

**MINUTES**  
**Town of Blowing Rock**  
**Board of Commissioners**  
**Regular Meeting-July 13, 2010**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, July 13, 2010 at 7:00 p.m. Present 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, Emergency Services Director Kent Graham, Parks & Recreation Director Jennifer Brown, Finance Officer Nicole Norman, and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 7:06 p.m. and welcomed everyone.

**APPROVAL OF MINUTES**

Prior to the meeting, Council was given corrections to the draft minutes dated June 8<sup>th</sup> and 17<sup>th</sup>. Mayor Lawrence asked that another correction be made to page two of the June 17<sup>th</sup> minutes, replacing the number 246 with the word additional. A motion was made by Commissioner Pickett, seconded by Commissioner Klutz to approve the minutes for meetings held on June, 7, 8, 17 and 30, 2010 with corrections. Unanimously approved.

**PRESENTATION**

Ms. Ann Rhyne came before Council with an anniversary quilt square commemorating the Blue Ridge Parkway's 75<sup>th</sup> Anniversary. The anniversary celebration would begin in Galax, Virginia where the Parkway first originated in September of 1935. Ms. Rhyne stated that approximately 35 quilt squares would be designed from each incorporated town along the Parkway and a wall hanging would be dedicated in November 2010 during the regional tour.

Council thanked Ms. Rhyne for her great work on this special project.

**PUBLIC HEARINGS**

**1. Establishment of Town Center District (Ordinance #2010-14)**

Planning Director Kevin Rothrock presented Ordinance #2010-14 for Council's approval. He gave a brief history of the proposed Town Center District item by stating that in November 2009, a public hearing was held regarding the establishment of a Town Center District. At that time the draft ordinance included setback and height

standards for both Central Business and the proposed Town Center. Following the public hearing, Council postponed a decision regarding Town Center until a later date.

During the January 2010 Retreat the Town Center topic was discussed as well as during Council's joint work session with the Planning Board in June. At that time a decision was made to use the "crawl, walk, run" approach. Some advantages for creating a Town Center District were:

- Other setback and height standards could be created exclusively for Town Center, because it is different from the rest of Central Business.
- Preservation of unique historic downtown character
- Town Center is the primary tourist draw

It was agreed the first step would be to establish a Town Center District and apply zoning to specific properties along Main Street. There would be no changes in building heights, setbacks, or permissible uses proposed at this time.

Mr. Rothrock gave a summary of the Town Center District advising that staff had notified all affected and adjacent property owners of the public hearing.

Commissioner Pickett asked for clarification regarding the proposed Town Center District between Hill Street and Chestnut Street since Hill Street was a loop road. Mr. Rothrock stated the proposed Town Center was from Hill Street at Knights on Main to Chestnut Street.

Commissioner Klutz stated there should be zero setbacks and zero lot lines downtown. He also requested that Council vote on these issues during the public hearing. Mayor Lawrence stated this was not the time to discuss setbacks; the public hearing was for the establishment of a Town Center District only. Mayor Lawrence stated setbacks would be discussed in the future.

Mayor Lawrence called for public comments regarding the proposed Town Center District.

Ms. Annie Whatley owner of the Village Café requested that her entire property be included in the Town Center District since it was on the National Historic Registry already. In the proposed Town Center only a portion of her sidewalk was included and Ms. Whatley wanted her entire property added so that she could be a part of the privileges, rights and responsibilities of being in the Town Center District. Mayor Lawrence mentioned the boundaries for the Town Center could be amended at any time.

Mr. Albert Coffey stated that his family owned the parking lot between the Speckled Trout Café and Hartley Interiors and he or a member of his family had spoken several times during previous public hearings and Planning Board meetings. Mr. Coffey did not feel that a Town Center would aid with preserving the historic downtown area and

objected to having a Town Center District due to the unknown. Mr. Coffey commented he might feel differently should there be total transparency regarding the issue, but he felt this was lacking. He thought property owners within the proposed district could be faced with more restrictions and regulations. Also, Mr. Coffey stated his family's property had not been included in the original plans, it was added later. Mr. Coffey requested that Council exclude the property from the proposed district.

