

MINUTES

Blowing Rock Board of Commissioners

Tuesday, July 9, 2002

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, July 9, 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.

Approval of Minutes

Upon motion of Ms. Wiseman, second by Mrs. Ball, Council voted unanimously to approve the minutes of the meetings held on June 11, June 12, and June 28, 2002.

PUBLIC HEARINGS

1. Draft Ordinance to Clarify Regulations Pertaining to Itinerant Merchants

At the June meeting, the Planning Board recommended changes in the Land Use Code table of permitted uses that applies to itinerant merchants. The proposal would allow owners of vacant property more opportunity to use their property by allowing two itinerant merchants permits per year. Itinerant merchants would be limited to only one permit per calendar year. The proposed text would limit sales to farm or nursery products. Mayor Lawrence opened a public hearing to receive comment concerning the draft amendment to the Code. Several citizens spoke and asked questions about the language and intent of the proposal. After a time, Mayor Lawrence closed the public hearing.

During discussion, Council members Ball and Lentz expressed concern that allowing itinerant merchants to set up in town negatively affects established businesses. Mr. Lentz made motion that itinerant merchants be prohibited in the Town of Blowing Rock. Mrs. Ball seconded the motion. Mr. Tester suggested that the matter be tabled until the Planning Board can draft an ordinance to amend the Code. Ms. Wiseman expressed her idea that a moratorium be placed on the issuance of new permits to itinerant merchants for a period of sixty days. Mr. Lentz withdrew his motion. Ms. Wiseman placed her suggestion for a moratorium of sixty days in the form of a motion, and Mrs. Ball seconded it. All members voted in favor of the motion. Council instructed the Planning staff to notify existing itinerant merchants of the necessity of staying outside the right of way of Highway 321, or fifty feet from the center line, whichever is greater.

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2. Draft Ordinance to Clarify Provisions related to Non-Conforming Structures

Kevin Rothrock presented a report from the Planning Board recommending that the Land Use Code be amended to require that any repair, maintenance, or reconstruction of damaged structures must meet the provisions of the Code when the work exceeds 50% of the appraised value of the structure prior to the damage. Mayor Lawrence called for comment from the assembled citizens. There was none, and the public hearing was closed.

Mr. Wray moved that this matter be tabled until the Planning Board finishes the study of the Town Center District. Mrs. Ball seconded the motion, and it was unanimously approved.

3. Draft Ordinance to Clarifying Telecommunications Towers Regulations

Mr. Rothrock reviewed a proposed amendment to the Land Use Code that would require alternative tower structures utilizing stealth technology in lieu of a monopole tower unless the applicant can demonstrate impracticality or unfeasibility. Monopole towers would only be permitted in CB, GB, and OI zoning districts. Antennas that are part of a cellular distribution network would require a conditional use permit. Mayor Lawrence asked for comments or questions. Al Rapp asked that applicants be required to furnish information concerning wattage, types of antennas, etc. that are installed. Council assured Mr. Rapp that this could be handled with the application process. There were no further comments, and Mayor Lawrence closed the public hearing.

Ms. Wiseman moved that the amendment be approved as presented. Mr. Tester seconded the motion, and it was unanimously ratified.

Ordinance No. 2002-07 Attached as Exhibit A

APPOINTMENTS

1. Appointments to ABC Board and Planning Board

Upon motion of Mr. Wray, second by Mr. Lentz, the Council voted unanimously to re-appoint Jerry Burns to another term of service on the ABC Board. This term is for a period of three years and expires June 30, 2005.

Council members discussed the vacancy on the Planning Board, and the possibility that the board may have too many members to work effectively. The Code mandates eleven members, but this number was set before it was amended with an attendance policy. Ms. Wiseman moved that Council refer the matter to the Planning Board for their study, and Mr. Wray seconded the motion. It was unanimously approved.

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Mayor Lawrence called for a five-minute recess and upon reconvening at 8:45, the following items of business were considered.

NEW BUSINESS

1. Annexation Request – John and Marlene Forster

Mr. John Forster presented a petition for annexation of two parcels off Sunrise Cove. His home is located on one parcel containing .910 acres. The other parcel is a landlocked tract behind 286 Sunrise Cove, of which 95% is located within the city limits. Mr. Forster reported that his septic system is failing and he would like to connect to town sewer. According to Town policy, a property has to be located in the town to receive water and sewer services. Mr. Forster was advised that the sewer line could be extended with his financial input. The cost to extend the sewer line 479 feet is \$20,000. Ms. Sue Glenn, another Sunrise Cove property owner was present,

and also expressed a desire to have her property annexed because of the inability to repair septic lines when future problems arise.

