

## **MINUTES**

### **Town of Blowing Rock Board of Commissioners August 12, 2008**

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, August 12, 2008. The meeting began in the Council Chambers located at 1036 Main Street. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Phillip Pickett, Albert Yount and Tommy Klutz. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Emergency Services Director Kent Graham, Police Chief Eric Brown, Building Inspector Jesse Horner, Finance Director Nicole Norman and Town Clerk Sharon Greene.

#### **CALL TO ORDER - RECESS**

Mayor Lawrence called the meeting to order at 7:00 p.m.

A motion was made by Commissioner Pickett, seconded by Commissioner Ball to recess the meeting at 7:02 p.m. and proceed to the Blowing Rock School Auditorium located at 152 Sunset Drive.

At 7:15 p.m. Mayor Lawrence reconvened the meeting in the auditorium and welcomed those in attendance.

#### **APPROVAL OF MINUTES**

Upon a motion received from Commissioner Tester, seconded by Commissioner Ball the minutes for meetings held on July 8, and July 29, 2008 were approved as written. Unanimously approved.

#### **PUBLIC HEARING**

##### **1. CUP #2008-04 – BRAHM**

Mayor Lawrence stated a public hearing would be held on a Conditional Use Permit request from the Blowing Rock Art and History Museum (BRAHM) to construct an art and history museum and parking facility on town property. The 23,188 square foot museum building would be built facing Chestnut Street across from Ruple Memorial Presbyterian Church. The parking level would consist of two levels of public parking.

Mayor Lawrence asked anyone wishing to speak during the public hearing be sworn in by the Clerk. Planning Director Rothrock, Mr. Tony DiSanti,

representatives of BRAHM, and several members of the audience were duly sworn.

Mr. Rothrock began discussion regarding the site plan for the project. He advised the main entrance to the 23,188 square foot museum would be located on Chestnut Street with another entry located on the basement level of the museum.

The currently designed parking facility would accommodate approximately 64 parking spaces. Access to both levels of the structure would be from Chestnut Street. Public restrooms would also be constructed on the upper level of the structure.

The lease agreement with the Town specifies that approximately 7000 square feet of land area will be devoted to the BRAHM building. The footprint of the building area is approximately 13,500 square feet. The draft CUP requires the lease agreement be adjusted to encompass all of the BRAHM building, patio, utility, and access areas.

Mr. Rothrock spoke regarding landscaping and tree protection. He stated most of the large trees would be removed due to construction. However, it was staff's opinion the 30" Oak tree located near the main entrance could be saved. The proposed sidewalk could be routed around the Oak tree and brought back to the street before the transition to the building entrance. Staff also thought several smaller trees near Edgewood Cottage could be saved.

In the rear of the museum, an eight foot semi-opaque buffer would be required. However, in the rear of the parking facility, a sixteen (16) foot opaque buffer would be required.

An eight-foot street yard is planned along Chestnut Street and Wallingford Street.

Storm water detention would be provided for the additional impervious surfaces created with the development. It would be detained and released to a drainage system adequate to handle the flow.

In reference to parking, the museum would require 77 parking spaces. The proposed parking facility would accommodate 64 parking spaces. At least four (4) additional spaces could be provided across from Edgewood Cottage. Also, if the dumpster area on the upper deck of the parking facility was moved, another space could be attained. According to Mr. Rothrock, the museum had an agreement currently under consideration with Rumble Church for shared use of 12 spaces along Chestnut Street. All combined, 81 spaces would be available to the museum.

Mr. Rothrock stated John Davenport of Davenport Engineering was present to answer questions regarding his evaluation of the proposed parking facility and the impact to traffic patterns and parking needs.

Mr. Rothrock spoke briefly regarding zoning and architectural plans for the museum and the parking facility. He advised material for the museum would consist of natural rock; wood shakes siding; and asphalt, wood, or slate roof shingles. The overall height of the building would be approximately 46.5 feet. The maximum allowable height is 50 feet in the O-I zoning district where the building is proposed.

The parking facility materials would consist of natural rock veneer and painted pre-cast concrete arches. The stairwell would be constructed with natural rock veneer and asphalt, slate, or wood shingle roof.

During the meeting of the Planning Board on July 17<sup>th</sup>, a recommendation was made to approve the conditional use permit with the following conditions:

1. That BRAHM secure satellite/parking from Rumble Church for at least 8 spaces.
2. That the parking structure lighting cast downward and equipped with sensors and/or timers to regulate on/off times.
3. That the dumpster be omitted from the parking deck.
4. That all utilities be placed underground.

