

## MINUTES

### Blowing Rock Board of Commissioners

Tuesday, May 14, 2002

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, May 14, 2002 at 7:00 p.m. Present were Mayor J. B. Lawrence, Barbara Ball, Terry Lentz, Keith Tester, Rita Wiseman, and David Wray. Also present were Town Manager Don Holycross, Town Attorney Allen Moseley, Town Engineer Marion Rothrock and Town Clerk Barbara Beach. Other staff members attending the meeting were Director of Public Works Johnny Lentz, Police Chief Owen Tolbert, Planning Director Kevin Rothrock, and Building Inspector John Warren.

Mayor Lawrence called the meeting to order. On behalf of the Town staff and citizens, Mr. Lawrence expressed condolences to Mr. Tester on the death of his mother.

#### Approval of Minutes

Upon motion of Mr. Lentz, second by Ms. Wiseman, Council voted unanimously to approve the minutes as submitted for the regular meeting held on April 9, 2002, and the special meeting of May 3, 2002.

#### Public Hearings

##### 1. Conditional Use Permit # 2002-03 Inn at Ragged Gardens

Planning Director Kevin Rothrock asked Mayor Lawrence to amend the agenda to hear the request from the Inn at Ragged Gardens as the first public hearing. Mayor Lawrence agreed, and opened a public hearing for that purpose. Mr. Rothrock presented the staff report. Lee Hyett requested a conditional use permit to add a 40-50-seat restaurant to the existing bed and breakfast inn. Mr. Hyett was sworn to speak and responded to questions from Council members. In regard to storm water detention, Mr. Hyett provided a letter stating that in 1996, he converted approximately 2,000 square feet of parking area to green space. Mr. Hyett asked to apply this added green space to the 500 square feet of new impervious area. Council also discussed the existing landscaping buffers around the perimeter of the property. Upon motion of Ms. Wiseman, second by Mrs. Ball, Council voted unanimously to close the public hearing.

Ms. Wiseman made a motion that the request for a conditional use permit be approved with the following conditions: 1) remove the words "to non-guests" from Condition # 2 in the draft to mandate that no lunch is to be served in the restaurant, 2) no retail business will be allowed, and 3) the total impervious area waiver has been used up for this parcel. Mr. Lentz seconded the motion, and requested consideration of an amendment to require the establishment of a four-foot buffer around the perimeter of the project. Ms. Wiseman agreed to the amendment, and the vote was called. Members voted unanimously in favor of ratifying the draft CUP as amended.

*CUP No. 2002-03 Attached as Exhibit A*

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## **2. Conditional Use Permit # 2002-02 Carolina West Wireless**

Mayor Lawrence opened a public hearing to consider a request from Carolina West Wireless to erect a 50-foot tall cellular tower in the corner of the Blowing Rock Square Shopping Center at 7533 Valley Boulevard. Kevin Rothrock reviewed the staff report. Citizens Al Rapp and Ginny Stevens, as well as Tom McMillan and three other representatives of Carolina West Wireless were sworn to speak in the public hearing. Mr. Rapp was concerned about the health and safety issues of exposing residents to microwave radiation from the tower. Both he and Mrs. Stevens asked that Council require stealth technology of any proposed cell towers. Council addressed many questions to Mr. McMillan and his associates about their ability to utilize stealth technology or other designs for the proposed tower, safety issues, co-locators for the tower, other locations they had investigated for installation of a tower, and possible obsolescence of cell tower technology. After lengthy discussion, Mr. Wray made a motion, seconded by Ms. Wiseman, that the public hearing be closed. Council voted unanimously to approve the motion.

Mr. Wray moved that the applicant look at more sites for the possible location of a tower, and re-submit a proposal for a tower using stealth technology. Mrs. Ball seconded the motion, and it was unanimously ratified.

Mayor Lawrence called a recess at 9:30, and the meeting was re-convened at 9:35 p.m.

### **New Business**

#### **1. Request for Extension of Existing Conditional Use Permit # 2001-06**

Mr. and Mrs. Bob Menees of Megantry Enterprises were present to request a six-month extension of CUP 2001-06 for their Morris Street project. Upon motion of Mr. Lentz, second by Ms. Wiseman, Council voted unanimously to approve the request.

*Amendment to CUP No. 2001-06 Attached as Exhibit B*

#### **2. Renewal of Stage Company Lease for Ticket Office**

Council considered renewal of the lease for the Ice House on Maple Street. The Stage Company uses the building for a ticket office and is requesting a one-year renewal of the lease. Mr. Wray moved that the request be granted. Mrs. Ball seconded the motion, and it was unanimously approved.

*Lease Attached as Exhibit C*

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#### **3. Report from Town Engineer – Award of Bids**

Marion Rothrock provided a report of major projects he is working on for the Town. He advised that bids had been opened for construction of sewer lines along Pinnacle Drive. The bids received are as follows:

Iron Mountain Construction \$189,465.66

Max Prestwood 244,728.00

Ernie Carpenter 377,688.60

Mr. Lentz made motion that the bid be awarded to Iron Mountain Construction, and Mr. Wray seconded the motion. All members voted in favor of the action.

Mr. Rothrock recommended that the Town enter into a change order agreement for the sewer construction on the east side of Highway 321 (Green Hill Road, Tarry Acres, Hemlock Lane) for the same unit price. This change order would be in the amount of \$182,014.30. Ms. Wiseman made the motion, Mr. Lentz seconded, and all members agreed to the proposal.

Mr. Rothrock reported that on April 23 bids were opened to modify the backwash system at the Water Treatment Plant. This modification will use water from the clear well to back wash. The bid results were:

Kemp Inc. \$148,982.00

Hickory Construction 188,400.00

Vannoy Construction 189,843.00

Mr. Rothrock explained that since these bids were well above the budgeted funds for the project, he asked Kemp, Inc. to give a price for only that part of the work in the original project and use the unit prices which they bid. Also, he obtained a price from Holman Electric, who is the electrician that has been working at the Water Plant. These bids were:

Kemp Inc. \$ 87,296.00

Holman Electric 3,900.00

Total \$ 90,196.00

Mr. Rothrock recommended that the two contracts for the backwash pump be awarded to Kemp Inc. and Holman Electric. Mr. Lentz moved that this action be taken. Mrs. Ball seconded the motion, and all members voted in favor of the award.

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#### **4. Resolution Favoring Secure Municipal Revenue Sources from the State**

Mr. Holycross reported that the NC League of Municipalities requested adoption of a resolution to encourage the General Assembly to enact legislation to secure municipal revenue sources from the State and to ensure revenues are distributed to local governments on a timely basis. Ms. Wiseman made a motion that the resolution be ratified and Mr. Wray seconded the motion. All members voted unanimously to approve the resolution, which will be sent to members of our legislative delegation.

*Resolution No. 2002-04 Attached as Exhibit D*

## 5. Closed Session

Mayor Lawrence announced the conclusion of the regular meeting. Upon motion of Mrs. Ball, seconded by Mr. Lentz, Council voted unanimously to convene in closed session to consult with the Town Attorney by authorization of North Carolina General Statutes 143-318.11(3).

## Adjournment

Upon reconvening, there was no further business and Mayor Lawrence adjourned the meeting at 10:40 p.m.

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J. B. Lawrence,  
Mayor

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Barbara G. Beach, Town Clerk