Mr. Kent Tarbutton owner of Chetola Resort spoke in favor of the proposed Town Center District. Mr. Tarbutton mentioned he had attended several meetings regarding this issue and felt there was total transparency in what the Town was trying to accomplish. A Town Center would protect Blowing Rock and it made sense to achieve what the Hyett/Palma Study had recommended in phases.

Mr. John Aldridge, downtown resident, agreed with Mr. Tarbutton stating a Town Center was needed because this area was the "heart and soul" of Blowing Rock as well as an economic generator. A Town Center would allow for more flexibility, and the transparency would come forth when changes were proposed and public hearings were required.

Mr. Mark Crumpler, owner of two properties within the proposed Town Center stated he was in opposition of a Town Center District. He was concerned with the Town's use of the term "at this time" and the future unknowns. Mr. Crumpler stated he had attended other public hearings and Council had not always agreed with what the residents and merchants wanted. He did not see any purpose in establishing a Town Center.

Mr. Jim West, Planning Board Chairperson spoke of his support of a Town Center District because of the uniqueness of the area from other areas in the Central Business District. He also felt a Town Center would allow for more zoning flexibility.

Ms. Sue Glenn, owner of Blowing Rock Realty, spoke in favor of a Town Center because there were issues that needed to be addressed and changes that needed to be made. Also, it made sense to accomplish these things in phases.

With no further comments, Commissioner Pickett made a motion to close the public hearing. Commissioner Klutz seconded the motion. In favor: Pickett, Yount, Matheson, & Steele Against: Klutz. Motion carried 4-1.

Commissioner Steele made a motion to accept the establishment of a Town Center District as proposed, seconded by Commissioner Pickett.

Mayor Lawrence called for discussion.

Mr. Steele favored a Town Center because prior Councils had adopted the Comprehensive Plan and the Hyett/Palma Study as being what was best for the Town. Mr. Steele felt that members of this Council should vote for what was best for all stakeholders and from what he had heard support of a Town Center District outweighed

the negatives. He also mentioned amendments could be made in the future should a Town Center be established.

Commissioner Yount stated it was his opinion that this was a semantic issue; he only had issues with the Coffey property being included since there was a natural boundary at Hwy. 221.

Commissioner Klutz commented the issue was not complete. He wished for the items he mentioned previously such as setbacks be addressed before voting to establish a Town Center District.

With no further discussion, Mayor Lawrence called for a vote. In favor of Mr. Steele's motion: Steele, Yount, Pickett, & Matheson. Against: Klutz. Motion carried 4-1.

#### **Establishment of Town Center District Ordinance #2010-14 – Exhibit A**

### **2. Rezoning of Properties from Central Business to Town Center (Ordinance #2010-15)**

Mr. Rothrock presented the second phase of the Town Center District to rezone selected properties from Central Business to Town Center.

Mr. Rothrock mentioned the 2004 Comprehensive Plan listed several policy amendments indicating the proposed Town Center District and rezoning of various downtown properties consistent with the plan.

Per the NC General Statutes, a general statement must be made in the rezoning ordinance stating the rezoning was consistent with the Comprehensive Plan. He advised the draft ordinance included such a statement.

In October 2009, the Planning Board recommended a designation of a Town Center and assignment of Town Center district zoning consistent with the Comprehensive Plan. Mr. Rothrock presented a list of the proposed properties from Hill Street to Chestnut Street. He stated now was the time to make changes such as adding all of the Whatley property if Council desired.

Commissioner Klutz asked if the Whatley property were to be added, could Mr. Crumpler's property be excluded. Mr. Rothrock stated if Mr. Crumpler's property was removed, the property would be excluded from zero lot lines should that be changed. Mr. Rothrock stated zero lot lines had been discussed on the east side of Main Street while 15 foot setbacks had been discussed for the west side. He also advised that any proposed changes would be discussed openly in Planning Board meetings, sub-committee meetings, public hearings, as well as on the town's website.

Commissioner Yount asked why the properties on Chestnut Drive were not included in the proposed Town Center. Mr. Rothrock relayed those properties were not zoned Central Business.

Audience member Earl Horne asked why the AT&T building on Maple Street was included in the Town Center and other properties located on Sunset Drive and Morris Street weren't. Mr. Rothrock advised the AT&T building was surrounded by businesses. Mayor Lawrence stated the historic significance was also different.