Mr. Wray made motion that this matter be tabled to the August Council meeting to see if other adjacent property owners wish to be added to the annexation petition. Mrs. Ball seconded the motion, and all members voted in favor.

2. Rezoning Request – First Baptist Church

Mr. Rothrock presented a request from the First Baptist Church to rezone a parcel on Ransom Street adjacent to the church. The property is currently zoned R-6M, and they are requesting a rezoning to Central Business. The parcel formerly contained a home, which has been razed. Mayor Lawrence asked to be excused from discussion of this item to avoid any appearance of conflict of interest since he is a member of the church. Mr. Lentz, mayor pro-tem, presided over this part of the meeting. Mr. Wray moved that the request be referred to the Planning Board for review and recommendation. Mr. Tester seconded the motion, and it was unanimously approved.

3. Roofing Materials

Council reviewed a proposed text amendment to the Land Use Code relating to suitable roofing materials. Planning staff recommends that metal standing seam be removed as an appropriate roof material. Upon motion of Ms. Wiseman, second by Mrs. Ball, members voted unanimously to refer the draft to the Planning Board for their review and recommendation.

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4. Recycling Study Committee

Council discussed the merits of appointing a committee of citizens to study options and make recommendations concerning the future funding of the Recycling Department. Mr. Wray strongly supported the idea, and made a motion to proceed with appointing a committee to evaluate retention of the department. Mr. Tester seconded the motion, and the vote was called. Voting in favor of the motion: Wray, Tester, and Wiseman. Voting against the motion: Lentz and Ball. The motion was approved.

5. Speed Limit Reduction on Route 221

Chief Owen Tolbert asked that the town submit a request to the North Carolina Department of Transportation to reduce the speed limit on Highway 221 from Clark Street to Main Street. The Police Department is requesting that the speed limit be reduced from 35 mph to 25 mph. Ms. Wiseman concurred with the request and made a motion that this be approved. Mr. Wray seconded, and Council unanimously voted in favor of the action.

6. Resolution for Bond Sale

Mr. Holycross introduced a draft resolution that would authorize the issuance of refunding bonds in the amount of \$1,825,000 to retire the existing sewer bonds issued in 1987 and 1990. The sewer bonds were originally scheduled to be paid off in 2027. With the refinancing of these bonds, and with \$60,000 in accelerated

payments each year, the sewer bonds will be paid off in 2012. The additional money for payments will be allocated from the existing debt service funds now being used to retire water bonds. The final payment on the water bonds will be in June 2003. Mayor Lawrence noted that this is the first reading of the bond resolution, and the matter will be scheduled for second reading at the August meeting.

7. Report from Town Engineer – Status of Major Projects

Marion Rothrock, Town Engineer, reviewed ongoing major projects. He reported that the bids for the emergency generator for the water plant were considerably over budget. Bids received were:

Hamlett Associates, Inc. \$186,368.00

Ray Smith Construction \$224,800.00

Laughlin-Sulton Construction \$260,600.00

He explained that he plans to re-bid the project into multiple contracts in an attempt to lower the cost.

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Report from Town Engineer Continued

He also reviewed the plans to install sewer lines in the Pinnacle Avenue, Green Hill Road, Tarry Acres area. He expects construction work to begin the last week in July.

Mr. Rothrock noted that the completion date for the North Main Street sidewalk should be changed to around August 15.

8. Delegate to Rural Transportation Planning Organization

Mayor Lawrence appointed Ms. Wiseman to represent the Town on the Rural Transportation Planning Organization.

9. Local Half Cent Sales Tax

Council considered a draft resolution to express support of enactment of an additional local half-cent sales tax by the County Board of Commissioners. If the additional tax were authorized by the General Assembly, it would generate monies to replace local funds that have been withheld by the State of North Carolina. Ms. Wiseman moved that the resolution be adopted as drafted, but the motion died for lack of a second. Members discussed the resolution, but no further action was taken.

10. Closed Session

Mayor Lawrence announced the conclusion of the regular agenda, and that the Council would convene in closed session to consult with Town Attorney by authorization of North Carolina General Statutes 143-318.11(3).

Upon reconvening, there was no further business, and Mayor Lawrence adjourned the meeting at 10:20 p.m.

J. B. Lawrence,
Mayor

Barbara G. Beach, Town Clerk