

## MINUTES

### Blowing Rock Board of Commissioners

Tuesday, May 13, 2003

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, May 13, 2003 at 6:00 p.m. Due to the large agenda, the meeting started an hour early. Present were Mayor J. B Lawrence, Commissioners Barbara Ball, Terry Lentz, Keith Tester, David Wray and Rita Wiseman. Also present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Marion Rothrock and Assistant Town Clerk Sharon Greene. Other staff members attending were Director of Public Works Johnny Lentz, Planning Director Kevin Rothrock, Building Inspector John Warren, Recreation Director Kim Oberle, and Dennis Swanson representing Chief Owen Tolbert who was on vacation.

#### Call to Order:

The meeting was called to order by Mayor Lawrence.

#### Approve Minutes:

Upon motion by Terry Lentz, seconded by Barbara Ball, Council voted unanimously to approve minutes for the meeting held Tuesday, April 8, 2003, and special meetings held on April 7, 2003 and April 28, 2003. One change was made to Commissioner Tester's motion at the April 8<sup>th</sup> meeting. An amendment was made regarding Zoning Ordinance Amendment Ordinance No. 2003-03 (Information/Message Signs) was made to read as follows:

**Commissioner Tester made the motion to table this agenda item, and send it to the Planning Board to incorporate more specific guidelines concerning the size and appearance of business displays, and look at treating menu boards as outdoor displays and placing the design guidelines in the commercial design section of the land use code.**

#### OLD BUSINESS:

##### 1. CUP #2003-02 Capri V, LLC – The Attic – Retail Furniture Showroom

A Public Hearing was heard originally on April 8, 2003 on this item, it was tabled for unresolved driveway issues with an adjoining property owner. Mr. Clark Isaac, a representative from The Attic, came before Council requesting a conditional use permit to construct a furniture showroom. The applicant and adjoining property owner came to an agreement over the driveway issue. The applicant would deed a portion of their property to adjoining property owner Mrs. Paul ( Carol) Coffey so that her driveway would not have to be changed. After some discussion, a motion was made by Commissioner Wiseman to approve the CUP #2003-02 –Capri V, LLC The Attic as submitted, contingent on receiving a copy of the deed to Mrs. Coffey for the property given to her by the applicant. Commissioner Wray seconded the motion with unanimous approval from all members.

**CUP #2003-02 Capri V, LLC – The Attic- Retail Furniture Showroom Attached as Exhibit "A"**

May 13, 2003

Page two

**2. CUP #1999-02 – Thirtle Commercial Building**

Mr. Jim Thirtle requested an amendment to his conditional use permit to change the permitted use of the second floor of the Papillon commercial building, located on Sunset Drive. His request was to change it from restaurant to retail, office and residential.

Commissioner Wray felt this was a major amendment and should be sent back to the Planning & Zoning Board, seconded by Commissioner Ball. All members were in favor.

**3. CUP #2002-09 The Boxwood Lodge**

Mr. Phillip Picket owner of the Boxwood Lodge requested a minor amendment to his conditional use permit to add a roof over the deck of his new apartment being constructed onto the main lodge facing North Main Street. Commissioner Wiseman made a motion to amend the conditional use permit as requested, seconded by Commissioner Lentz, with unanimous approval from all members.

**CUP #2002-09 Boxwood Lodge Attached as Exhibit "B"**

**NEW BUSINESS:**

**1. Resolution – Caldwell County Watershed Protection Reclassification Request**

Mr. Bill Stone representing Caldwell County presented to Council their request for consideration a proposed Resolution of Support for the Caldwell County Watershed Protection Reclassification Request for the Yadkin River Basin to WS-II. After some discussion concerning what impact this may have on certain area property owners, and also how this may help the town water supply in the future, a motion was made by Commissioner Lentz to support Caldwell County with their resolution request. Commissioner Ball seconded his motion. All members were in favor.

**Resolution –Caldwell County Watershed Protection Reclassification Request Attached as Exhibit "C"**

**2. Stage Company Ticket Office Lease**

A request was made by the Blowing Rock Stage Company to renew the lease on the Maple Street Ice House. Commissioner Lentz made a motion to renew the lease for another year, seconded by Commissioner Tester. All members were in favor. The yearly fee of \$1 was paid to the Clerk by the Stage Company manager at that time.