Mr. Rothrock introduced Mr. Davenport and asked him to elaborate further on the parking impact study. Mr. Davenport stated there would be two levels and once inside the deck, cars could not maneuver from one level to another. He recommended signage be installed on each level to let motorist know if a space is available before they entered the deck.

Commissioner Klutz inquired if Mr. Davenport had evaluated the idea of having a surface lot instead of a parking deck. He responded that he had not. Mr. Klutz asked if having a surface lot would be safer. Mr. Davenport stated the proposed parking deck could be designed to operate safely in letting motorists know when the deck is full so they will not be driving around inside the lower level.

Commissioner Tester inquired if a sign letting people know the deck is full would be located on each level. Mr. Davenport recommended both levels have a sign.

Commissioner Pickett felt a larger single level lot would be better.

Commissioner Yount asked if the gate or sign would be programmed to prevent entry and exiting after a certain time. Mr. Davenport stated it could be programmed.

Mr. Davenport pointed out there was an area on Main Street near the Edgewood Cottage where people parked that was not currently marked that could be used for buses to load and unload.

Karen Herterich of 1930 Main Street commented the original parking facility plan was for a 3-level deck that would have approximately 165 spaces then it was reduced to a 2-level deck with around 110 spaces and now it was down to 66-70 spaces. She felt without the 8-ft buffer, more spaces could be added.

Mr. Rothrock stated the buffer was required by Town Code.

Mr. Jeff Eason of The Mountain Times newspaper asked if the dimensions of the spaces would change. Mr. Davenport stated the spaces would be the same size.

Mr. Malcolm Rhyne, III of 148 Wallingford Street inquired if more police would be needed because of the potential safety problems associated with the deck. Mr. Davenport stated it was a small deck, with a right turn only, the biggest concern as an engineer would be the maneuverability inside the deck.

Mr. Terry Lentz of 292 Mockingbird Lane asked if any improvements were planned for Chestnut Street by the Town if the parking facility was approved. Mr. Davenport stated that he did not make any recommendations for widening the street. Mr. Lentz also had concerns with buses on Chestnut. Mr. Davenport stated buses should not be utilizing Chestnut Street if there is a designated area for them to load and unload.

Doug Matheson of 145 Wallingford Street suggested that signage be erected that stated "No Buses" because of the steep grade on Wallingford Street that would be difficult for buses to climb.

BRAHM Construction Manager John Calvin stated buses would be coming to the museum, but they would be by reservation only and would load and unload in a designated area.

Commissioner Tester asked how this would impact spaces on Main Street when buses came and dropped groups off, where would the buses go after that. Mr. Calvin stated there were various places around town where buses could go, such as Shoppes on the Parkway.

With no further questions Mayor Lawrence thanked Mr. Davenport for his study of the parking facility.

Ms. JoAnn Mitchell, Director of the Art & History Museum, thanked Council for the opportunity to come before them regarding the proposed museum. Ms. Mitchell stated the museum would not be just a building, but a dynamic, cultural institution that the whole town could enjoy. The main purpose of the museum is

to educate, preserve, and conserve. Ms. Mitchell stated BRAHM had very carefully incorporated these things into their plans. Ms. Mitchell stated there were many people present who have supported the museum. She thanked Council for their willingness to consider their request fairly and openly. Ms. Mitchell conveyed that BRAHM Board Members, John Calvin and Sue Glenn would give some background and history regarding their request and Tony DiSanti would handle the legal aspects.

Mr. Calvin stated the Town and BRAHM entered into a lease agreement in 2003 for the museum and parking facility which would be a “cultural enhancement of the Village of Blowing Rock.” Mr. Calvin said that members of BRAHM had visited several museums in other areas to get ideas of what was needed. Mr. Calvin stated the museum would be a 23,188 square foot 3-level building that would do more than show art. He stated the museum would have a large educational facility, a meeting room that could be used by various groups in the community, a library, Historical Society room, etc., approximately 5,000 square feet of uses that are different than an art gallery. He also stated the museum would have five galleries.

In the lease agreement with the Town, Mr. Calvin stated there were several things that BRAHM was supposed to do such as provide the design and architectural plans for the parking facility as well as a landscape plan for Edgewood Cottage. The Town, although not obligated, would consider building a parking deck. If the Town chose not to build the deck, they were to provide property so that parking requirements for the museum could be met.

