

MINUTES

Town of Blowing Rock Board of Commissioners Budget Work Session-May 26, 2011

The Town of Blowing Rock Board of Commissioners continued their budget work session on Thursday, May 26, 2011 at 4:00 p.m. The work session took place in the Town Council Chambers at 1036 Main Street Blowing Rock. Present were Mayor Pro-Tem Albert Yount, Commissioners Phillip Pickett, Tommy Klutz and Doug Matheson. Due to a prior engagement, Mayor Lawrence was out of town and unable to attend. Others in attendance were Town Manager Scott Hildebran, Finance Director Nicole Norman, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Pro-Tem Yount called the meeting to order at 4:05 p.m.

DISCUSSION ITEMS

Town Manager Hildebran updated Council regarding the Wallingford Street/Globe Road sewer project. He advised this project was scheduled to commence on June 6, 2011.

Mr. Hildebran also discussed the State budget and what effect it could have on municipalities. He then presented Council with Budget Amendment Ordinance #2011-07 for approval. Mr. Hildebran reviewed the proposed amendment, stating that Section 1 (General Fund) allocates grant funds received from the State of North Carolina Governor's Crime Commission for the purchase of Mobile Data Transmission units to be used in police vehicles. The section also allocates funds received from the North Carolina Department of Transportation (NCDOT) for the Fire/Rescue Building right of way purchase related to the Hwy. 321 widening project as well as the payment (net of the visitor center debt service payoff) for the Visitor Center, to the Parking Facility Reserve. He further explained that Section 2 (General Capital Projects Fund) completes the allocation of these funds received from the NCDOT.

Commissioner Pickett commented that he was in favor of having data terminals in the police cars in order to increase safety for the police officers. A motion was made by Commissioner Klutz for approval of Budget Amendment Ordinance #2011-07, seconded by Commissioner Pickett. Unanimously approved. **Budget Amendment Ordinance #2011-07 – Exhibit A**

Mr. Hildebran stated the paving of Hwy 321 between Blowing Rock and Boone was scheduled to begin in June and was to be completed before the end of December 2011. He also proposed the Maple Street Parking Lot and Park Avenue be paved before June 30, 2011 and stated that bids were received with Midstate Paving being the low bidder, with a bid totaling \$41,288.00. Council then received a street paving schedule for paving plans after July 1, 2011 to be completed in FY 2011-2012. According to Mr.

Hildebran, Midstate Paving was also the low bidder for the paving projects scheduled for next year with a bid of \$181,460.75. Council inquired if permanent anchors for tent placement were going to be installed during the Maple Street Parking Lot paving project. Mr. Hildebran advised the parking lot would be paved first; then the permanent anchors would be placed if the Chamber of Commerce chose to have them installed at a cost to them. Mr. Hildebran also mentioned that the Town Crew would be patching potholes, utility cuts, etc. as time and funds permitted and that the Town had paved approximately 16 miles of town streets in the past seven years.

Commissioner Matheson mentioned problems that were occurring with water run-off on Chestnut Street and suggested this matter be addressed when the street was resurfaced and the sidewalk installed in conjunction with the Blowing Rock Art and History Museum project. Mr. Hildebran stated he would have the Town Engineer address this issue.

Commissioner Pickett made a motion to accept a bid of \$41,288.00 for the resurfacing of Park Avenue and the parking lot on Maple Street in the FY 2010-2011 budget. Also included in Commissioner Pickett's motion, was to accept the bid of \$181,460.75 from low bidder Midstate Paving for resurfacing Wallingford Street (Chestnut to Globe), Chestnut Street (Main to Wallingford), Possum Hollow Road (321 to Substation), Hughes Road, Green Hill Road (Fairway Court), Wonderland Trail (Valley View to Laurel Lane), Valley View Road, Laurel Lane, Forest Lane, and Elliott Circle during the FY 2011-2012 budget. The motion was seconded by Commissioner Klutz. Unanimously approved. **Street Pavement Schedule – Exhibit B**

Mr. Hildebran advised that he had received a request for the \$2,000.00 appropriated to the Blowing Rock Community Library in the FY 2008-2009 budget. According to a representative of the Blowing Rock Library, a request was never made to the Town in order to receive the \$2,000.00 during that fiscal year. Mr. Hildebran stated the library was also requesting the Town take over the mowing of their lawn as well. Commissioners Klutz and Pickett both agreed the Blowing Rock Community Library should continue with the mowing of their lawn as in the past and were not in favor of awarding the \$2,000.00 from FY 2008-2009. Commissioner Matheson stated if the Town chose to maintain the library's lawn, precedence would be set with other properties that had long-term lease agreements with the Town. Commissioner Klutz made a motion to deny the Blowing Rock Library's request for \$2,000.00 and also deny their request for the Town to maintain their lawn, seconded by Commissioner Pickett. It was the consensus of Council that a financial statement be obtained from the Blowing Rock Community Library as requested previously. Unanimously approved.

