

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-October 11, 2011

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, October 11, 2011 at 5:00 p.m. The meeting took place in the Town Council Chambers at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phillip Pickett, Tommy Klutz, Doug Matheson, and Jim Steele. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Mike Wilcox, Police Chief Eric Brown, Finance Director Nicole Norman, Parks & Recreation Director Jennifer Brown, Emergency Services Director Kent Graham, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed everyone.

PRESENTATION

At this time, Mayor Lawrence stated that a special presentation would be made to Ms. Ginny Stevens. Mayor Lawrence commented that friends of Ms. Stevens had wished to thank her for the many things that she does for the citizens and the community by presenting her with a portrait that was painted by local artists Ms. Norma Murphy and Ms. Laura Brown. Mayor Lawrence thanked Ms. Stevens for her involvement within the community.

APPROVAL OF MINUTES

Commissioner Pickett made a motion to approve the minutes for meetings held on September 13, 22, and 26, 2011, seconded by Commissioner Steele. Commissioner Matheson requested a correction be made to the minutes dated September 13, 2011 on page six. He stated the date should have been "June 30, 2011" instead of "June 30, 2012" under discussion item "Other". With the correction, the motion passed unanimously.

Mayor Lawrence opened the following public hearing. Planning Director Rothrock and Ms. Amber Fairbetter were sworn to speak.

PUBLIC HEARINGS

1. Sunny Side Home Daycare – CUP #2011-15

Planning Director Kevin Rothrock presented CUP #2011-05 Sunny Side Home Daycare to Council for their consideration. He advised that Ms. Amber Fairbetter was requesting a conditional use permit to operate a daycare for up to eight (8) preschool age children at 393 Skyland Drive. Mr. Rothrock commented that Ms. Fairbetter currently operated the daycare but was limited to five (5) preschool age children.

According to Mr. Rothrock, the Land Use Ordinance defined *Day Care Center* as “Any child care arrangement that provided day care on a regular basis for more than four hours per day for more than five children of pre-school age.” Mr. Rothrock commented that Ms. Fairbetter had been providing child care for five (5) preschool-age children at that location since August 2010; however, the Land Use Code did not regulate child care for 5 or less children. Ms. Fairbetter was requesting to increase the number of preschool children to eight (8).

Mr. Rothrock also stated the Land Use Code required 1 parking space per employee plus 1 space per 200 sq feet of gross floor area. The daycare currently had two employees and 1020 square feet of floor space, thus requiring 7 parking spaces. According to Mr. Rothrock, there was not adequate space to provide 7 parking spaces. Currently, there were 2 gravel off-street parking spaces which the applicant plans to expand to 3 spaces. In addition, there is one pull off space parallel to the road that would be modified to meet the Land Use Code standards. These changes would allow for 4 total parking spaces. Mr. Rothrock also commented that Ms. Fairbetter had developed a staggered drop-off and pick-up schedule for the five (5) children she currently cared for, to avoid parking congestion. If the CUP received approval, it would require that a continued staggered drop-off/pick-up schedule be followed.

The Land Use Code also required a 16-foot wide opaque buffer along the northern and western property lines, as well as an 8-foot semi-opaque buffer along the southern property line. Mr. Rothrock advised that on the north and south property lines, there were existing rhododendron/vegetation that provided a buffer between the subject property and adjoining property. Section 16-309 of the Land Use Code states it would be possible to reduce or eliminate the required screening based on the compatibility of the daycare with the surrounding land uses.

Mr. Rothrock addressed additional NC State Building Code requirements that would also need to be satisfied in order to continue the daycare operations, which included plumbing and electrical modifications, structural support for the decking and the addition of smoke detectors.

According to the Applicant; playground equipment would be added to the backyard area.

Mr. Rothrock advised that during their regular meeting held on September 15, 2011, the Planning Board recommended approval of CUP #2011-05 with several conditions.

Commissioner Yount mentioned that he had heard of complaints from the neighbors in that area regarding parents of the children parking in the street during the drop-off/pick-up times. Mr. Rothrock explained that it had been addressed in the draft CUP. Mr. Yount stated he felt the Land Use Code requirements should be met. Mr. Rothrock stated the parking requirements nor the landscape requirement would be met if the CUP were to be approved, but it was Council’s choice to approve or disapprove the request to waive the requirements that the applicant was unable to meet in the Land Use Code.

Commissioner Pickett inquired if Ms. Fairbetter had spoken with the parents of the children that attended her daycare about parking in the street during drop-off/pick-up times. Ms. Fairbetter stated this issue had been dealt with and they were no longer parking in the street.

Commissioner Klutz also expressed concerns with the parking requirements. Mayor Lawrence commented that it would be very unlikely that all parents would be dropping their children off or picking them up at the same time and he did not feel seven parking spaces would be needed.

