

MINUTES
Town of Blowing Rock
Board of Commissioners
April 14, 2009

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, April 14, 2009 at 7:00 p.m. The meeting took place in the Council Chambers located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Phillip Pickett, Albert Yount, and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Building Inspector Jessie Horner, Finance Director Nicole Norman, Emergency Services Director Kent Graham, Parks & Recreation Director Jennifer Brown, Police Chief Eric Brown, and Town Clerk Sharon Greene. Mr. Claude Smith representing Town Attorney Allen Moseley was also in attendance.

CALL TO ORDER

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

APPROVAL OF MINUTES

Upon a motion made by Commissioner Pickett, seconded by Commissioner Ball, the minutes for meetings held on March 9th, 10th and 11th, 2009 were approved as written. Unanimously approved.

PUBLIC HEARINGS

1. Grand Opening/Anniversary Banners – Code Amendment (#2009-01)

Planning Director Rothrock presented Council with the following issues that were forwarded back to the Planning Board during Council's March meeting regarding grand opening banners:

- To allow business anniversary date banners after 10 years and every five years thereafter. *Planning Board recommended to allow banners for 25 and 50 year anniversaries.*
- To allow businesses to display "grand re-opening" banners after major renovations. *Planning Board recommended allowing banners for grand openings for businesses where renovation costs exceed \$50,000.*
- To allow banners for business to recognize special community events or parades (horse show, Winterfest, etc). *Planning Board did not recommend allowing businesses to display banners for these events other than the placards/posters that have traditionally been displayed in the windows.*

- To allow customer appreciation banners – one day per year.
Planning Board recommended against allowing customer appreciation banners as they would become clutter.
- To allow display of “Business After Hours” banners.
Planning Board was not in favor of allowing “Business After Hours” banners.
- To allow businesses to display banners notifying customers of their merchandise related to a special event.
Planning Board did not recommend allowing banners promoting individual store merchandise related to a special event.
- Limit display of grand opening banners to 14 consecutive days.
Planning Board agreed with limiting the display of banners to 14 consecutive days.

Planning Director Kevin Rothrock noted if the grand opening/anniversary banners were allowed, they would be limited to 24 square feet. He also said the provision of the ordinance would apply to new businesses created after the effective date of the ordinance, as well as existing businesses that move to a new location, or spend at least \$50,000 in renovation costs.

Mayor Lawrence voiced his dissatisfaction with the proposed changes made by the Planning Board. He felt the Planning Board should review this issue once again and listen to recommendations made by Council.

Commissioner Ball explained the reasoning behind the ordinance change disallowing banners years prior was because downtown was looking too cluttered. This was one of the changes to help clean up the downtown area.

Mrs. Ginny Stevens of 852 Dogwood Lane spoke in favor of banners which would let visitors and residents know about current events that were happening in the area.

Commissioner Tester stated the banners should have a regulated design.

Mrs. Karen Herterich of 1930 Main Street felt a lot of businesses would be very selective when choosing to have banners because of the cost. She stated a 24 square foot banner would cost approximately \$200.00-\$300.00.

Ms. Rita Wiseman of 388 Sourwood Lane, inquired if there would be a limit to the number of banners that could be up at a time. She felt potentially there could be many banners hanging at once. Mayor Lawrence mentioned there had been discussion regarding an interchangeable stationary sign for events that could be erected at various places in town complimentary to the new directory kiosks already installed.

Planning Director Rothrock further clarified Item #3, by stating this did not allow each business to hang a banner for an event such as the Charity Horse Show, etc.

Commissioner Klutz felt the Planning Board had not addressed the issues that Council had requested and suggested that Mr. Rothrock redraft the proposed ordinance changes. Commissioner Tester cautioned that in the years prior when banners were disallowed, one of the reasons was because they were getting too unmanageable and it was impossible to make everyone happy.

Commissioner Pickett felt the merchants in town should be involved with the decision making in reference to banners.

Mrs. Herterich felt the 24 square foot recommendation was too generous. She felt other restriction were needed other than size, such as material used, time limitations, etc.

Town Manager Hildebran suggested this issue be returned to the Planning Board once again for their input. Commissioner Yount concurred with Mr. Hildebran's suggestion.

Commissioner Ball entertained a motion to close the public hearing, seconded by Commissioner Yount. Unanimously approved.

Commissioner Yount made a motion referring Code Amendment #2008-01 back to the Planning Board for further review, seconded by Commissioner Ball. Commissioner Tester also added that various parameters should be set as well. Unanimously approved.