At this time, Planning Director Kevin Rothrock and Town Consultant Michael Egan joined the meeting to continue discussion regarding conditional zoning.

Mr. Rothrock began by stating the meeting had been continued in order for Town Staff to review several concerns that Council had previously regarding conditional zoning.

He continued on by mentioning several other towns with conditional zoning such as Asheville, Waynesville, Brevard, Greensboro, Hendersonville, Boone, etc.

Mr. Rothrock advised that conditional zoning could be limited to certain zoning districts, but traditionally it applied to all zoning districts. He also mentioned with the conditional zoning process, neighborhood meetings were recommended, not required; it was his opinion that the meeting would be a benefit. He also advised adjoining property owners within 400 feet of the project requesting the conditional zoning could be decreased to 150 feet as it is currently with a conditional use permit. Mr. Rothrock stated, with the assistance of Mr. Egan, Town Staff had drafted an ordinance that fit what they thought would be beneficial to the Town and also be within the requirements of the N.C. General Statutes.

Commissioner Klutz inquired as to why the Town needed conditional zoning, when the current ordinance was adequate. Mr. Egan advised he had been approached by the Town to review and recommend improvements to the Town Ordinance and conditional zoning would be a great tool to have. Mr. Egan gave several examples of how conditional zoning had worked in other areas.

Commissioner Pickett commented that conditional zoning could have been helpful during the request for a dress shop on Park Avenue. Mr. Pickett stated neighbors were not against having a dress shop in the area, however, they were not in favor of a zoning change that would allow another type of business such as a restaurant at that location due to the potential for associated noise. Commissioner Pickett felt if conditional zoning had been in place, the dress shop would have been allowed. Commissioner Pickett liked the concept of conditional zoning and thought it would be useful to the Town.

At this time, Commissioner Steele arrived at the meeting.

Mr. Egan also advised that conditional zoning was completely voluntary; an applicant could choose between conditional zoning and the conditional use permit process, whichever they thought best for their particular situation. He also stated with conditional zoning in place, there would be less chance of controversial public hearings, because issues could be addressed between the developer and adjoining properties before coming to Council for approval. Mayor Pro-Tem Yount stated he considered conditional zoning to be "watering down Council". Mr. Rothrock stated any substantial changes would still have to receive approval from Council as it was currently. He also advised, with conditional zoning, Council could attend Planning Board meetings, neighborhood meetings with developers, as well as speak with the applicants before the public hearings were held. With the current ordinance and the conditional use permit process, Council was not allowed to attend Planning Board meetings, speak with the applicant or anyone involved with the request before a public hearing. Mr. Rothrock advised a conditional use permit was a quasi-judicial process with a greater potential for a lawsuit than with the legislative process of conditional zoning.

Mr. Rothrock and Mr. Egan agreed that conditional zoning would allow for more flexibility and be less costly to the Town.

Commissioner Klutz stated that property owners purposely purchased their properties in certain zones. Mr. Egan and Mr. Rothrock stated there was no guarantee that areas would not be rezoned at some point in the future.

Mayor Pro-Tem Yount voiced his reservations regarding changes being made to projects with the conditional zoning process and Council not approving the changes. Mr. Rothrock stated that Council would have to approve any substantial changes, such as an increase in footage exceeding 5%; less than 5%, could be approved administratively which was what the ordinance currently stated.

Commissioners Matheson, Pickett, and Steele thought that conditional zoning would be a helpful tool that offered more flexibility, yet was more restrictive in some ways.

Mayor Pro-Tem Yount asked that Mr. Egan and Mr. Rothrock complete a “mock-up” showing how conditional zoning vs. a conditional use permit would have worked in the dress shop request on Park Avenue. Mr. Egan stated he would provide Council with a draft ordinance with a list of standards showing the traditional version and the conditional zoning version.

It was the consensus of Council to hold another special work session Wednesday, June 1, 2011 to continue the discussion on conditional zoning.

Audience member Earl Horne asked how conditional zoning was different than spot zoning and how Council would verify if adjoining properties owners were in favor of a project. Mr. Rothrock explained to Mr. Horne the difference in the types of zoning and said there was no guarantee that every neighbor had heard about the proposed project and that was why a public hearing would be advertised and held.

Mayor Pro-Tem Yount voiced it was important that the public be well educated on conditional zoning.

ADJOURN

With no further business to discuss, the meeting was adjourned at 6:05 p.m.

MAYOR PRO-TEM _____
Albert Yount

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (05-26-11)

Budget Amendment Ordinance #2011-07 – Exhibit A
Street Pavement Schedule – Exhibit B