

MINUTES

Blowing Rock Board of Commissioners

Tuesday, October 8, 2002

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, October 8, 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 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, Building Inspector John Warren, and Kim Oberle, Recreation Director.

Approval of Minutes

Mayor Lawrence called the meeting to order. Ms. Wiseman moved that the minutes of the September 10 meeting be approved with a correction to page three, paragraph two, to delete the words "and Goforth Road" from the draft. Mr. Tester seconded the motion, and it was unanimously approved.

PUBLIC HEARINGS

1. Public Hearing for renewal of Cable Franchise

Mayor Lawrence opened a public hearing to receive comment concerning the renewal of the franchise agreement with Charter Communications, which expires December 31, 2002. Mr. Tony Barlage, manager, was present to discuss issues related to cablevision in the Town. He responded to questions from Council concerning the projected term of the new contract, availability of basic service in town, customer service standards and response time for customer service requests. He promised to re-program the Charter phone network so that a customer may be transferred immediately from the voice mail system to a customer service representative.

Upon motion of Ms. Wiseman, second by Mr. Wray, the public hearing was closed.

2. Draft Ordinance to Increase Civil Penalties

Mayor Lawrence announced a public hearing to discuss an increase of civil penalties for violations of the Town Code. Kevin Rothrock reviewed a draft ordinance, and surmised that a penalty of \$100 per day is not a deterrent. The draft proposes a penalty "up to and not to exceed \$500." Council members discussed the possibility of developing a schedule so that penalty could not be levied on a subjective basis. Members agreed to continue the public hearing to the November meeting and instructed Mr. Rothrock to present a list of violations and related penalties at that time.

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3. Draft Ordinance to Reduce Street Setback on Double Frontage Lots

Mr. Rothrock reviewed a draft amendment that would reduce the secondary street setback on lots that have frontage on more than one public street. In R-15 zones, a setback of 40 feet currently applies to both street

frontages, thus significantly restricting the buildable portion of the lot. At their September meeting, the Planning Board made a recommendation to reduce the street setback on streets other than the primary street to twenty feet. The proposed revision would apply to all residential zoning districts. Mr. Lawrence asked for citizen comment on the proposed ordinance, but no one rose to speak to the matter. Mr. Tester moved that the public hearing be closed. Mrs. Ball seconded the motion, and it was unanimously approved.

Upon motion of Mr. Tester, second by Mrs. Ball, Council voted unanimously to ratify the draft ordinance as presented.

Ordinance No. 2002-11 Attached as Exhibit A

4. Minor Amendment to CUP for Alpine Village Inn - CUP No. 2002-07

Mr. Rothrock presented the staff report for a request by Mr. Rudy Cutrera to construct a 500 square feet second floor addition over the existing office and living quarters of the Alpine Village Inn. Mayor Lawrence asked that Mr. Cutrera and architect Derald West be sworn in by the Town Clerk to give testimony at the public hearing. Mr. Lentz questioned Mr. Cutrera concerning the proposed use of the addition: whether Mr. Cutrera and his family would occupy it, or if it would be utilized as an additional rental space. Mr. Cutrera responded that he planned to house visiting family members in the quarters. After additional questioning from Council members, Mr. Cutrera allowed that it was possible it could be rented occasionally. After additional discussion, upon motion of Mr. Wray, second by Ms. Wiseman, the public hearing was closed.

Mr. Wray moved that the Council find that the request is for a major amendment to the conditional use permit, and that the matter be referred to the Planning Board for their review and recommendation. Ms. Wiseman seconded the motion, and all Council members voted in favor of the decision.

NEW BUSINESS

1. BRAAC Tree Ordinance Request and Street Light Replacement

Linda Campbell was present on behalf of the Appearance Advisory Commission to request Council approval of a slate of citizens to form an ad hoc Tree Ordinance Committee.

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It is the opinion of Appearance Commission members that none of their concerns can be addressed in current Town ordinances. Council members agreed by consensus that review and recommendation of these types of ordinances is a function of the Planning Board, and that Mrs. Campbell must take her request to Planning Board.

Mrs. Campbell presented a proposal for the replacement of the streetlights along Main Street with aluminum poles that can support larger decorative flower baskets. BRAAC would contribute funds in the amount of \$8,302, leaving a cost of \$14,420 to the Town.

