

**Town of Blowing Rock
Board of Commissioners
Regular Meeting – March 9, 2010**

Prior to the meeting a reception was held to honor all volunteer board members for their service to the town.

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, March 9, 2010 at Town Hall located at 1036 Main Street, Blowing Rock. In attendance were Mayor J.B. Lawrence, Commissioners Albert Yount, Phillip Pickett, Tommy Klutz, Douglas Matheson, and Jim Steele. Others attending were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Police Chief Eric Brown, Public Works Director Mike Wilcox, Building Inspector Jesse Horner, EMS Director Kent Graham, Parks & Recreation Director Jennifer Brown, Finance Director Nicole Norman, and Town Clerk Sharon Greene.

CALL TO ORDER

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

APPROVAL OF MINUTES

A motion was given by Commissioner Pickett to approve the minutes for the February 2, 2010 meeting as written. Commissioner Klutz seconded the motion. Unanimously approved.

PRESENTATION

Mayor Lawrence recognized Ms. Ada Webster for 3 years of service on the Planning Board with a service plaque. Ms. Webster was unable to attend.

PUBLIC HEARINGS

1. Telecommunications Ordinance Amendment (Ord. #2010-05)

Planning Director Kevin Rothrock gave a brief synopsis regarding Ordinance #2010-05 stating that in July 2002, Council adopted an amendment to the Land Use Code that required conditional use permit approval for the placement of wireless telecommunications antennas on power poles or other structures. He advised that Cingular Wireless obtained zoning permits for the placement of approximately 7 3-foot antennas and cabinets in strategic locations in town which triggered the code change for fear of unrestricted placement of antennas.

Mr. Rothrock mentioned with the technology changes over the past several years, the public seemed to be more concerned with having effective wireless service than the appearance of discrete antennas on existing power poles and structures. According to Mr. Rothrock, staff recommended an amendment to the Table of Permissible Uses that would allow the placement of antennas in all zoning districts through the approval of a

zoning permit. Alternative tower structures would still require a conditional use permit and would be limited to the CB, GB, O-I, HMC, and HSG zoning districts.

Mr. Rothrock advised that during their February 18th meeting, the Planning Board made the following recommendations to approve the draft ordinance with the following conditions:

1. To maintain the requirement of a conditional use permit for alternative tower structures.
2. To limit antennas approved with a zoning permit to a length of 6 feet or less.

According to Mr. Rothrock, since the Planning Board meeting, other issues have come forth that need additional study. He stated that the definition for antennas could be amended to require that antennas be of color, such as light gray, that blends well into the surrounding environment. Also, specifications should be added with regard to size, appearance, and placement of the hardware cabinets placed on power poles.

Mr. Rothrock further recommended that the public hearing be held on this issue, but a final decision needed to be postponed until additional information could be considered.

Mr. Rothrock stated that Mr. Charlie Cofer of American Tower Corporation was available to answer questions regarding this issue. Mr. Cofer stated that his company supported the proposed amendment to the ordinance and that American Tower Corp. built the infrastructure for all the wireless users, not just one in particular. He mentioned the new technology was aesthetically pleasing and was smaller and less noticeable. Current systems were for only one carrier but this system would serve multiple carriers. He also advised the antenna would need to be at least 6 to 8 feet in height and the cabinets were approximately 10 inches wide.

Mayor Lawrence asked to be recused from this issue due to his membership on the Board of Directors with Blue Ridge Electric.

Commissioner Yount asked where this technology was currently being used. Mr. Cofer stated it was being used in Rhode Island. Mr. Steele asked why American Tower Corp. had chosen Blowing Rock as a place for this technology. Mr. Cofer answered that two officers of his company owned property in Blowing Rock and were aware of the need for improvement of the wireless phone service. He mentioned several other areas including Charlotte, Lake Norman, Iredell Country, etc., where American Tower Corp. hoped to install the new technology.