In the beginning, the concept was to have a three level deck with over 150 spaces, with two entrances on Chestnut and one on Wallingford Street. Mr. Calvin stated the advantages to this site were topography and the slope. Some of the changes the Town asked for BRAHM to make to the first concept were; to reduce the facility to two levels, certain setback changes, buffers, omitting the entrance on Wallingford Street and adding public restrooms to the area. Mr. Calvin advised that BRAHM had complied with each change suggested by the Town.

In reference to parking, Mr. Calvin stated 69 spaces which included the Edgewood Cottage spaces were in the CUP but according to the ordinance there must be one space for every 300 feet which would require them to have 77 spaces. Mr. Calvin stated BRAHM had looked into several options to comply with their parking needs but nothing had worked out.

Commissioner Yount stated since the initial concept in 2003 the square footage had grown considerably and wanted Mr. Calvin to explain why. Mr. Calvin stated the N.C. State Building Code had changed since that time in regard to bathroom requirements, the need to serve the community better was needed, etc. and BRAHM wanted to be assured the museum was done correctly to meet their

needs as well as the community's. Commissioner Klutz also had questions regarding the square footage.

At this time, Ms. Mitchell showed a power point presentation of how the museum would look from the outside.

Ms. Sue Glenn gave a brief history of how the Town acquired the property in which the museum and parking facility were proposed. Ms. Glenn stated the 1.2 acre tract was owned by Ms. Kate Hodge Lane and Ms. Lucy Muller Tiller. They listed the property with her in 2001. According to Ms. Glenn, the property was considered by many, but plans did not work out. In August of 2002, Ms. Tiller indicated she would like to gift the Town with her share of the property. The Town acquired one half of the property in December 2002 and the remaining half in January 2003 with the intention of placing parking on the site. Shortly thereafter, BRAHM approached the Town with their proposal and a lease was signed between the two entities in April of 2003.

Ms. Glenn advised the front portion of the property was zoned Central Business and the back portion was Office/Institutional when the Town acquired it. In 2005 the entire tract was rezoned Office/Institutional.

Ms. Glenn stated the multi million dollar cultural museum was an exceptional gift from Blowing Rock's citizens of today to the citizens of tomorrow. In closing, Mrs. Glenn thanked Council for their support and consideration.

Mr. Tony DiSanti addressed Council and the audience by stating he had the privilege of representing BRAHM since their inception and the proposed museum was a magnificent facility. Mr. DiSanti stated BRAHM had agreed to all aspects of the draft CUP with the exception of Item #12. In reference to this particular item, BRAHM was to secure eight (8) spaces of off-site/satellite parking spaces from Rumble Memorial Presbyterian Church for the occasional overflow parking. Mr. DiSanti stated it was the belief of the officers of BRAHM this was not possible. Mr. DiSanti stated other than this condition all other conditions had been met. In reference to BRAHM paying into the Town parking fund, in August 2005 when the parking fund ordinance was adopted, BRAHM was exempted from paying into the fund due to the Town's ownership of this property. Mr. DiSanti stated the parking fund was for the entire community and in the beginning, the parking facility was much larger and would have accommodated the parking requirements of the museum, but since the parking facility was reduced, only 66 parking spaces could be accommodated.

Mr. DiSanti advised the Town was not committed to building the deck, and if they chose not to build, the Town was obligated to supply BRAHM with sufficient land for their parking needs. As part of the lease agreement BRAHM was required to pay for the engineering study as well as architecture and design plans, but they would not put the project out to bid without plans. He asked that Council approve

the process as contemplated so BRAHM could move forward with getting the design for the museum and parking facility as one contract, but as two projects. He asked that Council consider this recommendation.

Commissioner Tester inquired if BRAHM would be willing to cover costs beyond a certain amount for the parking facility if it exceeded what the Town proposed to pay if approved. BRAHM Board member Wellborn Alexander responded that BRAHM would not be in favor.

Mr. DiSanti stated that Council had received an estimated cost for the parking facility in the amount of \$1,525,000.00. He stated if Council approved, a design would be drawn and bids would be received and whatever the low bidder cost was Council could modify the CUP that stated the facility would not exceed that cost.

