

MINUTES

Blowing Rock Board of Commissioners

Tuesday, December 10, 2002

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, December 10, 2002, at 7:00 p.m. Present were Mayor J. B. Lawrence, Commissioners 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 were Director of Public Works Johnny Lentz, Police Chief Owen Tolbert, Planning Director Kevin Rothrock, Building Inspector John Warren, and Bill Pitts, Recycling Director.

Call to Order and Approval of Minutes

Mayor Lawrence called the meeting to order and welcomed the citizens to the meeting. Ms. Wiseman moved that the minutes of the regular meeting held on November 12, and the minutes of the special meetings held on November 12, November 14, November 18, and November 20 are approved as presented. Mrs. Ball seconded the motion, and Council unanimously approved it.

PUBLIC HEARINGS

1. Draft Ordinance to Amend Section 16-125 Pertaining to Nonconforming Situations

Kevin Rothrock opened the public hearing explaining that the Planning Board made a recommendation at their November meeting, to adopt a "middle of the road" approach with respect to repair, maintenance, and reconstruction of buildings with nonconforming situations. Mr. Rothrock stated this approach would allow commercial buildings, if damaged by fire, natural disaster, or act of God, beyond fifty percent (50%) of the value, to be repaired and/or replaced within the existing building footprint. Such buildings could also be enlarged or expanded as long as they did not increase the extent of a nonconforming use. Buildings repaired, replaced or reconstructed for any other reason and exceeding fifty percent (50%) of the building value must meet, to the extent reasonably possible, any provisions of the Land Use Ordinance.

Mr. Rothrock made one change to the draft ordinance after consulting with the town attorney. Under Section 16-125 (B), line five (5), delete "or replaced", change "subsection" to section and delete (E).

Mr. Lentz discussed the draft ordinance allowing increasing nonconforming situations in commercial areas. Mr. Rothrock stated that one could enlarge a commercial building but could not increase the nonconformity and a conditional use permit would be required for enlarging the building.

Ms. Wiseman moved that the public hearing be closed. Mrs. Ball seconded the motion, and it was unanimously approved.

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Mr. Tester made a motion that Ordinance No. 2002-06 be approved with the modifications made as stated by staff. Mr. Lentz seconded the motion, and it was unanimously approved.

Ordinance No. 2002-06 Attached as Exhibit A

2. Draft Ordinance to Define Provisions for a Town Center Overlay District

Kevin Rothrock stated that at a special work session in August, the Town Council requested the Planning Board evaluate some minor modifications to the Town Center District draft ordinance. At the September and November Planning Board meetings, the Board members discussed the changes from the Town Council and made recommendations. The Planning Board is now requesting this draft ordinance be considered for adoption in the form of a Town Center Overlay District.

Mr. Tester suggested not having a Town Center Overlay district and applying the 15% or 15 foot setback rule to the Central Business District. The Council agreed with Mr. Tester. Mr. Earl Horne had some concerns about properties that do not front Main Street and are on a side street. If the setback were applied then the building on a side street would be blocked. Ms. Wiseman commented that the Town Council was not in agreement on how this ordinance should work. Ms. Wiseman was not in favor of a standard setback but would like to continue allowing owners to build back in existing footprints. If a standard setback applied, it would create a line of buildings straight down Main Street and hurt the character of Blowing Rock. Mrs. Ball agreed. Mr. Lentz stated that the 15-foot setback gives developers some flexibility and gives the Town some of the desired green space.

Mr. Ron Oberle stated that the only way Main Street would stay the same is to use the footprint method and not a standard setback. Mrs. Ball agreed. Ms. Sue Glenn stated she would like to see the formula method recommended by the Planning Board used. She did not agree with using the footprint formula and the current ordinance was too simple. The formula method allows some flexibility for developers. Mr. Lentz stated by using the formula method, landowners may think the town is taking their property.

Members of the Town Council and town citizens discussed the problems with legislating for all possible situations, such as the size of a building, height, design standards and single story vs. two or three story buildings.

Ms. Wiseman moved that the public hearing be closed. Mr. Wray seconded the motion, and it was unanimously approved.

Ms. Wiseman made a motion stating that since the Town Council is not in agreement, the draft ordinance be tabled until the Town Council retreat for extensive discussion before sending it back to the Planning Board. Mrs. Ball seconded the motion.

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Mr. Lentz stated that he would not be in favor of the motion if this means the town would still be under the zero lot line setbacks. He suggested a moratorium on building until something is decided. Mr. Tester agreed with Mr.

Lentz. He commented that the one reason the Council is having so much trouble with this ordinance is that the Town is trying to control the entire architectural design of Main Street with a setback. The setback is only one part of the problem. Mr. Tester suggested getting someone to help the Council decide what people want the Main Street to look like and what the parameters are that need to be controlled. Then the Town Council could draft an ordinance that governs all of those parameters. This needs to be discussed at the Town Council retreat. Mr. Tester also suggested having a small committee to study the issues and to report back with a plan to proceed. Mrs. Ball suggested using Mr. Ed McMahon.

Ms. Wiseman added to her motion imposing a moratorium on building in the Central Business District for 180 days. Mayor Lawrence asked that she clarify her motion to say new construction. Mr. Moseley also suggested making it for less than 180 days so that it is reasonably related to the process of drafting this ordinance.