2. Cup #2008-04 –BRAHM Minor Amendment

Mayor Lawrence clarified the following Public Hearing was for consideration of approval of a minor amendment to CUP #2008-04 not a decision on the construction of a parking facility.

Mayor Lawrence requested those wishing to speak during the public hearing to be sworn by the clerk. Planning Director Kevin Rothrock, Ann Rhyne, Karen Herterich, O. Wayne Green, Ginny Stevens, Doug Matheson, Mike Rhyne, and JoAnn Mitchell were duly sworn.

Planning Director Rothrock explained, the Blowing Rock Art and History Museum (BRAHM) and the Town of Blowing Rock requested a conditional use permit amendment to reduce the size of the proposed parking facility. The redesigned parking facility would accommodate 58 spaces in comparison to the approved structure designed to hold 64 spaces. The redesign would reduce costs and allow for additional landscaping on the Chestnut Street side of the structure.

According to Planning Director Rothrock, the overall size of the proposed museum had not changed from the 23,188 square feet approved in August of 2008. He stated there were slight changes to the design details on the museum building.

Mr. Rothrock said the parking facility footprint would be 1/3 less than the original at 66 feet by 170 feet. The ramp grades onto the deck would be more efficient with the redesign as well as reducing the need for extensive retaining walls.

Based on the Land Use Code, the proposed museum requires 77 parking spaces at a rate of 1 space per 300 square feet. The approved parking facility would accommodate 64 spaces with an additional 5 spaces located at the Edgewood Cottage.

Due to the approved design not meeting the required number of spaces, town staff researched similar jurisdictions and found 6 other municipalities in North Carolina that had rates for museum parking less than Blowing Rock's Land Use Code. Mr. Rothrock advised this was based on the fact that museums are rarely occupied to full capacity except during major events.

Mr. Rothrock stated the redesigned parking facility provided additional street yard landscaping between the structure and Chestnut Street. The original design provided 14 feet of landscaping width, whereas the new design provides 46 feet of landscaping.

He also noted the location of the HVAC equipment for the museum was not shown on the approved plans, but was now shown along the south property line which would reduce the buffer within that area from 18 feet to 11 feet for a 55-foot long section of the parking facility. He advised that staff recommended the applicant find an alternative location for the equipment.

Mrs. Ann Rhyne of 148 Globe Road spoke in favor of the proposed reduction in parking spaces, mentioning during the public hearing held on August 12, 2008, she had suggested a reduction be made. She asked Council to consider making the parking facility shorter with the proposed green space on Wallingford Street instead of Chestnut Street. Mrs. Rhyne felt this would be less of an impact on the neighbors across the street from the parking facility.

Mrs. Karen Herterich of 1930 Main Street, questioned the reduction in parking requirements. It was Mrs. Herterich's opinion that Council would not consider a reduction in parking if a private enterprise requested it and, if the minor amendment was approved this would be setting a dangerous precedence. Mrs. Herterich commented this request was a conflict of interest due to the Town being a partner in the project. Mrs. Herterich stated the parking facility was for the residents of Blowing Rock and had already been reduced from approximately 165 spaces to 77 spaces and now another reduction was being considered.

Mrs. Ann Rhyne reminded Mrs. Herterich that in 2005 Council had voted to exclude the BRAHM building from the parking requirements.

Mr. O. Wayne Green of Laurel Fork Road in Vilas stated Council was in an interesting position. He stated if Council chose to, they could pay the parking fees to themselves then credit the project.

He also requested that all plans for conditional use permits be recorded at the Register of Deeds office so that he would not have to tie up Town Staff with his requests.

Mr. Doug Matheson of 145 Wallingford Street addressed the parking facility issue, stating he lived across from the proposed site and was against the parking facility, but the reduction of parking spaces would help lower the impact to the area.

Mr. Mike Rhyne of 148 Globe Road also agreed with the proposed reduction of spaces but felt a surface lot would be better. He said if the Town chose to add to the surface lot later they would be able to. He also expressed if the minor amendment was approved, Council should allow for amendments to future projects.

Commissioner Klutz agreed with Mr. Rhyne regarding the need for a surface lot, because it would fit in more with the character of the town.

Commissioner Yount questioned if this request was approved, would they be on solid legal ground. Town Attorney Claude Smith responded since BRAHM was exempted from parking requirements, he felt it was up to Council to determine if a reduction in parking was needed. He also advised that Council had reviewed 6 other municipalities and found the parking requirements for museums to be less strict than they were in Blowing Rock's Town Code.