Commissioner Pickett stated one parking facility had been approved, he suggested the American Legion parking facility be enlarged instead of building another facility. It was his opinion that one large deck would be more functional than two smaller decks.

Mr. Calvin addressed the issue by stating satellite parking had to be within 400 feet of the museum and the American Legion parking facility did not meet the criteria.

Mr. DiSanti stated BRAHM was willing to do anything within reason and if it benefited the community.

Commissioner Klutz suggested a surface lot be built that would net at least 40 spaces. Mr. Klutz was in favor of a surface lot instead of a parking deck.

Commissioner Tester inquired if the community meeting room could be removed from the museum plans. Mr. Alexander responded this room was needed for Board meetings, lectures, social events, etc. Mr. Alexander spoke regarding the 12,050 square feet of undesignated area. Mr. Alexander stated once the museum was built it could not be enlarged and after visiting other museums they had found that storage space was extremely important. The art collection had to be carefully stored.

Mayor Lawrence asked if anyone in the audience had questions regarding this matter. Mr. David Harwood of 484 Morningside Drive asked if the Town chose not to build a parking facility and BRAHM put a surface lot in, would the parking spaces in the BRAHM lot be used by the museum exclusively. Mr. DiSanti stated the lot would be open to the public.

Mr. Alexander stated BRAHM did not want to build a parking facility because the museum was a major undertaking and this all started as a public/private venture

with the Town. According to Mr. Alexander BRAHM's lease expires in less than 2 weeks and unless the lease is extended, construction is supposed to begin in the next several weeks. Mr. Alexander advised that BRAHM did not have the funds to build the museum and the parking facility and a surface lot would not be adequate. He asked that the Town work with BRAHM in good faith to insure the museum is built.

Commissioner Klutz inquired if the square footage could be reduced. Mr. Alexander stated in order for the museum to be certified, the amount of square footage was needed. Mr. Alexander stated the library, storage and educational center were badly needed. BRAHM had spent hundreds of thousands of dollars in design efforts and he felt they had done their best in coming up with a design that would be functional for many years to come. The building would belong to the Town in approximately 43 years and once it was built it could not be added to.

Mr. DiSanti stated in 2003 the square footage for the building was approximately 21,000 and now it was 23,188 square feet which was approximately a ten percent increase. He also said that members of BRAHM had traveled extensively visiting other museums to insure the very best for our community.

Commissioner Klutz had further questions regarding the square footage of the building being increased. Mr. Calvin stated there were amenities that were added to increase the square footage that were requested by the Town and BRAHM had complied with everything the Town had asked for.

Commissioner Tester stated 5 years ago, the Town was considering a parking area on the proposed property. At that time, BRAHM approached the Town with the idea of building a museum but had no design plans. A lease agreement was signed between BRAHM and the Town for a concept only. He stated the problem today was making everything fit onto that property. The Town Code as written required the museum to have a total of 77 spaces and he felt sharing spaces with Rumble Church would have been an ideal solution. It was his opinion that the code could possibly be amended to allow BRAHM to make use of the American Legion parking facility as satellite parking in order to meet their requirements. He stated that Council had the authority to waive the 400 foot requirement for satellite parking. Several members of the audience concurred with Mr. Tester's comment.

At this time, Mayor Lawrence opened the floor for comments from the audience. He asked that each person limit their questions and comments to three minutes.

Mr. Doug Matheson of 145 Wallingford Street stated he had grown up in Blowing Rock and had seen many changes over the years. In his opinion the parking deck would jeopardize public safety by increasing traffic to the area. He also felt the town could better spend the money that would be used for the parking facility

for something else. Mr. Matheson spoke in favor of the museum but it was his opinion the parking facility would take away from the beauty of the museum.

Mr. Malcolm Rhyne, III of 148 Globe Road asked questions regarding the proposed parking deck. Did Blowing Rock need parking decks all over town? Would the addition of a parking deck be the most cost effective way to deal with the parking problem in town? How many decks does it take to turn a small town into a city? Are the roads and sidewalks adequate for the increase in vehicle and pedestrian traffic? Is there enough police to handle the increased traffic problems associated with this addition? According to Mr. Rhyne, the cost of each space in the deck would be approximately \$23,829 and with the present economy, was the parking deck feasible?

Mr. Bill Garrison of 120 Hidden Waters Street stated he had been coming to Blowing Rock since the early 1930's and the museum and parking facility were without a doubt the best thing to happen to the community. He urged Council to accept the CUP as presented and to follow through with the parking facility.