Commissioner Klutz inquired if American Tower Corporation was looking at the water tank on Green Hill. Mr. Cofer stated that American Tower was not currently looking at this location; this was most likely a phone service, that American Tower Corp. only built the infrastructure for cell phone companies, they were not a carrier. He also stated that American Tower would govern who used their equipment once it was installed and would hold up to seven carriers.

Audience member John Aldridge asked how long the company had been in business and if they were a public company. Mr. Cofer answered that American Tower was one of the largest tower companies in the country and had been in business for 20-30 years.

Commissioner Pickett made a motion to close the public hearing, seconded by Commissioner Matheson. Unanimously approved.

A motion to postpone a final decision on an amendment to Ordinance #2010-05 for further study was made by Commissioner Steele, seconded by Commissioner Matheson. Unanimously approved.

Mayor Lawrence reentered the meeting.

Commissioner Klutz inquired if the water tank location would be sufficient if an antenna were to be installed. Mr. Hildebran advised this was being investigated and was a separate issue.

2. Satellite Parking Standards and Parking for Outdoor Dining (Ord. #2010-06)

Mr. Rothrock presented Council with Ordinance #2010-06 for their consideration. He advised that for the past several years, staff had been assigned the task of evaluating the effectiveness of two distinct downtown parking issues; satellite parking standards and outdoor dining parking requirements. With the proposed changes to the Land Use Code, there would be better flexibility for a developer or business owner without waiving parking requirements.

The satellite parking opportunities are mainly used in the downtown area with a few businesses that have had approved satellite parking locations. Mr. Rothrock advised that staff recommended extending the distance for public satellite parking, require those obtaining satellite parking to verify that space is available and meets code, and if satellite parking is lost, the developer must secure other on or off-premise spaces or make payment in lieu of lost spaces to the parking fund within 90 days.

In regard to outdoor dining, staff recommended modifying the standards for outdoor dining in the Central Business and General Business zoning districts. The current standard requires 1 parking space for every 4 outdoor seats. Mr. Rothrock explained that staff and the Planning Board recommended allowing up to 4 outdoor seats with no requirements for parking, 1 space per 6 seats if 40 or less, and 1 space per 4 seats if more than 40 and also recommended approval of the draft ordinance during their February 18th meeting.

Commissioner Pickett asked for clarification regarding businesses purchasing parking spaces from other entities. Mr. Rothrock advised as long as there was no overlap in the timeframe this would be allowed.

With no additional comments, a motion to close the public hearing was made by Commissioner Klutz, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Pickett then made a motion to approve Ordinance #2010-06 as written. The motion received a second from Commissioner Klutz. Unanimously approved.

Satellite Parking Standards and Parking for Outdoor Dining Ordinance #2010-06 – Exhibit A

3. Public Facilities/Structures in Various Zoning Districts (Ord. #2010-07)

Planning Director Rothrock advised the current town shop property off of Cone Road is zoned HSG, Horse Show Grounds. This district allows only a few land uses such as horseback riding, horse stables, non-commercial towers, and telecommunication antennas, special events, and temporary sales of goods by non-profits. Public buildings and related uses such as the town shop are not permitted according to the use table. One of the town shop buildings has deteriorated over the years and needs to be replaced. Since the town shop is nonconforming and replacement or major renovation would exceed 50% of the value of the structure, the building could not be replaced.

Staff recommended adding a use category of “public maintenance buildings and related structures” to the *Table of Permissible Uses* and allow such uses in the Central Business, General Business, Office-Institutional, and Horse Show Grounds zoning districts. A CUP would be required in all affected districts with the exception of HSG, which would require a zoning permit.

The Planning Board recommended approval of this change with the following condition:

1. That a definition of “public maintenance building and related accessory structures” be added to the draft ordinance.

Commissioner Steele asked if the change should also include shop and storage. Mayor Lawrence advised the ordinance addressed that issue.

It was consensus of the Council that the town shop building was in need of replacement.

A motion to close the public hearing was made by Commissioner Steele, seconded by Commissioner Pickett. Unanimously approved.

A motion to approve Ordinance #2010-07 as presented was made by Commissioner Yount, seconded by Commissioner Pickett. Unanimously approved.