Council had questions regarding the location of the HVAC equipment for the proposed museum. Ms. JoAnn Mitchell advised that BRAHM had considered other locations for the HVAC as requested by staff, but none were satisfactory for the structure or the system. Ms. Mitchell advised the proposed location was close to the mechanical room and there would be intense vegetation around the system, plus, more vegetation could be added if needed to help alleviate some of the sound.

Mrs. Ann Rhyne suggested the system be moved from the south side to the west side of the building which would not warrant a redesign and the noise would be further away from nearby homes.

In reference to the parking space reduction, it was Mrs. Herterich's belief the town would not be supplying adequate parking for the downtown area if a reduction was made and to the best of her knowledge, the Hayes Center didn't receive a reduction in parking requirements. Commissioner Ball responded this was a different situation due to the Hayes Center having a certain number of fixed seats. Mr. O. Wayne Green stated the Hayes Center did receive a reduction in parking.

Commissioner Tester explained the Town had purchased the property to be used for public parking and BRAHM had approached Council with the idea of building a

museum. After a decision was made to build a museum, the Town had worked with BRAHM and waived the parking requirements. He also stated this was a moot point because the parking facility was not a BRAHM issue unless the Town decided not to construct the facility, then BRAHM would have to supply parking for the museum. Mr. Tester also stated the Town had fulfilled the need for additional parking with the addition of the American Legion parking facility.

Mr. Tester stated from the beginning of the project, BRAHM and the Town had worked diligently to lessen the impact this project would have on the neighborhood, better accommodate the environment, and not overtax the residents of Blowing Rock in order to pay for the project.

Mrs. Ginny Stevens commended the Town for their decision regarding the American Legion parking facility by stating this was a good solution to the towns parking needs.

With no further discussion, Commissioner Ball made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

A motion to approve the minor amendment as submitted was made by Commissioner Yount. Mr. Yount also wanted BRAHM to seek expert advice on a location for the HVAC system for the museum, seconded by Commissioner Pickett. Commissioner Tester agreed with the motion, and clarified that Planning Director Kevin Rothrock was to go to the Planning Board to begin the process of modifying the Town Code in reference to parking requirements for museums, and for BRAHM to work with their architect in finding a suitable location for the HVAC system with adequate screening in order to protect the neighbors. Commissioner Yount accepted Commissioner Tester's suggestions. Unanimously approved.

CUP #2008-04 BRAHM Minor Amendment – Exhibit A

Commissioner Klutz made a counter motion for the Town Engineer to work at designing a surface lot for the proposed area that would meet BRAHM's needs and keep with the character of Blowing Rock. The motion died for lack of a second.

In favor of Commissioner Yount's motion were: Ball, Tester, Pickett & Yount
Against: Klutz Motion carried.

Mayor Lawrence called for a short recess in the meeting.

3. Dogs in the Park – Code Amendment (#2009-02)

At this time, the meeting reconvened and Mayor Lawrence opened the Public Hearing to consider an amendment to the Town Code relating to dogs in town parks.

Planning Director Rothrock relayed that over the past several years there had been numerous discussions regarding dogs in Memorial Park and Davant Field. He advised that staff was recommending the adoption of ordinance language that codifies the

current policy adopted by Council. The draft ordinance addresses dogs in Memorial Park and other Town Parks and a time period between November 15th and March 15th where dogs could be permitted at Davant Field if on a leash.

Mr. Rothrock advised Chapter 15 of the Town Code pertains to the use of and prohibited activities on Town Property. Violations would be subject to civil penalties of \$100.00 per day.

Commissioner Klutz recommended that Planning Director Rothrock review the Town of Boone's ordinance regarding this issue. Mr. Rothrock reviewed information from Commissioner Klutz and stated it only dealt with dogs running at large and the Town of Blowing Rock already had a leash law in effect.

Mrs. Karen Hamby of 305 Laurel Drive expressed she had been before Council previously asking that a compromise be made in Memorial Park where the benches are located. She agreed that dogs and children should not be mixed in the playground. Mrs. Hamby commented she had seen dogs at different events in the park. She felt strongly that "taxpaying dogs" should be allowed also. Mrs. Hamby did not think that Blowing Rock was sending the correct message to pet owners visiting from other areas. Mrs. Hamby asked for further clarification regarding the parking lot at the Grover Robbins Pool and if dogs were allowed in the parking lot. Mayor Lawrence responded the parking lot had not been defined as a play area for children, but the grassy area at the pool had.