Commissioner Pickett stated he was inclined to believe if there were concerns regarding this issue the neighbors would be present at the meeting to address their concerns, so therefore he did not see any problem with approving the CUP.

Commissioner Klutz asked if Ms. Fairbetter might be allowed to operate her daycare for a trial period of one year to see how the drop-off/pick-up schedule worked out and if the extra parking spaces were needed. Planning Director Rothrock stated that a trial period would not be possible.

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

Commissioner Steele made a motion to approve CUP #2011-05 as presented, which would waive additional landscaping/vegetation, waive three (3) of the seven (7) required parking spaces, enlarge the parallel parking area and allow a total of eight (8) preschool-age children, in addition to the recommendations made from the Planning Board. Commissioner Pickett seconded the motion. Commissioner Klutz suggested that signage be erected designating the pick-up/drop-off area. After some discussion regarding signage, Commissioner Klutz rescinded his request. In favor of the motion were: Steele, Pickett, Klutz, and Matheson. Against: Yount. Motion carried. **Sunny Side Home Daycare CUP #2011-05 - Exhibit A**

NEW BUSINESS

1. Blowing Rock Public Works Facility – Land Acquisition

Town Manager Hildebran presented a purchase agreement for acquisition of land from Triple Tree Development, LLC to improve the site conditions for a Public Works Facility Renovation. The acquisition of the needed property would require a two-step process that Town Manager Hildebran summarized.

He stated the agreement between the Town and Triple Tree Development, LLC would set parameters for the Town's purchase of portions of lots 5 and 6 of The Creeks at Mayview Subdivision. The purpose for the acquisition of the property was to provide sufficient land around the Town shop in order to expand employee parking, construct a through road to the lower horse show property, construct a new salt bin, construct an equipment shelter, and replace the older shop building with a new structure.

The Town would acquire Parcel A (0.250 acres) and Parcel B (0.373 acres) from Triple Tree Development, LLC. In consideration of acquisition of Parcels A and B, the Town would pay Triple Tree, LLC **\$25,304.20**. As a result, Triple Tree would pay owed Town taxes (\$14,760.32) and owed Watauga County taxes (\$2,293.88). Also included in the payment to Triple Tree, would be the previously paid "The Creeks at Mayview" landscape bond of \$8,250.00. Town Manager Hildebran stated that in addition, the Town would provide two (2) complimentary water/sewer taps valued at \$900 each for 2 of the 3 lots (\$1,800.00) of The Creeks at Mayview Subdivision that front Laurel Lane and the Town would also cover any required survey plat/recording costs and related real estate closing costs (\$3,000.00). The approximate value of the compensation for acquisition of Parcels A and B total \$30,104.20.

After the successful acquisition of the Triple Tree property, the Town had plans to exchange property with the Blowing Rock Charity Horse Show to allow expansion of the Town shop property and initiate the facilities improvements and renovations of the site. The Town will exchange with the Horse Show a portion of the shop property and Parcel B from the Triple Tree acquisition in order to obtain areas to the east and west of the shop property for expansion. The process would be dependent on the acquisition of Triple Tree parcels A & B and would be handled within the next 45 days or so.

The total out-of-pocket costs to the Town for the acquisition of the Triple Tree Property are the outstanding Watauga County taxes (\$2,293.88) and any required survey plat/recording costs and related real estate closing costs (\$3,000.00).

Town Manager Hildebran asked for authorization from Council to proceed with the execution of all the required contract documents. Mr. Hildebran also thanked Planning Director Rothrock for his hard work on this project.

A motion was made by Commissioner Pickett, seconded by Commissioner Matheson to proceed with the execution of all required documents for acquisition of the Triple Tree property. Unanimously approved. **Agreement between the Town of Blowing Rock and Triple Tree Development, LLC – Exhibit B**

2. Authorization to Contract with B&F Consulting (ITRE) – Pavement Survey

Town Manager Hildebran stated that during the budget work sessions, a major focus continued to be comprehensive planning. One of the main focal points was updating the 2003 Pavement Condition Survey.

Mr. Hildebrain stated that since 1983, North Carolina State University through the Institute of Transportation Research and Education (ITRE) had conducted research, education, and technical assistance projects on a wide variety of surface transportation issues. A portion of their projects were working with municipalities to develop and implement an Infrastructure Management System for its 60,000 miles of paved state highways, including a pavement management system.

Through a sub-contract with B&F Consulting, Inc. pavement surveys for municipal governments throughout the State are performed. Each municipal street is based on various engineering conditions and provides ratings of the pavement quality. Also provided, are results in a GIS format for use in resurfacing planning. After completion, the plan provides professional guidance to Staff and Council on pavement resurfacing priorities.

