standard of one unit per three acres within the Hillside Conservation Development Conditional Use Standards

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Public Works Director Fred Baker said this amendment gives the density bonus that the Planning Board wants to allow for development, but with a lower impact.

Alderman Moore moved, seconded by Alderman Brown, to amend Section 154.271(C) as recommended. The motion carried unanimously. (Ord. No. 19-07)

Amend Section 154.103, 154.105, 154.106, 154.109, 154.110, 154.111 and 154.117 to add Hillside Conservation Development as a conditional use

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Public Works Director Fred Baker and Planner Paul Benson said they both approve of this amendment.

Alderman Brown moved, seconded by Alderman Feichter, to amend Sections 154.103, 154.105, 154.106, 154.109, 154.110, 154.111 and 154.117 as recommended. The motion carried unanimously. (Ord. No. 20-07)

Amendment No. 1 to 2006-2007 Financial Operating Plan Internal Service Funds

At the end of each fiscal year, Finance Director Eddie Caldwell makes final estimates on the budgeted expenditures and revenues and must seek approval of the Town Board for amendments to various funds and accounts.

The Internal Services Fund has encountered some higher than anticipated costs in two particular areas. First is in the area of gasoline and oil, where the higher charges will likely lead to an expenditure of \$15,000 more than what was budgeted. Second, some unusual repair and maintenance costs on several vehicles have been encountered, and it appears that an additional \$15,000 will be needed to cover these costs which exceed what was budgeted. The user departments will be charged a prorated share of the \$30,000 to cover the higher costs. Finance Director Eddie Caldwell was present to answer questions.

Alderman Brown moved, seconded by Alderman Moore, to adopt Amendment No. 1 to the 2006-2007 Financial Operating Plan Internal Service Funds. The motion carried unanimously. (Res. No. 15-07)

### Amendment No. 3 - 2006-2007 Budget Ordinance

At the end of each fiscal year, Finance Director Eddie Caldwell makes final estimates on the budgeted expenditures and revenues and must seek approval of the Town Board for amendments to various funds and accounts. In Item 3, there was an amendment proposed for the Financial Operating Plan of the Internal Service Funds. In this Section, an amendment is needed to cover the operating budget which was established through the Budget Ordinance.

A few items need to be adjusted to cover higher expenditures in the General Fund and the Electric Fund. The Water Fund and the Sewer Fund are expected to be within balance without any adjustments.

The Fire Department received a grant of \$18,700 for rescue equipment. The Board will need to amend the budget to reflect the revenue from the grant and the expenditure for rescue equipment.

During the year, representatives of Folkmoot approached the Board seeking a donation to support an economic impact study, and the Board approved \$2,000 to assist with that purpose. Also during the year, the Haywood County Schools Foundation approached the Board seeking a donation in support of a special campaign operated this spring, and the Board approved a contribution of \$2,500. Finally, during the year, tax collections on property in the Municipal Tax District exceeded the collections which had been estimated; consequently, the amount of tax proceeds transferred to the Downtown Waynesville Association exceeded what had been budgeted by roughly \$2,000. All three of these expenditures fall under the section of the General Fund budget designated as "Special Appropriations", boosting the expense in that category by \$6,500.

To cover this higher expense of \$6,500, there is a need to amend budget revenues by \$6,500. In order to balance the expenditures, this may be done by increasing revenues from the half cent sales tax by \$6,500. Revenues from the half cent sales tax will actually exceed budget estimates by more than \$50,000, so dedicating \$6,500 to balance the budget is not a problem.

In the Electric Fund, we expect to spend \$50,000 more to purchase wholesale power than what was estimated. Fortunately, we collected an amount greater than the \$50,000 and can cover this higher expense without tapping the reserves in this fund. The Board is asked to approve an amendment of the Electric Fund to increase electric charges by \$50,000 and to increase the purchase of wholesale



power by \$50,000.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt Amendment No. 3 to the 2006-2007 Budget. The motion carried unanimously. (Ord. No. 21-07)

#### Adoption of the Annual Budget 2007-2008 Fiscal Year

At the Board meeting of June 12, a public hearing was held on the Town's proposed annual budget for the 2007-2008 fiscal year. No one appeared at that time to speak on the document.

The Budget Ordinance sets the 2007-2008 fiscal year budget into motion. The document totals \$24,517,210, and includes the General, Water, Sewer and Electric Funds.

The General Fund budget calls for the property tax rate to remain the same at 40 cents per \$100, but there are increases in the charges for garbage collection, cemetery lot fees and building inspection fees.

The Water Fund calls for an increase of 5% in the rates charged and increases the amount charged for utility connections or taps. In addition, there is a new charge being assessed after July 1, 2007, called a capacity fee. These charges will provide funds to assist the Town in addressing the large amount of improvements needed in the water distribution system and at the water treatment facility.

The Sewer Fund calls for an increase of 5% in the rates charged and increases the amount charged for utility connections or taps. In addition, there is a new charge being assessed after July 1, 2007, called a capacity fee. These charges will provide funds to assist the Town in addressing the large amount of improvements needed in the sewer collection system and at the wastewater treatment facility.