Ms. Wiseman changed her motion to imposing a moratorium on any new construction in the Central Business District for 90 days. Mr. Wray seconded the motion. All members voted in favor of the motion.

Mr. Lowell Thomas stated he would like to serve on a committee to study this ordinance.

3. Proposal for Financing of Chestnut Street Property Purchase

Mrs. Beach reviewed financing proposals for the purchase of property at 135 Chestnut Street. The parcel of property is a 1.19-acre tract owned by Kate Hodge Lane and Thomas and Lucy Tiller. Mrs. Lane is donating her one-half undivided interest in the property to the Town, and the purchase price owed to Mr. and Mrs. Tiller is \$775,000. Mrs. Beach summarized financing proposals received from Wachovia/First Union Bank, First Citizens Bank, High Country Bank, and RBC/Centura Bank. The proposal of Wachovia/First Union Bank contained the lowest rate with a fixed interest rate of 4.26% for a term of fifteen years, and she recommended that Council accept this. Mr. Wray made a motion that the Town accepts the financing proposal offered by Wachovia/First Union Bank. Mr. Lentz seconded the motion, and it was unanimously approved.

Mayor Lawrence opened a public hearing to hear public comment on the proposal. Mr. Phil Pickett asked about the exact location of the parcel, and for what purpose the property would be used. After review of the Town's plans for the property, there were no other questions or comments, and Mayor Lawrence closed the public hearing.

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OLD BUSINESS

1. Report from Recycling Committee

Mr. Wray reported to the Council on behalf of the Recycling Committee. Mr. Wray thanked all the members of the committee for their time and efforts. He submitted reports from the Public Works Department on the cost of that department picking up all of the recycling in town. Mr. Wray also submitted contracts from companies that would receive the recycled materials. He recommended that the Town retain the Recycling Department as has been budgeted in the past, and ask the new Town Manager to work out the details of the contracts, etc. The Town Council reviewed all the different options. Mr. Lentz commended Mr. Wray on his work with this

project. Mr. Tester stated that he believes the Recycling Department should change some of their procedures to eliminate going inside each office on Main Street for pickup, and streamlining other labor-intensive methods of handling recyclables.

Ms. Wiseman made motion that the Town approves continued funding for the Recycling Department, with the details to be worked out by the Town Manager. Mr. Lentz seconded the motion and it was unanimously approved.

NEW BUSINESS

1. Request for Extension of CUP 2001-10 for Charles Davis Jr.

Mr. Charles Davis was present to request a six-month extension of his conditional use permit for construction of a storm water detention basin behind Woodlands. Mr. Lentz made a motion that this request be approved. Mr. Wray seconded the motion, and it was unanimously approved.

2. Proclamation for I have a Dream Week, January 18-26, 2003

Mr. Wray moved that the request to proclaim January 18-26 as "I Have a Dream Week" be approved. Mr. Tester seconded the motion, and all members voted in agreement.

3. Engineer's Status Report on Major Projects

Mr. Rothrock presented bids for installation of an emergency generator at the water treatment plant. The bids were:

Electrical: **Holman Electric Company \$68,627.00**

Byrd Electrical Service 73,057.42

Building: Chris Rider, Inc. \$83,000.00

Ray Smith Construction 87,600.00

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Mr. Rothrock stated that he had checked with several other plants that have installed weatherproof generators, and they are running with no problems. In view of this, he recommends the generator be installed on a pad with screening from the road, for savings of \$60,000. Council agreed to install the generator without a building.

Mr. Rothrock also discussed the installation of a chlorine contact chamber at the Wastewater Treatment Plant. He received the following bids:

Kemp, Inc. \$23,550.00

Chris Rider, Inc. 7,295.58 plus piping

He recommended awarding the bid to Chris Rider, Inc. in the amount of \$7,295.58 plus the internal piping, which he will negotiate after he draws the basin.

For the wastewater equalization basin at the Wastewater Treatment Plant, Mr. Rothrock received the following bids:

Kemp, Inc. \$29,900

Chris Rider, Inc. 25,000

Mr. Rothrock also advised Council that he had talked with several contractors about repairs to the leaking walls of the Recreation Building, however only one, Chris Rider, Inc. made a proposal. The proposal includes repairs using cedar siding on the south wall, and Drivit siding on the west wall. Mr. Lentz recommended using Hardiboard siding on both walls, with a fifteen-year painted surface warranty on both surfaces. Council agreed that this option is better.

Upon motion of Mr. Wray, second by Ms. Wiseman, Council voted unanimously to award these bids:

Emergency Generator Holman Electric Company \$68,627.00

Chlorine Contact Chamber Chris Rider, Inc. 7,295.58 plus piping

Recreation Building Walls Chris Rider, Inc. 25,000.00

Mayor Lawrence announced the end of the regular agenda and declared the Council convenes in closed session under authorization of NCGS 143-318.11(6) to discuss personnel matters, and to discuss acquisition of real property by authority of NCGS 143-318.11(5).

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Adjournment

At the conclusion of this session, there were no further items for discussion, and Mayor Lawrence adjourned the meeting at 10:45 p.m.

J. B. Lawrence,
Mayor

Barbara G. Beach, Town Clerk