Public Facilities/Structures in Various Zoning Districts Ordinance #2010-07 – Exhibit B

OLD BUSINESS

1. **Golf Cart Ordinance (Ord. #2010-02)**

During the February 9th Council meeting Council made several recommended changes to the golf cart ordinance based upon the discussion following the public hearing. Those changes were as follows:

1. Include state model ordinance definition for golf cart.
2. Extend hours of operation to one-half hour after sunset.
3. Allow flexibility for operation at night on special events.
4. Increase annual registration fee from \$10 to \$50.
5. Add acknowledgement statement under registration section.

Not covered in the discussion at the public hearing, Mr. Rothrock recommended the following change which was included in the draft ordinance:

1. Prohibit open alcohol containers if golf cart used on town streets (street crossing at golf course allowed).

Mr. Rothrock stated recommendations were received since the public hearing including:

- Not allow golf carts to be operated on North Main Street from Hwy. 321 to the intersection of Hwy. 221.
- Eliminate the crossing at Possum Hollow Rd and Hwy. 321.
- Limit to Country Club and surrounding neighborhood streets only. The School of Government recommends that specific streets for golf cart use be listed in the ordinance.

Commissioner Klutz commented that he could not foresee Blowing Rock becoming a golf cart community, and felt there were potential safety issues if golf carts were allowed in certain areas.

Members of Council agreed the crossing at Possum Hollow and Hwy. 321 should be omitted from the ordinance.

Commissioner Yount voiced that he had heard from many people regarding this issue and the negatives outweighed the positives, however, he had liability concerns. Mayor Lawrence asked Town Attorney Moseley if the Town was “held harmless” in the ordinance. Mr. Moseley confirmed that he was not concerned with liability issues regarding this issue.

Commissioner Pickett asked Chief Brown’s opinion. Chief Brown felt the ordinance was well written but he was aware of an accident happening in Lenoir that involved a golf cart and therefore, he did have some safety concerns especially about nighttime use.

Commissioner Matheson also had concerns regarding safety. He mentioned that he would like to see people be able to use golf carts to get to and from the golf course, but did not want to see anyone get injured while riding their golf cart.

Commissioner Steele voiced that accidents could be prevented due to the golf carts being required to have headlights/taillights. He also stated that golf carts had been in use for a number of years and he had not heard of any accidents. He recommended giving the golf cart ordinance a chance and make changes later if needed.

Commissioner Matheson recommended limiting the use of golf carts to certain areas on a trial basis; then re-visit the ordinance and expand to other areas later if warranted.

Commissioner Yount and Commissioner Klutz agreed this was a good compromise. Mayor Lawrence asked if Mr. Matheson would like to make a motion to this effect. Commissioner Matheson made a motion to allow golf carts on the east side of Valley Boulevard listing all streets that were allowed, on a trial basis; then expand the ordinance later if no problems occurred. The motion was seconded by Commissioner Klutz. Commissioner Steele recommended that a date be added to revisit the ordinance. Mayor Lawrence disagreed and recommended a date not be added because there may not be any changes needed. The motion remained as stated by Commissioner Matheson. Unanimously approved.

Golf Car Ordinance #2010-02 – Exhibit C

NEW BUSINESS

1. Chamber of Commerce – Fresh Market

Ms. Rita Davis, Chairperson for the Community Government Committee approached Council with a request from the Chamber of Commerce to relocate the Fresh Market to the old fire station located on Park Avenue. Ms. Davis mentioned the Fresh Market began in the parking lot at Wachovia Bank then relocated to the current location on Wallingford Street. She stated that attendance had decreased significantly after moving to the Wallingford Street location due to the lack of visibility from Main Street. Ms. Davis advised the old fire station location would be an ideal place since it was centrally located and visible from Main Street. She addressed several improvements that could be made to the building if the Fresh Market were allowed to relocate. She also mentioned the Chamber would be willing to hire a structural engineer to assess the building. Ms. Davis commented the Chamber was aware of the concerns the town had regarding the use of the building.