Mr. David Harwood of 484 Morningside Drive spoke of the many programs that are sponsored and funded by BRAHM for the children in the community. He stated the museum was more than a building it was an educational facility that would inspire and educate our children. It would be an outreach program, a great family activity as well as educational. Mr. Harwood stated a vote in favor the museum would be a vote in favor of the future success of the community's children and what a positive impact it would have on the entire community.

Chamber of Commerce Director Charles Hardin spoke regarding the Chamber's endorsement of the parking facility. He stated the need for adequate parking in the downtown area needed to be addressed. Without addressing this issue, Mr. Hardin stated there would be business closures, decreased sales tax and occupancy tax, vacant property on Main Street, decreased property values, increased residential property tax, inability to attract new businesses to the area and the lost opportunity to attract travelers from the 321 By-pass once the widening is complete. He stated the charm of Blowing Rock was created by the business owners, with their unique variety of shops, motels, restaurants, etc. and with the lack of parking, visitors were going to other surrounding areas. He felt in order to sustain the business community and maintain the vitality and charm of the Village, the lack of parking needed to be addressed and the Chamber applauded Council's courage and foresight in finding a solution.

Mrs. Ann Rhyne of 148 Globe Road spoke in favor of the museum but stated her opposition to parking decks in town. In Mrs. Rhyne's opinion, parking was not a problem except for about 20 percent of the days throughout the year. She had reviewed the 2001 parking study and the 2004 Comprehensive Plan, and a parking deck was not recognized as a need in either plan. She asked how scattered parking decks around town would preserve the small town character of

Blowing Rock. She asked that Council not make a decision until they had received a future study to be completed in the next few weeks. Mrs. Rhyne gave the following suggestions; that the large storage area be excluded while determining the number of parking spaces needed for the museum the American Legion lot be used as satellite parking for the museum and for the Town to purchase property outside the historic district to be used for parking.

Ms. Marge Iorio of 189 Globe Road was in favor of the museum but opposed to the parking deck. She had concerns regarding the safety of the children in the neighborhood and felt a deck would be detrimental to that area.

Ms. Kathy Dachille of 212 Globe Road stated with the approval of the proposed parking deck this would be the second deck approved within the past year. Ms. Dachille stated the town center was the heart and soul of the community and the quality and charm should be protected and preserved. Ms. Dachille had several concerns regarding increased noise, litter, and additional traffic to the area etc. She felt it would remain empty most of the time and according to the parking advisory committee survey, the need for a parking deck was voted 15<sup>th</sup> out of 20 as a solution to the parking problem in town.

Next to speak was Mr. Kent Tarbutton, representing Chetola Resort. Mr. Tarbutton spoke in favor of the project and felt it would be a beautiful addition to the town. He stated the overall plan made good sense. Mr. Tarbutton stated the town had talked about the parking situation for many years and although parking decks were not that pretty they were functional. He also stated having more parking would protect the Town from the competition in the surrounding areas.

Mr. Richard Goosman a resident of 100 Sledding Hill Court and owner of the Meadowbrook Hotel addressed Council by stating he was in favor of additional parking. He also stated that he had always wanted to amend the constitution to read "Congress shall make no law in which they can exempt themselves." Mr. Goosman said that over the years the Town had never had a problem with exempting people from the parking requirements, but now that they could collect money for parking, they did not exempt anyone. He stated that Council had created these laws and written the ordinance and now they were worrying about how they were going to abide by their own ordinance. Mr. Goosman stated the Town had the freedom to do as they wished in regard to this issue.

Mr. David Baskin of 155 Yadkin Drive was in favor of the museum and felt it would be a wonderful improvement to the town. However, he suggested that Council review the parking facility once again and increase it back to 3 levels. Mr. Baskin also suggested that Council try to get out of their contract for the American Legion facility and apply the extra money to the proposed facility on Wallingford Street. He felt this would eliminate some of the site pollution and the town could make it look however they wanted it to look. He felt the churches in the area would benefit by having extra parking on the south end of Main Street.

Ms. Karen Herterich of 1930 Main Street stated she had been a resident, business owner, and citizen of Blowing Rock for the past 18 years. Ms. Herterich spoke of her support for BRAHM and their proposed project. She stated that Council had many concerns with setting precedence and if they amended the ordinance others abided by, in order to allow for satellite parking for this project would not be fair to others. She advised the parking issue should be worked out another way either by paying into the parking fund, or by redesign. Ms. Herterich stated she was in the downtown area all day and heard many angry people come into her store because of the lack of parking.