**Stage Company Ticket Office Lease Attached as Exhibit D"**

May 13, 2003

Page three

**3. Resolution – Watauga County Solid Waste Management Plan 2003 Update**

A request was made for the Town to consider a proposed Resolution to approve the Watauga County Solid Waste Management Plan 2003 Update. Pursuant to NCGS 130A-309.09A(b), all units of government must develop a Solid Waste Management Plan, or be included in a County Solid Waste Management Plan (which is what the town does). Updates are required every three years. The original plans, and all subsequent updates, must be adopted by resolution by all local governments covered by the plan. Following some discussion, a motion was made by Commissioner Wray and seconded by Commissioner Tester to accept the resolution, and was unanimously agreed upon by all members.

**Resolution – Watauga County Solid Waste Management Plan 2003 Update Attached as Exhibit "E"**

**3. Budget Amendments**

The Town Clerk asked Council to recognize revenue of two types that the Town has received during the budget year. The first one being revenue received by Wachovia/First Union National Bank for financing received to purchase heavy equipment for the street department and new playground equipment for the park. The recommendation was that the revenue line item for Proceeds from Long Term Debt be credited for \$91,969 to account for this revenue, and the affected departments be debited for the amounts to be spent for this equipment.

The second proposed amendment is to recognize revenue received from the Watauga County E-911 office to aid in funding the new CAD system at the Police Department. The amount of the grant was \$20,493. These funds should be credited to the Federal & State Grants line item to identify the revenue in this department and the Police Department Capital Outlay line debited. A motion was made by Commissioner Wiseman to approve the budget amendments as stated, seconded by Commissioner Tester. All members were in favor.

**4. Rotary Club Proposal**

The Blowing Rock Rotary Club will be celebrating their 100<sup>th</sup> year in February 2005. To commemorate their anniversary, they decided to construct and donate to the town, a Town Clock. Tentatively the clock will be placed at the corner of Park Avenue and Main Street. There were many concerns regarding the clock's size and design. In order for Council and town residents to get an idea of the size, a mockup was constructed for viewing on May 12<sup>th</sup>.

May 13, 2003

Page four

Commissioner Wiseman stated this project should be treated the same other projects and go before the Planning Board. It was recommended the Planning Board have a special meeting on Tuesday, June 3, 2003 before the Council meeting the following Tuesday. Commissioner Wray made a motion to send this request before the Planning Board, seconded by Commissioner Wiseman. All members were in favor.

**PUBLIC HEARINGS:**

## 1. CUP #2002-02 – Carolina West

A Public Hearing was opened at 7:05 p.m. The Clerk swore in Mr. John McMillan representing Carolina West.

Carolina West was previously heard at a public hearing held on May 14<sup>th</sup>. At that time it was sent back to the Planning Board for further study.

Mr. McMillan requested a Conditional Use Permit to erect a 13-foot tower structure on the roof of Dollar General Store in Blowing Rock Square Shopping Center. After some discussion it was recommended that #10 of the CUP be changed. The applicant must submit engineering specifications to the Town when antenna upgrades are conducted. Also any notifications that are submitted to the FCC to ensure compliance with federal and IEEE standards shall also be submitted to the Town. Failure to meet these conditions will result in the tower site being shut down until brought into compliance.

Commissioner Lentz made a motion to close the Public Hearing, seconded by Commissioner Wray. After some protest from the audience, a motion was made to re-open the hearing by Commissioner Tester, seconded by Commissioner Wray. All members were in favor.

After the hearing was re-opened, Mr. Al Rapp spoke of his dissatisfaction concerning the cell tower, but said the delay in approval was worthwhile, as a better solution was found.

Another motion to close the hearing was made by Commissioner Wray, seconded by Commissioner Wiseman. At that time Commissioner Tester made a motion to approve the Conditional Use Permit with the changes to condition No. 10 of the CUP. His motion was seconded by Commissioner Ball and was unanimously approved by all members.

### **Carolina West CUP #2002-02 Attached as Exhibit "F"**

May 13, 2003

Page five

## 2. CUP #1999-04 – BR Community Art Center

Mr. Chip Williamson, representing the Community Art Center requested a major amendment to their CUP. The request was to increase the overall height of the stage house from 58 feet to 64 feet, to modify the exterior architectural features of the building, and to remove the proposed porte-cochere at the building entrance.

Mr. Chris Heins, the project architect, presented revised drawings of the proposed art center, and answered various questions Council had concerning the project. Council had some concerns with the porte-cochere being removed. There were also some questions concerning the landscaping plans.

