

SPECIAL MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
OCTOBER 28, 2004  
THURSDAY - 5:00 P.M.  
TOWN HALL

The Board of Aldermen held a special meeting on Thursday, October 28, 2004. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter, and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Administrative Assistant Freida Rhinehart and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 5:05 p.m.

Approval of Minutes of October 12, 2004

Approval of the minutes was postponed until the next meeting of the Board of Aldermen.

Designation of Freida Rhinehart as Deputy Clerk

Since she was hired by the Town in January, 2000, it was intended that Ms. Freida Rhinehart work toward her certification as a municipal clerk. It was also the intention that she would cover for Town Clerk Phyllis McClure in attesting to documents and in recording the minutes of meetings of various Boards and Commissions. Since her employment, she has filled this role as “deputy clerk”, and in late 2002, she earned the Certified Municipal Clerk designation.

Town Clerk Phyllis McClure is scheduled to be out of work for a few weeks, and in her absence, there will be times when Ms. Rhinehart will be filling in for Ms. McClure. Therefore, it is requested that the Town Board officially designate Ms. Freida Rhinehart as the Deputy Clerk to act in the absence of Town Clerk Phyllis McClure.

Alderman Caldwell moved, seconded by Alderman Moore to appoint Freida Rhinehart as Deputy Clerk for the Town of Waynesville. The motion carried unanimously.

Ms. Rhinehart was administered the oath by Mayor Foy.

Speed Limits

Under North Carolina law, all speed limits on streets within a municipality are to be 35 miles per hour unless otherwise posted. On streets within the town which are owned and maintained by the Town, the speed limits are to be set by action of the Town Board. On streets within the town which are owned and maintained by the State of North Carolina, the speed limits are to be set by action of the State Board of Commissioners of the Department of Transportation. The Town may request that a speed limit on a State maintained road be set at a certain velocity, but it is the DOT which has the final word.

Several months ago, Board members asked that a study be conducted of speed limits posted in the town as well as streets where no speed limit signs are posted to assure that the 35 miles per hour speed limit is suited for an undesignated street. We asked that the Police Department make a survey of every street in Waynesville and note what speed limit, if any, is posted. That report came in during the early part of the summer.

When the new Town Code Book was received in the early spring, we reviewed the ordinances designating the speed limits on various street. Then we asked that the Police Department review the Code Book and the list of speeds they found on various streets to help prevent contradictions.

This work has now been done and has been reviewed by the Director of Public Works, Fred Baker, to assure that none of the streets on the list are private streets. Attached to this report is a listing of the streets for which Waynesville is responsible and on which there is a posted speed limit. Again, if not posted, the speed limit on a street is 35 miles per hour within town.

There are nine streets which the Police Department has studied and recommends that the Board designate a speed limit lower than 35 miles per hour. Ordinance No. 33-04 has been prepared which would establish the specified speed limits on these streets. It is requested that the Board approve this Ordinance with an effective date as soon as the proper signage is posted.

The recommended speed limits and streets are as follows:

**Fifteen (15) Miles Per Hour**

J. F. Morris Drive  
Liner Street (was 20)  
Mull Street (was 5)

**Twenty (20) Miles Per Hour**

Arden Street  
Buxton Street - ordinance was adopted but was not included in Code (Ord. 30-98)  
Hillside Road  
Pinewood Drive - (was 25)  
Welch Street

**Twenty-five (25) Miles Per Hour**

Hyatt Street

Town Manager Galloway stated that no record of any ordinances to change the speed limit on these streets has been found and indicated that he thinks all of the Town streets have been addressed.

Other problem areas for speeding were pointed out. Alderman Moore indicated that there is still a problem with speeding on some of the streets in Hazelwood and some of the Town streets have

hidden drives. Alderman Feichter said that signs need to be posted on Country Club Drive to indicate that the speed limit is 30 miles per hour and pointed out that Virginia Avenue is also a problem area. Alderman Brown would like to see posting of the speed limit on Eagle Nest Road as well and asked if the Police Department could put up the speed board to remind motorists there of the speed limit. Alderman Brown moved, seconded by Alderman Feichter, to adopt Ordinance No. 33-04 and approve the recommended speed limit changes. The motion carried unanimously.