Commissioner Yount inquired as to why the Town Hall building wasn't included in the proposed Town Center since it was one of the most historic buildings in town. Mr. Rothrock replied the Town Hall building was zoned Office/Institutional not Central Business.

Mr. Tarbutton agreed with Mr. Yount regarding Town Hall being within the proposed Town Center due to its historic significance.

Mr. Crumpler stated the Speckled Trout Café should be included in the Town Center because it was situated at one of the gateways into town.

Mr. Horne thought that Knights on Main should be included. Mr. Crumpler felt it would be unfair to include properties that were not present at the public hearing. Mr. Horne mentioned more notices would need to be sent if the boundaries were changed. Mr. Rothrock advised that all properties within 150 feet of any of the affected property were sent notices of the public hearing.

Mr. Yount reiterated the fact that Town Hall should be included in the Town Center. Mr. Hildebran advised the boundaries could be changed at any time if Council chose to add or omit properties.

Mr. West also mentioned that Office/Institutional properties had different standards and permitted uses. He said the Planning Board had tried to simplify discussions regarding the Town Center boundaries, that was why properties zoned Central Business were included in the proposed district. Mr. Hildebran stated if Town Hall were to be included in the Town Center the use would be inconsistent with the proposed zoning district.

With no further comments, Commissioner Pickett made a motion to close the public hearing, seconded by Commissioner Klutz. In favor: Pickett, Yount, Matheson, & Steele Against: Klutz. Motion passed 4-1.

Commissioner Klutz made a motion to deny the zoning district and leave it as it is currently. For purpose of discussion, Commissioner Yount seconded the motion. Mr. Klutz stated he did not feel Main Street would change, therefore; a Town Center District nor zoning changes were needed. Mr. Yount stated this would be an improvement over the current zoning. With no further discussion, Mayor Lawrence called for a vote. In favor: Klutz. Against: Yount, Pickett, Matheson, & Steele. Motion failed.

Commissioner Pickett made a motion to accept Ordinance #2010-15 for rezoning of properties from Central Business to Town Center with the addition of Ms. Whatley's property, and removing all properties north of Hwy 221 with the exception of the

Speckled Trout Café. Mayor Lawrence felt all properties north of Hwy. 221 should be treated the same. He called for a vote on the motion as stated. In favor: Steele Against: Pickett, Yount, Klutz, & Matheson Motion failed.

Commissioner Matheson made a motion to accept Ordinance #2010-15, with the addition of the Whatley property, and deleting the Speckled Trout Café, the Coffey Property, and Hartley's Interiors. In favor: Matheson, Yount, Pickett, & Steele Against: Klutz. Motion passed 4-1.

#### **Rezoning of Properties from Central Business to Town Center Ordinance #2010-15 – Exhibit B**

### **NEW BUSINESS**

#### **1. Chamber of Commerce – WinterFest/Blue Ridge Wine Festival/Art in the Park Dates**

Mr. Charles Hardin, Executive Director of the Blowing Rock Chamber of Commerce presented a request on behalf of the Chamber for the approval of dates for the following events:

- 1) 2011 WinterFest – Thursday, January 27<sup>th</sup> through Sunday January 30<sup>th</sup>. Any use of facilities/parks would be coordinated with the Town Parks & Recreation Department.
- 2) 2011 Blue Ridge Wine Festival – Thursday, April 14<sup>th</sup> through Sunday, April 17<sup>th</sup>. The Chamber requested the use of the Maple Street parking Lot from Wednesday, April 13<sup>th</sup> through mid-day Monday, April 18<sup>th</sup>.
- 3) 2011 Art in the Park – May 14, June 11, July 16, August 13, September 10, & October 1.

Commissioner Klutz stated he was not against Art in the Park, but he was opposed to the location of the event. Mr. Hildebran reminded Mr. Klutz that Council had approved a 5-year lease with the Chamber of Commerce to hold Art in the Park at the American Legion Parking Facility. Mr. Klutz also suggested that vendor fees be increased from \$15.00 to \$50.00 per vendor. Mr. Hildebran again stated the lease between the Town and the Chamber was valid for 5 years, this being the second year therefore; fees would remain the same.

Mr. Hardin stated the Chamber had searched for other locations, but a mutual decision was made that the American Legion Parking Deck was the most feasible location for the event.