Mrs. Patsy Turner of 467 Wonderland Trail voiced her desire for a compromise allowing dogs in front of Memorial Park where the benches are located. She stated this was one of the reasons she and her husband were attracted to the area and decided to settle here.

Mr. R.V. Hayes of 138 Wonderland Trail asked Council if they were going to deprive him of sitting on the benches in front of Memorial Park with his dog. Mayor Lawrence stated there were several signs stating that dogs were not allowed in Town parks. Mr. Hayes argued that no one was enforcing the policy of not allowing dogs in town parks, he felt a divider should be placed 5 to 10 feet behind the benches so that dogs could be allowed in that area. Mr. Hayes inquired if the merchants in Blowing Rock had been consulted regarding this rule. Mayor Lawrence conveyed it was the consensus of parks & recreation staff, merchants and Council that trying to separate the two areas would be very difficult. Mr. Hayes replied if people were not allowed to bring their dogs with them when they visited they would go elsewhere and this would hurt the area merchants. Mayor Lawrence stated he did not think the merchants were being hurt by this rule. Mr. Hayes vehemently disagreed with Mayor Lawrence on this issue. Mr. Hayes suggested that Council put signs in the parks alerting people that a \$100.00 fine would be given for disobeying the "no dogs in the park" rule and find out if this was not going to work.

Audience member Glenda McPheters inquired why, if dogs were on leashes, they could not be in the parks. Mayor Lawrence stated these areas were for children to play and

dogs should not be there. Ms. McPheters asked for further clarification regarding the Town's leash law and where dogs were allowed to walk. Mayor Lawrence confirmed the proposed change being heard was an improvement over the way the ordinance was at the present time. This change would allow dog owners to walk their dogs around the perimeter of Davant Field from November 15th to March 15th of each year.

Ms. Regina Pelmaeker of 426 Wallingford Street stated she had walked her dogs for the past 35+ years at Broyhill Lake and Council was now telling her she could no longer do this. Ms. Pelmaeker advised she had some entitlement to her town. Commissioner Ball voiced there were many dog owners who did not take responsibility for their pets by cleaning up after them. Ms. Pelmaeker encouraged Council to give the dog owners a chance and give fines to those who did not take responsibility for their animals.

Ms. JoAnn Mitchell of 172 White Pine Road asked if there was any property that could be acquired suitable for a dog walking trail. Council stated they would look into this, but in the meantime, people were allowed to walk their dogs at the Annie Cannon Park, the Glen Burney Trail, Bass Lake and town sidewalks.

An audience member asked if a specific incident had occurred to warrant the ordinance change. Parks and Recreation Director Jennifer Brown responded that her department had received many complaints over the years regarding dogs in the children's play area because of dogs fighting with one another, etc. The audience member felt there was more potential for a child to be harmed by a dog on the crowded sidewalks.

Mr. Mark Crumpler of 215 Morningside Drive also spoke regarding the proximity and density of the sidewalks during the busiest times and children being harmed by dogs while walking along the sidewalks. Mr. Crumpler advised he also owned a dog and in his opinion, dogs should be allowed in the town parks. He felt the proposed change would not benefit most people because of the time of year it was being allowed. Mr. Crumpler also asked that Council help bring about a compromise and stated he was not happy with the "no dogs in town parks" rule.

Mrs. R.V. Hayes of 138 Wonderland Trail stated that Memorial Park was a focal point for the town and she understood dogs should not be allowed where the children play. Mrs. Hayes encouraged Council to give the residents and visitors the benches in front of the park. Mrs. Hayes mentioned other towns would allow pet owners to walk their dogs through their parks and supplied bags so they could clean up after their animals. She suggested that Council give fines to anyone who had their dog in the play areas and allow dogs in the parks with certain restrictions in order to keep the children safe. Mrs. Hayes stated she did not think this was too much to ask. Mayor Lawrence conveyed if he had to choose between being "pet friendly" or "child friendly" he would be "child friendly" and dogs were not to be in areas designated for children. Mrs. Hayes urged Council to work with the dog owners and allow them to have the bench area.

Local realtor Greg Buchanan also spoke regarding this issue. He stated the TDA devoted a complete page on their website pertaining to pet friendly places in Blowing

Rock and people loved bringing their animals to events such as town parades, concerts in the park etc.

Mr. Crumpler advised there were lots of people present against the ordinance and urged Council to table the matter so they could rethink the issue. Mr. Crumpler stated "that all good politicians like to be seen kissing babies, not kicking dogs," and if Council voted on this issue they would be seen as kicking dogs.