Bryan Summers of 274 Elliott Circle and operator of the Hemlock Inn felt the museum would be a great asset to the community and to his business. It would be something else for people to do while visiting the area. He stated that revenues were down substantially this year and the cost of building a deck that was 2 or 3 levels would be very expensive. Mr. Summers was in favor of a ground level lot and suggested the Town look at acquiring other property within town for more parking.

A resident of 292 Mockingbird Lane and former Council Member, Mr. Terry Lentz spoke of his support of the museum project. Mr. Lentz asked that Council review the size of the building, he felt it was too large and gave several examples of buildings in the area that could be compared to the proposed size of the museum. He urged Council to review the project further to insure this building would be in harmony with other buildings in the area.

Ms. Sara Gilley a resident of 221 Wallingford Street spoke in support of BRAHM but did not feel a parking deck was the proper solution to the parking problem. It was Ms. Gilley's opinion that a compromise needed to be made. She stated Blowing Rock had many residents who were retirees and a parking deck would be a big expense. She advised everyone must endure Council's decisions and asked that Council consider residents as part of the equation when they were making changes to Blowing Rock.

Mr. Mark Crumpler of 215 Morningside Drive was in favor of the museum project and the parking deck. Mr. Crumpler hoped a parking deck would help alleviate some of the parking concerns. He felt Council had not given the Police Department the proper tools to manage the parking problems in town and challenged Council to come up with plans to regulate the violators on Main Street as well as to give the Police Department the power to deal with these violators.

With no further comments, Mayor Lawrence asked for a motion to close the public hearing. A motion was received from Commissioner Pickett, seconded by Commissioner Ball. Unanimously approved.

Mr. DiSanti advised one of the main issues was for Council to have the proper information needed so they could decide whether they wanted to build the parking facility or not. The only way to do that was to approve CUP #2008-04 as presented with the exception of Item #12, which should be modified to state that BRAHM will comply with the parking requirements of the Land Use Code. Mr. DiSanti assured Council their vote would not be committing to building a parking facility, but it would be to consider the information given to them. Another hearing would be held after Council had reviewed that information and at that time they could choose to proceed with the parking facility or not.

Commissioner Klutz stated he was not in favor of a parking deck, even though additional parking was needed. He felt a surface lot would be more suitable for Blowing Rock's needs. He felt the museum building was too large for the parcel of land and should be reduced.

Commissioner Ball made a motion to accept CUP #2008-04 as written with a modification to Item #12 to read that BRAHM would comply with the parking requirements of the Town. The motion died from lack of a second.

Commissioner Pickett stated he was not in favor of building two parking decks in town. He felt one deck should be built to meet the Town's parking needs.

Commissioner Tester made a motion to approve CUP #2008-04 for BRAHM to move forward with the design plan for the parking facility and get price quotes. Item #12 was to be omitted and replaced with the following wording:

BRAHM would be required to prepare construction drawings which will enable the contractor to provide to the Town a guaranteed maximum price for the construction of the attached parking facility. Upon presentation of the guaranteed maximum price of the attached parking facility, the Council will then decide whether or not to proceed with the construction of the attached parking facility. If Council votes to proceed, then a mutually acceptable joint venture agreement will be executed between BRAHM and the Town, and a DBIA guaranteed maximum price contract will be executed by BRAHM, the Town of Blowing Rock and the builder. If the Town decides not to proceed with the construction of the attached parking facility after it receives the proposed guaranteed maximum price from the builder, then the CUP will need to be modified, and there will be no joint venture between BRAHM and the Town.

By virtue of the process, the Town is not obligated to proceed with the public parking facility until it receives the proposed guaranteed maximum price from the builder, and accepts the price. Council would then vote whether to proceed with the project, seconded by Commissioner Ball. Unanimously accepted.

A second motion in conjunction with the prior motion was given by Commissioner Tester as follows: In the interim, while BRAHM develops the design document

and a firm guaranteed maximum price for the parking facility, Council will continue to explore options for meeting the parking requirements for the proposed Art and History Museum. A work session would also be scheduled to review their options before a final commitment is made regarding the proposed parking facility. After further clarification of the motions given by Mr. Tester both motions received a second from Commissioner Ball, Unanimously accepted.