A motion was made to close the public hearing at 8:15 p.m. by Commissioner Tester, seconded by Commissioner Ball. A motion was made by Commissioner Tester to approve the CUP with **No. 1** being amended as follows:

**The Applicant is hereby authorized to increase the overall height of the set elevator tower section of the Community Arts Center building from 58 feet to 64 feet to accommodate the scenery wall sections and**

**other functions of the stage house. The maximum height of the remainder of the building shall not exceed 50 feet.**

An addition was also made to the motion that a time limit be set for adding a canopy to the Community Arts Center. It was decided that seven years would be a reasonable time for the addition. Commissioner Ball seconded the motion with unanimous approval from all members.

**BR Community Arts Center CUP 1999-04 Attached as Exhibit "G"**

#### **4. Sign Ordinance Amendment – Ordinance #2003-05 Freestanding Signs - Height**

An amendment to increase the allowable overall height of freestanding signs to compensate for elevation on U.S. Hwy. 321 Bypass was presented to Council. After brief discussion, a motion was made by Commissioner Wray to close the public hearing and accept the amendment to Section 1. Section 16-282(C)(2) of the Land Use Ordinance to read as follows: **"(a) With respect to column signs in the General Business District, where the average ground elevation of the proposed sign location is below the road edge elevation of Hwy 321 or 321 Bypass, the overall height of the sign may be increased to an elevation up to, and not to exceed, 10 feet above the road edge. In no case, however, may a sign be taller than 20 feet above the average ground elevation, nor shall the height of the sign structure exceed 22 feet above the average ground elevation. Fifty percent of the sign height must be screened by landscaping when the sign is built according to the standards listed above."**

May 13, 2003

Page six

Commissioner Ball seconded the motion with unanimous approval from all members.

**Sign Ordinance #2003-05 Freestanding Signs – Height – Attached as Exhibit "H"**

#### **5. Sign Ordinance Amendment – Ordinance #2003-06 Freestanding Signs – Size**

An amendment to increase the allowable size of freestanding signs in the General Business District along Hwy. 321 Bypass. Where the posed speed limit is greater than 35 mph, the allowable size of column signs may be increased from 45 to 60 square feet. Ground-mounted signs may be increased from 35 to 45 square feet.

A motion was made by Commissioner Wiseman to close the public hearing and approve as presented the amendment to Section 16-282(C)(2). Commissioner Ball seconded the motion all members were in favor.

**Sign Ordinance #2003-06 Freestanding Signs –Size –Attached as Exhibit "I"**

**1. Sign Ordinance Amendment – Ordinance #2003-07 Sign Material**

A draft amendment was presented to Council that would amend and further clarify the appropriate sign materials for Blowing Rock.

After brief discussion, Commissioner Wiseman made the motion to close the public hearing, seconded by Commissioner Wray. Commissioner Tester made a motion to accept the amendment with the following changes to Section 16-282(C)(B) as follows:

**All signs shall be of sandblasted, routed, or carved wood, individual wood letters or of high density sign foam that have the appearance of sandblasted or carved wood and individual letters etc.**

Commissioner Ball seconded Commissioner Tester's motion, with all members in favor.

**Sign Ordinance #2003-07 Sign Material – Attached as Exhibit "J"**

May 13, 2003

Page seven

**2. Zoning Ordinance #2003-08 Cellular Tower Ordinance Amendment**

Presented to Council was an amendment to Section 16-289.06, Tower Approval Standards to require additional service or benefit to residents of Blowing Rock and/or ETJ.

Commissioner Wiseman made a motion to close the hearing, seconded by Commissioner Wray. Commissioner Wiseman also made a motion to accept the amendment as presented with a second from Commissioner Ball. All members were in favor.

**Zoning Ordinance #2003-08 Cellular Tower Ordinance Attached as Exhibit "K"**

**DEPARTMENTAL REPORTS:**

Town Manager Hildebran presented the proposed 2003-2004 fiscal year budget.

After a brief discussion of the budget highlights, Council scheduled two budget work-sessions, on May 19<sup>th</sup> at 4:00 p.m. and May 20<sup>th</sup> at 4:00 p.m.

There being no further business, Mayor Lawrence adjourned the meeting at 9:10 p.m.

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Mayor J.B. Lawrence

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Sharon H. Greene, Assistant Town Clerk