Commissioner Klutz asked why the Chamber felt it was necessary to hire a structural engineer because the town's building inspector had already inspected the building and given a full report.

Commissioner Pickett stated that he supported the Chamber and also supported town employees. He advised the old fire department building had been inspected by building inspector Jesse Horner and Mr. Horner reported that the building did not meet State Building Code at the present time. Therefore, Commissioner Pickett stated he could not support the Chamber's request.

Commissioner Yount also thought the Chamber's idea was good; but he had been unaware of a violation of the building code.

Ms. Davis stated the Chamber wished to work in partnership with the Town and wanted the highest and best use of the building. Mr. Yount stated he too wished for the best use of the building and the Town would be addressing that further at a later date.

Commissioner Steele agreed that the Chamber's idea was great and that he would like to see the Fresh Market be relocated to that location. But, he too had spoken with Mr. Horner and the present timing to make renovations to the building would be difficult for a number of reasons. Mr. Steele mentioned an audit and best-use analysis of the property would be done. He agreed with other members of Council, that even though this was a good idea, this was not the appropriate time.

Commissioner Yount asked Ms. Davis if the Chamber would be requesting the use of Wallingford Street again. Ms. Davis advised the Chamber wished to request the Wallingford Street location for the Fresh Market at this time if possible.

Commissioner Pickett made a motion to deny the Chamber's request to hold the Fresh Market at the old fire station location; but allow the same agreement as last year keeping the location on Wallingford Street. The motion received a second from Commissioner Klutz. Unanimously approved.

2. Surplus – Vehicles/Equipment (Res. #2010-03 & Res. #2010-04)

Town Manager Hildebran presented Resolutions #2010-03 and #2010-04 to Council for consideration. Pursuant to N.C.G.S. 160A-280, Council is authorized to declare surplus and donate personal property to another governmental unit or an incorporated nonprofit organization. Mr. Hildebran advised there was a request to donate/convey two ambulances – (1) to the BR Fire & Rescue for trade-in purposed and (1) to the Stewart Simmons Volunteer Fire Department.

Also, pursuant to N.C.G.S. 160A-270(c), Council is authorized to sell property by electronic auction upon adoption of a resolution. According to Mr. Hildebran, Resolution #2010-04 authorizes the sale of a water heater and tractor via www.GovDeals.com.

With no further discussion, a motion to approve Resolutions #2010-03 and #2010-04 as written was made by Commissioner Yount, seconded by Commissioner Pickett. Unanimously approved.

Resolution #2010-03 and 2010-04 – Exhibit D & E

SPEAKERS FROM THE FLOOR

None

DEPARTMENTAL REPORTS

Town Manager Hildebran mentioned that he had received notice from NCDOT that Hwy 321 S. would be closing on Monday and Thursday nights from 7:00 p.m. until 5:00 a.m. until June of 2010.

He also mentioned that 32 R.F.P's were sent out regarding the storm debris clean up. He thanked Planning Director Rothrock for his hard work.

Mr. Hildebran asked that everyone remember Mr. Jerry Burns during his illness.

Mr. Hildebran commended Public Works Director Mike Wilcox on the great job his department had done with snow removal.

Commissioner Yount addressed Mr. Horner's report regarding the old fire station and asked if the Town was not in compliance with the N.C. Fire Code, and if not, why. Mr. Hildebran stated the building had been inspected by Emergency Services Director Graham, Boone Fire Marshall Ronnie Marsh and Building Inspector Jessie Horner and all items of concern would be addressed immediately.

Mayor Lawrence reminded everyone that Thursday, March 11 was the Town's 121st Birthday and a celebration would be held at Town Hall at 3:30 p.m.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:30 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (03-09-10)

Satellite Parking Standards/Parking for Outdoor Dining Ord. #2010-06 – Exhibit A

Public Facilities/Structures in Various Zoning Districts Ord. #2010-07 – Exhibit B

Golf Cart Ord. #2010-02 – Exhibit C

Surplus – Vehicles/Equipment Res. #2010-03 & #2010-04 – Exhibits D & E