#### Petition for Voluntary Annexation - 1.2388 Acres on Skyline Drive - Roger and Kathleen Remsen

A letter and related information has been received from Roger and Kathleen Remsen, who are seeking voluntary annexation into the Town of Waynesville. They own property on Skyline Drive off Eagle Nest Road. At present, they live in Palm Harbor, Florida, but they intend to construct a home at this location in the near future. They wish to receive Town water, and the line is located directly across the street from them, but they realize that they will still need a bladder tank and pump in order to assure adequate water pressure at this elevation.

Town Manager Galloway said that this property does abut the existing corporate limits and would be a contiguous annexation.

If the Board wishes to consider this annexation, the first step would be to adopt a Resolution directing the Town Clerk or the Deputy Clerk on her behalf to investigate the sufficiency of the petition. This report would likely come back to the Board at the meeting of Tuesday, November 9, 2004.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a Resolution directing the Deputy Clerk to investigate the sufficiency of the annexation petition and report the results at the next regularly scheduled Board of Aldermen meeting on November 9, 2004. The motion carried unanimously. (Res. No. 17-04)

#### Discussion Regarding Powers and Duties of Community Appearance Commission

Mayor Foy presented a draft amendment to Chapter 154.053 of the Land Development Standards which would give the Community Appearance Commission the authority to require that persons building or renovating in the Central Business District or Town Center Districts must seek professional services for their plans and drawings. As an example, he presented plans submitted by CVS Pharmacy for their proposed new building on Russ Avenue. This matter must be reviewed by the Planning Board.

Alderman Brown stated that he would like to have input from both the Planning Board and Community Appearance Commission. This proposal is an effort to have potential developers be more prepared when they present their plans at meetings. Brown also added that sometimes builders do not like the added expense but later realize that it is much better to seek information from experts in the field.

Alderman Feichter would like to see some sort of information packet made available to persons inquiring about permits so that they would know what is required before plans are presented.

#### Report from NCLM Meeting in Raleigh

Manager Galloway reported that he, Alderman Feichter and Alderman Caldwell traveled to Raleigh to attend the North Carolina League of Municipalities meeting Sunday through Tuesday, October 24-26, 2004. Over 2000 registered for the conference. The sessions were good and concurrent sessions on various topics were offered. They each tried to attend different sessions to take advantage of as many offerings as possible. Galloway also indicated that as a result of conversations with other officials, he learned that many of them face many of the same problems that we experience such as an aging infrastructure.

Alderman Feichter said that she attended an interesting session on how to approach legislators. It was pointed out that most legislators are interested in what their constituents think. Local government officials can often be instrumental in enabling communication between constituents and legislators.

#### Facilities Study

Board members were also reminded by Manager Galloway that there will be several meetings next month. The architects are ready to make their presentation to the Board and have agreed to meet at 4:00 p.m. on November 11. The meeting will take about 3-3 ½ hours so it is planned to meet from about 4:00-6:00, have a 30-45 minute break for dinner then continue the meeting until about 8:00-8:15. The architects will make presentations for each of the 4 departments, make recommendations for each facility, allow the Board about 3 weeks to consider the options and come back on November 30 for another meeting.

#### Manager's Car

Manager Galloway reported that the hybrid vehicle purchased by the Town has arrived. He and Finance Officer Caldwell picked up the Toyota Prius from the dealer in Hendersonville.

#### Donation of Used Vehicles

Alderman Brown requested that the Board give consideration to the possibility of donating used police vehicles to the Board of Education for use by the School Resource Officers.

#### Political Signs

There was some discussion regarding the recent removal of political signs. There is a requirement of a \$100 deposit which is refunded if campaign signs are removed within 7 days after the election. Manager Galloway explained that there have been several violations of the sign ordinance this year. Many candidates have placed more than one sign per property tract, the signs are too large, and have

been placed on the street or highway right of way. Only the signs on the right of way were removed at the direction of the Planning and Zoning Department.

There were also complaints from the Republican Headquarters office accusing the Town of turning off their electricity intentionally. The former owner of the building had been paying the electric bill and the name on the account was never transferred to Republican Headquarters. The owner refused to pay the bill any longer so the power was disconnected until the occupant came in to take responsibility for the bill. Then the Building Inspector had to do an inspection before the electricity could be turned on again.

### Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell to adjourn the meeting at 5:55 p.m. The motion carried unanimously.

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Freida F. Rhinehart  
Administrative Assistant

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Henry B. Foy  
Mayor