A motion to approve the dates as requested was made by Commissioner Pickett, seconded by Commissioner Matheson. Unanimously approved.

Mr. Hardin thanked Council for their support.

## **2. Settlement of 2009 Property Taxes/Charge of 2010 Property Tax Collection**

Council was presented with the Property Tax Settlement Report for 2009 property taxes per N.C.G.S. 105-373 for their consideration.

Also, pursuant to G.S. 105-321(b), an Order of the Town Board for the Collection of 2010 Property Taxes was also presented for approval.

A motion was made by Commissioner Steele, seconded by Commissioner Pickett to approve the 2009 Settlement Report and the Charge of 2010 Property Tax Collection. Unanimously approved.

### **Settlement of 2009 Property Taxes/Charge of 2010 Property Tax Collection – Exhibit C & D**

## **3. NCWaterWARN Mutual Aid Agreement**

Town Manager Hildebran presented a N.C. Water and Wastewater Agency Response Network Mutual Aid and Assistance Agreement to Council for their consideration. He advised the NC Water and Wastewater Agency Response Network (NCWaterWARN) was a supplementary form of mutual aid agreement that focused specifically on water and wastewater utilities. The Town's participation would allow a request for rapid short-term emergency assistance to restore critical operations to an affected utility.

In addition, the Town participates in a statewide mutual aid agreement that coordinates the allocation of resources between North Carolina communities during emergencies. The statewide agreement outlines consistent procedures and policies regarding the delivery of local mutual aid. It also provides efficient and effective assistance among governments, faster reimbursement from the Federal Emergency Management Agency and covers liability and insurance concerns. According to Mr. Hildebran, this document was last updated with the State in April of 2009.

A motion was made by Commissioner Yount to accept the NCWaterWARN Agreement as written, seconded by Commissioner Klutz. Unanimously approved.

### **NCWaterWARN Mutual Aid Agreement – Exhibit E**

## **4. Resolution of Support for Backbone Ridge Preservation (Res. 2010-12)**

Mr. Hildebran presented Resolution #2010-12- Expressing Support for the Acquisition of Backbone Ridge by the NC Division of Forest Resources via Clean Water Management Trust Funds for consideration.

He stated that efforts were underway by various groups to preserve the 754 acre Backbone Ridge area. Previously, a 400+ unit subdivision was planned for the area, however due to the economy the project was placed on hold. Mr. Keith Brown the current owner of the property agreed to sell and is working toward the preservation of the property.

The Town was asked to support the preservation of the property via the Resolution which supports grant funding from the NC Clean Water Management Trust Fund to aid in the land acquisition by the State.

Mr. Hildebran also advised that Representative Cullie Tarleton was in favor of this request.

Commissioner Pickett made a motion for approval of Resolution #2010-12 as written, seconded by Commissioner Steele. Unanimously approved.

**Resolution #2010-12 – In Support for Acquisition of Backbone Ridge – Exhibit F**

**SPEAKERS FROM THE FLOOR**

None

**DEPARTMENTAL REPORTS**

Town Manager Hildebran commended Parks & Recreation Director Jennifer Brown on the great job her department did during the July 4<sup>th</sup> festivities.

Mr. Hildebran updated everyone regarding the Hwy. 321 widening project.

He also advised the recycling bins had been delivered. Town Staff would deliver them to residents on July 29<sup>th</sup> and 30<sup>th</sup>. Curbside recycling will begin the first week of August.

Commissioner Klutz inquired if a directional sign (churches) could be installed at the 321/ Possum Hollow Road intersection for the First Independent Baptist Church. Mr. Hildebran advised that staff would check to see if a code amendment would be needed. If not, staff would work with the church on the request.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 8:55 p.m.

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

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



**ATTACHMENTS** (7-13-10)

**Establishment of Town Center District Ordinance #2010-14 – Exhibit A**

**Rezoning of Properties from Central Business to Town Center Ordinance #2010-15 – Exhibit B**

**Settlement of 2009 Property Taxes/Charge of 2010 Property Tax Collection – Exhibit C & D**

**NCWaterWARN Mutual Aid Agreement – Exhibit E**

**Resolution #2010-12 – In Support for Acquisition of Backbone Ridge – Exhibit F**