Mr. Hildebran requested authorization to contract with B&F Consulting, Inc. to update the pavement conditions survey for the Town's 31.09 miles of streets for an approximate cost of \$10,000 for the study which would be completed later in the year. Commissioner Steele spoke of his recent discussion with a representative of NCDOT regarding the specifications for resurfacing the roads in Watauga County as well as other surrounding counties. He stressed the need for continued lobbying of this matter.

Mr. Hildebran advised that he would discuss the use of a different mix of asphalt than what was currently being used in this area. He mentioned the same asphalt mix was used in the mountains as in the lower elevations and the pavement duration was not as long due to the change in temperatures in the mountains.

Commissioner Yount asked if Mr. Hildebran thought the survey would be useful to the town. Mr. Hildebran responded that he did think the survey would be a beneficial tool for town staff.

Commissioner Klutz made a motion to move forward with the pavement survey and contracting with B&F Consulting, Inc. as presented. Commissioner Pickett seconded the motion. Unanimously approved. **Pavement Survey Contract between the Town of Blowing Rock and B&F Consulting, Inc. – Exhibit C**

3. Lora Elder – Rock the Blue Ridge Bike Ride

Town Manager Hildebran stated that Ms. Lora Elder was present to request Council's support for the 2nd Annual Rock the Blue Ridge Bike Ride to be held on Sunday, August 26, 2012.

Ms. Elder thanked Council for their consideration regarding this request. She commented this was not a "bike race", but a 100-mile "bike ride" event. She further stated the date chosen for the event was normally a slow traffic weekend in the area and there were no other events being held on that weekend.

Ms. Elder said the event would begin and end at Appalachian Ski Mountain and the route was through downtown Blowing Rock. She also mentioned the ride would have staggered starts and the cyclists would be riding at different distances and paces so it would be unlikely there would be large groups for any extended time, if at all in the downtown area.

Ms. Elder did not think that police support would be needed other than flashing lights on vehicles to make people aware of the event.

After some discussion, a motion was made by Commissioner Klutz to approve the request as presented, seconded by Commissioner Steele. Unanimously approved.

4. Budget Amendment (Ordinance #2011-17)

Budget Amendment Ordinance for fiscal year 2011-2012 was presented by Town Manager Hildebran for approval. He stated that Section I (General Fund) was to allocate funds received as a reimbursement for a seasonal employee from the NC Division of Vocational Rehabilitation to the Parks and Recreation Seasonal Salary line. There would also be an allocation from Fund Balance to cover costs associated with the purchase of the dispatch system equipment upgrade as voted on by Council during their regular meeting in September 2011.

Section II (Water/Sewer Capital Projects Fund) reallocates funds budgeted for Water Tank & Clearwell maintenance towards the Water Plant Projects line for the replacement of filter media at the water plant.

Commissioner Pickett made a motion to approve Budget Amendment Ordinance #2011-17 as written, seconded by Commissioner Steele. Unanimously approved. **Budget Amendment (Ordinance #2011-17) – Exhibit D**

SPEAKERS FROM THE FLOOR

None

DEPARTMENTAL REPORTS

Mr. Hildebran updated everyone on the following issues:

1. Mr. Hildebran stated that staff had met with Mr. Ron Funk and Mr. John Calvin regarding BRAHM's plans to remedy the problems with noise from the HVAC units. The anticipated date for completion was November 1, 2011.
2. Mr. Hildebran mentioned that Mr. Mike Pettyjohn of NCDOT stated that NCDOT had agreed to pave a strip down Main Street in addition to the two strips previously paved in order to improve the look of the street. Mr. Hildebran stated that Mr. Yount and Mr. Pickett had also spoken with Mr. Pettyjohn regarding the issue.
3. The bi-annual clean up would be held the week of October 10th-14th.
4. A joint meeting between Council and NCDOT regarding the road widening project would be held on Thursday, October 13th at 4:00 p.m. at Town Hall.
5. The "Turning of the Valve" ceremony would be held on Thursday, October 19, 2011 at 5:00 p.m. across from Tweetsie Railroad.
6. The regularly scheduled Council meeting for November would be held on November 15, 2011 at 5:00 due to the election on November 8th.

Planning Director Rothrock mentioned the Town had received two Conditional Use Permit applications; (1) NC State Highway Patrol for an antenna on the Green Hill water tank and (2) Subway restaurant for a location on Valley Blvd.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:13 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (October 11, 2011)

Sunny Side Home Daycare CUP #2011-05 - Exhibit A

Agreement between the Town of Blowing Rock and Triple Tree Development, LLC – Exhibit B

Pavement Survey Contract between the Town of Blowing Rock and B&F Consulting, Inc. – Exhibit C

Budget Amendment (Ordinance #2011-17) – Exhibit D