Mr. DiSanti advised, according to the present lease with the Town, BRAHM was supposed to begin construction of the museum by August 31, 2008. He requested that a 6-month extension be given in order for BRAHM to comply with Mr. Tester's motion.

A motion was made by Commissioner Pickett, seconded by Commissioner Yount to extend the lease for 6 months. Commissioner Tester requested further clarification regarding the motion. He asked for a modification to be made to the lease agreement to match the motion. Commissioner Pickett agreed to the modification. Unanimously approved. **CUP #2008-04 Exhibit A**

## **OLD BUSINESS**

### **1. Drought Update**

Town Manager Hildebran advised the reservoir was down approximately 30-32 inches but the drought situation was better than it was last year during this time. He recommended the Town remain in Stage I Voluntary Conservation and for Council to review it again during their September meeting. A motion was made by Commissioner Pickett, seconded by Commissioner Ball to remain in Stage I Water Conservation. Unanimously approved.

## **NEW BUSINESS**

### **1. Art in the Park- Lease Renewal and 2009 Dates**

Executive Director of the Chamber of Commerce, Charles Hardin requested a five (5) year extension of the lease agreement between the Town and the Chamber for Art-in-the-Park. The proposed lease extension would begin July 1, 2009 and terminate on June 30, 2014. The lease would allow for the use of Park Avenue one weekend a month from May through October. The proposed dates for 2009 are: May 16, June 13, July 18, August 15, September 12, and October 3.

Mr. Hardin requested that Council approve the dates only at the current time and discuss the location further at the September meeting.

Mayor Lawrence advised that Council had received a letter from residents along Park Avenue asking that their street remain open during Art-in-the-Park. Mayor Lawrence asked if this would encumber Art-in-the-Park.

Mr. Hardin stated there was some uncertainty as to whether Art-in-the-Park could remain in their current location due to planned construction on the American Legion parking deck. He advised that construction was scheduled to begin in September and if the lower lot was not affected he asked for Council's permission for Art-in-the-Park to set up in that area.

Commissioner Pickett responded he would like for the American Legion parking deck to be reviewed again by Council. Town Manager Hildebran conveyed the town had contracted the work to be done on the deck. Mr. Pickett stated he wanted the planned work to come to a halt so that it could be further reviewed. Mr. Hildebran stated the Local Government Commission would have to be contacted due to the indebtedness and he was not sure what the cost would be in order to stop the project. Commissioner Yount stated no material had been delivered and the town wasn't out any money yet. Mayor Lawrence stated a signed contract was a signed contract. Commissioner Yount wanted Mr. Hildebran to find out the cost to stop the project. Mayor Lawrence called for order and asked Mr. Hardin to continue with his request.

Mr. Hardin stated the September and October shows had been contracted and a space needed to be provided. He advised that he was aware of the request from residents on Park Avenue and he had spoken with some of them. He also stated that he and Town Manager Hildebran had discussed other options, but the Park Avenue location seemed to be the most feasible.

Commissioner Tester recommended the September and October events remain on Park Avenue on a trial basis and residents should be contacted regarding this issue.

A motion was made by Commissioner Tester to approve the 2009 proposed dates as presented and to further review future locations between the Town and the Chamber of Commerce. The motion was seconded by Commissioner Ball. Unanimously approved. **Town/Chamber of Commerce Lease Agreement– Exhibit B**

## **2. Demolition Order and Bids – 246 Laurel Lane (Ordinance #2008-11)**

Town Manager Hildebran presented Ordinance #2008-11 giving direction to the Building Inspector to demolish and remove the condemned property owned by Leo and Edie Balestrieri located at 246 Laurel Lane. The structure was destroyed by fire in January 2007 and condemned by the Town on April 8, 2008. A hearing date was set for April 23, 2008 and the owners were properly notified but chose not to attend the hearing. The property owner's attorney sent a letter to the Town Building Inspector stating the house would be demolished and removed by June 30, 2008. After repeated attempts to contact the owner's attorney, the structure was not removed as stated.

Pursuant to G.S. 160A-432, staff recommends that Ordinance 2008-11 be adopted authorizing the Building Inspector to have the fire-damaged structure cleared from the property.