Johnny Lentz advised Council that BREMCO would require the Town to sign an agreement assuming all liability for the new poles. Council members were concerned about this issue, as well as the problems associated with an unplanned expenditure in a lean fiscal year budget. After discussion, there was no motion in response to the request.

Mayor Lawrence called for a five-minute recess.

At 8:35 p.m., Mayor Lawrence gaveled the meeting into order, and Council considered the next agenda item.

2. Request for Extension of CUP # 2000-11

Bill and Marianne Hall were present to request an extension of one year for their conditional use permit for the Grove Subdivision. Mr. Rothrock explained that the Land Use Code allows that a permit may be extended for an additional six months under certain conditions. Mr. Lentz made motion that a six month extension be granted. Mr. Wray seconded the motion, and all members voted for the authorization.

Amendment to CUP No. 2000-11 Attached as Exhibit B

3. Scattered Site Housing Program

Mr. Rothrock reviewed his meeting with other local government representatives and the Region D Council of Governments to discuss participation in the NC Division of Community Assistance Scattered Site Housing Program. Through this program, local governments can be eligible to receive a share of funds to rehabilitate minimum standard dwellings. He reported that most often single or doublewide mobile homes are used for housing replacement projects. Since there are only three lots in Town where mobile homes are a permitted use, this will limit the Town's ability to secure funding for this type of project. No action was taken on the report.

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4. Staff Report on Extraterritorial Jurisdiction - North Side of Town

Mr. Rothrock discussed staff recommendation of establishment of an ETJ area for areas north of the Town. He advised Council that Planning staff has prepared a base map and a list of affected property owners in the proposed ETJ area. At Council's request, the staff is prepared to conduct another land use survey of the proposed area and submit the information to the Planning Board for their review and recommendation on proposed zoning of the area.

Council discussed the presentation and agreed by consensus to submit it to the Planning Board for review and recommendation.

5. NC Highway Patrol Antenna Request

Mr. Rothrock advised Council of a request submitted by the North Carolina State Highway Patrol for placement of an antenna at Town's Green Hill radio site. They request installation of a four foot tall antenna and a small equipment cabinet to provide public safety mobile data communications for the Highway Patrol as well as for the future use of the Blowing Rock Police Department. This technology would provide instant criminal justice data to the NCSHP via a wireless communications network. The NCSHP also requests approval to utilize the Town's electrical power at the site.

Council members voiced concerns about the cost of the power to run the transmitter, as well as the possible interference with the Town's existing communications network. There was no representative from the NCSHP present at the meeting, and Council members agreed that there were too many unanswered questions to approve

the request at this meeting. Chief Tolbert will meet with the NCSHP representative and Fire Chief Marc Hickman to gain additional information concerning the petition.

6. Appointment of Fire Department Relief Fund Member

Mrs. Beach advised Council of the necessity to make appointments for two trustees of the Firemen's Relief Fund. Ms. Wiseman moved that Mr. Lawrence and Mr. Tester are appointed to serve in this capacity. Mrs. Ball seconded the motion, and it was unanimously approved.

7. Report from Town Engineer – Status of Major Projects

Town Engineer Marion Rothrock reviewed his project status report. He expects to reach a final decision soon on the expected volume of water that may be withdrawn from Middle Fork. He is continuing to negotiate with the contractor to lower the cost of the building to house the generator for the Water Plant.

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He also reported on two change orders for the construction of sewer lines, and stated that the expected completion date for the backwash pump at the Water Plant is October 10.

8. Timeline for joint review of Town Manager Applications

Council members discussed a date to conduct a joint review of applications for the vacant Town Manager position. Members set a meeting for October 22 at 5:00 p.m. and agreed to accept applications until the position is filled.

9. Authorization to repair Veterans Monument

Mr. Wray reported that he had been advised that the bronze plaque on the Veterans Monument in the Park contains an error in the spelling of Jule Tate. The memorial lists the names of Blowing Rock servicemen who were killed in battle. American Legion members request permission from the Town to have the plaque removed and repaired. Council members agreed that the Town should pay for the project. They instructed Johnny Lentz to obtain prices to correct the misspelling.

Adjournment

There was no further business, and Mayor Lawrence adjourned the meeting at 9:15 p.m.

J. B. Lawrence,
Mayor

Barbara G. Beach, Town Clerk

