

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JULY 11, 2000  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, July 11, 2000. 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 and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of May 23, June 6, 27 and 28, and July 3, 2000

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the May 23, June 6, 27, 28 and July 3, 2000 meetings as presented. The motion carried unanimously.

Ordinances, Resolutions, Etc., Related to the Community Development Block Grant

The Town of Waynesville has been awarded a Community Development Block Grant in the amount of \$350,000 to be used for the rehabilitation of housing within the Town. In order to receive this grant, a number of ordinances and resolutions and certain plans for the implementation of the grant are required by federal and state regulations.

The following items were reviewed by the Board of Aldermen:

- Grant Project Ordinance which reflects the budget for the work.
- A Section 3 Plan which places emphasis on hiring minority and low income contractors and benefitting businesses located within the Town.
- Procurement Plan, stipulating rules for taking informal and formal bids on services and/or supplies.
- Equal Employment and Procurement Plan concerning recruitment, hiring and other employment practices with regard to minorities and low income persons.
- Citizen Participation Plan, specifying efforts to encourage citizens to be involved in the program from start to finish.
- Participation Complaint Procedure, providing citizens a means and process by which they can file a complaint on operations or administration of the Community Development Block Grant process.
- Plan to further Fair Housing, in which the Town pledges to attempt to educate the public within Waynesville regarding personal rights to equal housing opportunities.
- Antidisplacement and Relocation Assistance Plan, in which the Town pledges to replace housing which is demolished and to relocate anyone who must be moved due to the substandard condition of their housing.

- The Self-Evaluation Survey relates to Section 504 compliance. This section of federal law concerns disabilities, and the survey attempts to determine that the Town does not discriminate in any way regarding disabilities.
- Written Code of Conduct, indicating that the Town officers, employees, elected officials, and immediate family members or anyone who exercises responsibilities regarding the Funds will not have any type financial interest in any work connected with the Fund.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the items related to the Community Development Block Grant as recommended. The motion carried unanimously. (Ord. 14-00/Res. 10, 11 and 12-00)

### Sidewalk Dining Ordinance

A draft ordinance, prepared by Town Attorney Mike Bonfoey, regulating sidewalk dining was presented for the Board to review. This draft has been reviewed by Public Works Director Fred Baker and Downtown Waynesville Association Director Ron Huelster.

In the ordinance, any business interested in providing sidewalk dining will have to provide proof of insurance to protect the Town from the liability of a law suit. The business will also have to make application for a permit, and the Board will need to establish a fee to charge the business for the use of the sidewalk. As a part of the process, a representative of the Town will have to meet with the business owner and determine exactly what area of the sidewalk may be used for dining and what area must be left open for either pedestrian passage or the utility zone specified in the ordinance.

There was discussion regarding paragraph #6 which reads “No amplified sound equipment or systems shall be permitted within the area of the sidewalk dining services provided by the restaurant or café.” It was felt by the Board that this paragraph may need to be eliminated or reworded so that all businesses must comply with the noise ordinance. It was also suggested that the business be required to hold and maintain a Grade A Sanitation Rating.

Since the sidewalks in the municipal service district vary in width, the Board felt that it may be necessary for the Town to issue permits on a case by case basis. At the present time only two businesses offer sidewalk dining, Lomo Grill and Turnabouts. Town Manager Galloway will provide a sketch of the sidewalk of the two restaurants involved to show how the ordinance would apply to those businesses.

Alderman Brown moved, seconded by Alderman Feichter, to delay action on the sidewalk dining ordinance until the Board has the opportunity to study the ordinance further. The motion carried unanimously.

### Land Use Study Steering Committee

Mayor Foy said that he has been working on a list of persons to serve as regular members and as ad hoc members on the Land Use Study Steering Committee. He suggested that the regular members establish a quorum. However, all regular members and ad hoc members in attendance would have

voting privileges. Mayor Foy said that some of the suggested members have not been contacted to see if they are willing to serve and he asked that Board Members offer their opinion on the composition of this committee. No action was taken.

#### Discussion Regarding Chlorine Contact Tank

Town Manager Galloway explained that the Town is currently capable of producing 6 million gallons of water per day, with the possibility of increasing to 8 million gallons/day with the Chlorine Contact Tank. Public Works Director Fred Baker has expressed some concern that the State could require that the Town reduce this amount to 5 million gallons/day without the Chlorine Contact Tank.

There was some discussion regarding the Lane property which has been recommended for the placement of the Chlorine contact tank. One of the other possible sites for the location of this tank was not recommended due the possibility that blasting may be necessary to remove the rock at this location. There is concern that the blasting could endanger the Town's 2 million gallon water storage tank which is located nearby. Mayor Foy suggested that the Town get the opinion of a explosives expert regarding the blasting that may be necessary at this site. He also suggested that the Town attempt to uncover the rock with a backhoe to evaluate and determine if blasting will be necessary or if the rock can be removed using the heavy equipment.

Town Manager Galloway said that he will review the Subsurface Report to see what type of rock is located at this site.

#### Chestnut Park - Reimbursement for Material to Rebuild Picnic Shelter

Alderman Caldwell presented pictures of the Chestnut Park picnic area. Alderman Caldwell said that a tree had fallen on the picnic shelter and residents in the area have repaired the shelter. The residents have requested that the Town reimburse them in the amount of \$382 for the work done to repair the shelter. Town Manager Galloway informed the Board that the Chestnut Park area is private property which was donated to the Chestnut Park Community. Manager Galloway added that the Town's Recreation Department keeps this area mowed.

Alderman Brown moved, seconded by Alderman Moore, to expend up to \$500, at the discretion of the Town Manager, to rehabilitate the picnic area community property located at Chestnut Park. The motion carried unanimously.

#### Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 7:52 p.m. The motion carried unanimously.

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Phyllis R. McClure

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Henry B. Foy

Town Clerk

Mayor