The following bids were received on August 7, 2008 for demolition and removal of said structure:

	<u>Demolition Costs</u>	<u>Salvageable Material Credit</u>	<u>Total Costs</u>
Blowing Rock Renovators	\$17,688.63	N/A	\$17,688.63
D.H. Griffin Wrecking Co.	\$13,780.00	\$200.00	\$13,580.00
E. Luke Greene, CO. Inc.	\$14,000.00	N/A	\$14,000.00
Hodges Grading Co.	\$27,500.00	N/A	\$27,500.00

Staff recommended that low bidder D.H. Griffin Wrecking Co, Inc. be awarded the contract in the amount of \$13,580.00. Mr. Hildebran also advised the demolishing/removal would begin in the next 7 to 10 days.

He also advised a lien would be placed on the subject property and the ordinance recorded at the Watauga County Courthouse.

Commissioner Tester made a motion to accept Ordinance #2008-11 as presented, seconded by Commissioner Ball. Unanimously approved. **Ordinance 2008-11 Exhibit C**

A motion was made by Commissioner Tester, seconded by Commissioner Ball to award the contract to low bidder D.H. Griffin Wrecking CO. Inc in the amount of \$13,580.00.

### **3. Paving Bids – Quail Hollow Drive/Cone Road**

Per Town Manager Hildebran, the following bids were received for paving Quail Hollow Drive and Cone Road:

	<u>Quail Hollow</u>	<u>Cone Road</u>	<u>Total</u>
Midstate Contractor, Inc	\$113,544.00	\$69,690.00	\$183,234.00
Moretz Paving, Inc.	\$131,022.00	\$82,280.00	\$213,302.00
Greer Paving	\$128,330.00	\$87,230.00	\$215,560.00
Twin City Paving, Co.	\$143,161.25	\$77,655.00	\$220,816.25

Staff recommended low bidder, Midstate Contractor, Inc be awarded the contract for \$183,234.00.

According to Mr. Hildebran the old bid of \$159,800 expired several months ago due to the fact that the sewer project on Quail Hollow was not complete.

The new bid includes paving a portion of Laurel Lane for sewer installation to the Cigler and Glaser properties.

Commissioner Tester made a motion to award the contract to the low bidder Midstate Contractors, Inc. in the amount of \$183,234.00, seconded by Commissioner Ball. Unanimously approved.

#### **4. Capital Project Ordinance (Ordinance #2008-12)**

Council received Project Ordinance for fiscal year 2008-2009 for their consideration.

The Project Ordinance recognized revenue received or to be received from a State Low Interest Loan, ARC Grant, North Carolina Rural Center Grant via Boone and North Carolina Rural Center Grant via Watauga County for the Blowing Rock and Boone water interconnection project. The funds would be allocated towards the costs outlined in the Project Ordinance.

Commissioner Ball recommended that Ordinance #2008-12 be accepted as written, seconded by Commissioner Pickett. Unanimously approved. **Ordinance # 2008-12 Exhibit D**

#### **5. Tiller–Lane House – Removal**

Town Manager Hildebran advised on June 10<sup>th</sup> Council declared the Tiller/Lane structure at 115 Chestnut Street as surplus property and authorized staff to dispose of the property by public auction.

According to Mr. Hildebran, the Town utilized an electronic auction process on [www.GovDeals.com](http://www.GovDeals.com) for 30 days. The Town also advertised the sale of the property in the *Blowing Rocket* and with various real estate companies.

Mr. Hildebran stated the Town received a few inquiries but no bids on the property.

He recommended the Town remove the structure from the premises and allow any salvageable materials to be removed by employees and/or non-profit organizations. He also recommended the Fire Department inspect the structure for any fire training possibilities.

Commissioner Ball made a motion to authorize the removal of the structure from the property and allow salvageable materials to be saved. The motion received a second from Commissioner Pickett. Unanimously approved.

#### **SPEAKERS FROM THE FLOOR**

None

#### **DEPARTMENTAL REPORTS**

None

#### **ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 10:30 p.m.

**MAYOR** \_\_\_\_\_  
**J.B. Lawrence**

**ATTEST** \_\_\_\_\_  
**Sharon Greene, Town Clerk**

**ATTACHMENTS** (08-12-08)  
CUP #2008-04- BRAHM-Exhibit A  
Art-in-the-Park Lease Agreement-Exhibit B  
Ordinance #2008-11 Demolition Order-Exhibit C  
Capital Project Ordinance #2008-12-Exhibit D