After further discussion regarding the need for more signage, Parks & Recreation Director Jennifer Brown stated many times she had gone up to people with dogs in the park and told them their dogs were not allowed and had shown them the signs but they chose to ignore her. She also stated it was not possible to make everyone happy in reference to this issue.

Mrs. Ginny Stevens advised there were many adults who did not want dogs running all over town.

Commissioner Tester clarified the only issue that needed to be discussed was the interaction of dogs and children because the other issues had been addressed in the ordinance. He advised much effort had been put forth to make Memorial Park into a place for children to play and he felt strongly that access should be limited. Mr. Tester felt there were two places that dogs should not be allowed, Memorial Park and Davant Field. He did not see a problem with other areas, including the benches in front of Memorial Park, as long as the dogs were on leashes and the owner picked up after them. However, he did feel there was a control problem. Mr. Tester stated he had heard from only one person during the public hearing who objected to people walking their dogs along the trails. Mr. Tester stated he did not see a problem with people walking their dogs on designated trails as long as they were not on the playgrounds.

Mr. Crumpler stated many tax payers advocated that Council buy property or designate property for people to walk and exercise their dogs. He felt that people should be able to use Davant Field when there was no activity.

Mr. Earl Horne of 316 Clark Street asked who would be enforcing this law. Mayor Lawrence stated the Park Staff and Police would be enforcing this issue. It was Mr. Horne's opinion that people needed to know who was designated to enforce this rule. Council concurred with Mr. Horne.

Commissioner Klutz stated he was in agreement with everyone. According to Mr. Klutz, designated areas were needed for dogs and rules needed to be enforced. He also agreed that Memorial Park was for children but dog owners should be allowed to walk their dogs on designated trails as well as exercising their dogs in Davant Filed when it was vacant.

With no further comments from the public, Commissioner Yount made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Pickett suggested the issue be tabled in order to hear from others. Mayor Lawrence advised this issue had been discussed for years and it was at the Board's discretion to table the matter.

Commissioner Tester explained the reason for a public hearing was to gather public input on the proposed change and based on the evidence he had heard, the majority of the public present thought a mistake was being made. Mr. Tester commented he had heard one single voice agreeing with the proposed change.

Commissioner Tester made a motion to table the issue for further review and seek a compromise if possible. The motion received a second from Commissioner Pickett. Commissioner Ball requested this issue be put into the Town Newsletter in order to receive input from citizens who are not present. Unanimously approved.

OLD BUSINESS

1. Drought Update

Town Manager Hildebran advised the area had seen some improvement and recommended the Stage I Water Conservation remain in effect.

NEW BUSINESS

1. NC Statewide Emergency Management Mutual Aid and Assistance Agreement

Town Manager Hildebran presented the NC Statewide Emergency Management Mutual Aid Agreement for Council's consideration. He advised the NC Emergency Management was in the process of updating their mutual aid agreement with local governments. The agreement would outline consistent procedures and policies regarding the delivery of local mutual aid as well as provide efficient and effective assistance among governments, faster reimbursement from the Federal Emergency Management and cover liability and insurance concerns. Mr. Hildebran advised the agreement was last updated by the State in 2004.

A motion to approve the agreement was made by Commissioner Ball, seconded by Commissioner Klutz. Unanimously approved.

NC Statewide Emergency Management Mutual Aid and Assistance Agreement – Exhibit B

2. Tax Releases #2008-07 & 08

Town Manager Hildebran presented Council with Tax Releases #2008-07 & 08 for approval. Mr. Hildebran advised the tax collector had reviewed the releases with Caldwell County and was satisfied that each release met the statutory requirements pursuant to N.C.G.S. 105-381(b). The releases totaled \$858.39 and \$5,502.71.

A motion for approval of Tax Releases #2008-07 & 08 was made by Commissioner Klutz, seconded by Commissioner Pickett. Unanimously approved.

Tax Releases #2008-07 & 08 – Exhibit C & D

SPEAKERS FROM THE FLOOR

Mr. O. Wayne Green addressed the proposed land swap between the Town and the Blue Ridge Parkway. Mr. Green requested that Council notify him if they spoke with anyone regarding the proposed land trade.

DEPARTMENTAL REPORTS

Commissioner Yount inquired about the improvements being made at the water/wastewater treatment plants. Town Engineer Doug Chapman stated there had been some weather related delays.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 10:08 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (4-14-09)

CUP #2008-04 BRAHM Minor Amendment – Exhibit A
NC Statewide Emergency Management Mutual Aid Agreement – Exhibit B
Tax Releases #2008-07 & 08 – Exhibits C & D