The Electric Fund calls for an increase of 3.5% in rates charged for electricity, and the increased revenues will provide the funds necessary for the debt service to pay the cost of a new electric substation off Howell Mill Road.

It is noted that the water, sewer and electric rate increases will take effect on any bills issued on or after August 1, 2007. The increase in the garbage fees for commercial customers will go into effect on July 1, 2007, since the increase in landfill tipping fees by Haywood County are scheduled to take effect on that date. The garbage fees for residential customers will not increase until August 1, 2007, since the County does not charge tipping fees for residential garbage but instead assess a landfill fee on the property tax bill of each residential structure in the county.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt the Fiscal Year 2007-2008 Budget. The motion carried unanimously. (Ord. No. 22-07)

Alderman Feichter said every year when the Board goes through the budget process she is amazed at how wonderfully these budgets are constructed and how proud she is of the department heads and staff and the job they do in managing the citizen's money and making the Town what it is. She added that the budget is well done and she thanks Manager Galloway, Eddie Caldwell and staff. Alderman Moore said the staff is conservative and takes care of the citizen's money, adding that he

was very glad that the Board did not have to increase property taxes. Mayor Foy said that money is being spent on quality products and this is reflected in the Town.

Alderman Brown asked about review of the fees at the Recreation Center. Manager Galloway said Parks and Recreation Director Rhett Langston has already made some revisions on some fees and that when the Board reviews the audit they will see an increase in revenues. New marketing approaches are being tried and Mr. Langston has more in mind to implement. New programs have been added such as the Silver Sneaker Program and Disc Golf which have been very successful and brought more people into the center. Mayor Foy said there was an excellent report from the month of March. Alderman Brown said the Town spends more than two million dollars in Parks and Recreation, with a revenue of only \$600,000, and the Town is always working to get these figures closer.

#### Resolution on Financial Operating Plan Internal Service Funds 2007-2008 Fiscal Year

The Town operates two Internal Service Funds, the Public Works Fund and the Garage Fund. Each of these two funds supports the operation of the Town, providing services to the General, Water, Sewer and Electric Funds.

The Garage Operation is expected to cost \$595,520 during the 2007-2008 fiscal year. The General, Water, Sewer and Electric Funds are charged a prorated share of this total cost.

The Public Works Operation is expected to cost \$300,690 during the 2007-2008 fiscal year. The General, Water, Sewer and Electric Funds are charged a prorated share of this cost.

Alderman Moore moved, seconded by Alderman Brown, to adopt the Resolution on Financial Operating Plan Internal Service Funds for the 2007-2008 Fiscal Year. The motion carried unanimously. (Res. No. 16-07)

#### Recommendations From Police Department Prohibiting Left Turns Chelsea Road At Ninevah Road

The Waynesville County Club has been working with the Police Department on some traffic safety issues in and around their facility, particularly at the intersection of Ninevah Road and Chelsea Road. Lt. Brian Beck has been reviewing the situation.

Alderman Brown said several years ago, a four-way stop was erected at the main entrance at the Waynesville Country Club. This is an extension of that concept. There was discussion regarding resolutions. The Board did not feel that additional stop signs would help the situation, especially if they are 200 feet apart. This may create more problems that it would solve. No action was taken.

#### Request to Close Boundary Street Community Fourth of July Celebration

In what has become a tradition, the neighbors on Boundary and Meade Streets are once again planning a Fourth of July celebration and wish to have the street closed to facilitate their event. The request is that Boundary Street be closed between 3:00 p.m. and 10:00 p.m. on Wednesday, July 4<sup>th</sup> for their Community Fourth of July Celebration. This event has been conducted for several years and there have been no problems.

Alderman Moore moved, seconded by Alderman Brown, to approve the request to close Boundary Street for the Fourth of July Celebration. The motion carried unanimously.

Closed Session to Discuss a Real Estate Matter

Alderman Moore moved, seconded by Alderman Caldwell, to adjourn to closed session at 8:48 p.m.

Alderman Feichter moved, seconded by Alderman Moore, to return to open session at 9:05 p.m. Both motions carried unanimously.

Upon returning to open session, Alderman Brown indicated that the Town had received an offer of \$301,356 for the property at 59 Depot Street, known as the Pancake House, and he moved, that the Town Board proposes to accept the offer along with the conditions stated by the firm making the offer, subject to the upset bid procedure established by the North Carolina General Statutes 160A-269. This motion was seconded by Alderman Moore and passed unanimously.

The Town Manager advised that the newspaper advertisement announcing that the Town Board proposes to accept the offer would not likely appear in the Mountaineer until Friday, July 6, 2007, and the ten-day upset bid procedure would commence at that point. Any upset bid would need to be received on or before Monday, July 16, 2007, at which point the Town Clerk would begin advertising the new bid on the property and a new upset bid period would commence.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Brown, to adjourn the meeting at 9:08 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor