

MINUTES

Blowing Rock Board of Commissioners

Tuesday, September 9, 2003

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, September 9, 2003 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 Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Marion Rothrock and Town Clerk Barbara Beach. Other staff members attending were Police Chief Owen Tolbert, Planning Director Kevin Rothrock, Building Inspector John Warren, Jamie Schultz, Recreation Director, and Mike Wilcox, Assistant Director of Public Works.

Call to Order and Approval of Minutes

Mr. Lawrence called the meeting to order and welcomed the assembled citizens. Upon motion of Mr. Lentz, second by Mrs. Ball, Council voted unanimously to approve the draft minutes for the meetings held on August 12, August 26, and September 2, 2003.

Public Hearings

1. Town Center District

Mayor Lawrence opened a public hearing to receive comment concerning the draft ordinance to amend Section 16-184 of the Land Use Ordinance to establish development standards for setbacks, open space, and green space in the Central Business District. Planning Director Kevin Rothrock reviewed the options that Council had considered for a Town Center district. Several citizens had questions concerning the draft ordinance. Mr. Albert Coffey asked to address the Board about his concerns that trees used in the Town Center must be selected with care and given room to grow. He feels that the draft ordinance would affect the viability of businesses in Town. Mr. Jim Brown believes that property owners should be given flexibility to allow individual choices in setbacks.

Mr. John Phifer thinks that the parking problems in Town should be addressed. There were no further comments, and upon motion of Ms. Wiseman, second by Mrs. Ball, the public hearing was closed.

Ms. Wiseman moved that Ordinance Number 2003-12 which amends Section 16-184 and adds Section 16-184.02 Pertaining to Development Standards for the Central Business District be approved as drafted. Mr. Tester seconded the motion. After discussion, Mr. Tester asked that the motion be amended to reflect these changes to the draft ordinance:

1. Section 2, *Setbacks*: B) If a proposed building is not built back to an existing footprint, or development is on vacant property, the following setback requirements apply:

September 9, 2003

Town Center District Continued

1. Primary street setback(s) shall be the lesser of
 - a. 15% of the average lot depth, or
 - b. 15 feet
 1. A building may encroach into the required primary street setback along 50% of the lot width. However, no building may encroach closer than ten (10) feet from the back of the sidewalk. When a building is permitted to encroach into the required primary street setback, the displaced open/green space area must be placed within the front 1/3 of the lot.
 2. Along side streets a setback of ten (10) feet is required.
 3. In 1, 2, and 3 above, the setback shall be measured from the back of the public sidewalk. The area between the buildings and the sidewalk shall be open space.
 4. Side lot and rear boundary setbacks will be a minimum of five (5) feet. Common walls (i.e. zero (0) setback) are not allowed. Where an alley is not required by subsection I) Alleys, green space is required in areas between buildings and the side and rear property lines.
 5. Lots in the Central Business District that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.
-
1. Section 2, ***Open Space/Green Space:*** C) – Add the words "For purposes of this section,"
 2. Section 2, G) ***Building Height:*** – Second sentence, Add the underlined text, "Where an existing wall is located adjacent to a sidewalk, or for properties which do not border a primary street on either side, the maximum height shall be measured from the existing grade elevation adjacent to the primary entrance." In the same section, add the words, "This section supercedes Section 16-185 (B) pertaining to Central Business."

Ms. Wiseman agreed to the amendments as stated by Mr. Tester.

Mrs. Ball requested that Council consider another amendment to change the setback to 20 feet and 15 percent of the average lot depth. She warned that the ordinance will change the appearance of Main Street. Ms. Wiseman agreed to amend the motion, but Mr. Tester thought that this amendment would call for multiple Town Center districts, and Planning Board and Council members had reached a consensus for only one district. After discussion and comments from other Council members, Ms. Wiseman observed that sufficient votes for Mrs. Ball's amendment did not exist, and she withdrew her motion for the amendment.

September 9, 2003

Page three

Town Center District Continued

Mr. Tester questioned Mr. Moseley about specific authority that is granted to Council to allow flexibility to waive specific requirements during the conditional use permit process. Mr. Rothrock provided Section 16-189

for his review, and Mr. Moseley agreed that this section gives authority for flexibility concerning questions of density and dimensions.

After further discussion, Mayor Lawrence called the question on the amended motion of Ms. Wiseman and Mr. Tester. All members voted to ratify the ordinance as amended as outlined above.

Ordinance No. 2003-12 Attached as Exhibit A

2. Ordinance No. 2003-03 - Information/Message Signs

Mayor Lawrence opened a public hearing to hear public comment concerning the draft ordinance, which would amend the Town Code to allow information or message signs in the Central Business zone. Mr. Rothrock reviewed the proposed draft ordinance, elaborating on the intent of the ordinance. Mr. Doug Beach of Twigs Restaurant asked about menu signs for restaurants in the General Business zone. Mr. Lentz replied that the ordinance should apply to restaurants in any zoning district. Ms. Wiseman suggested that the ordinance should also apply to art museums and cultural events. There was no further comment, and upon motion of Mr. Lentz, second by Mrs. Ball, the public hearing was closed.

Mr. Tester moved that the ordinance be approved as drafted, with the addition of museums to the list of uses that may have a message board, and to make the ordinance applicable to restaurants in any zoning district. Mrs. Ball seconded the motion.

Ms. Wiseman questioned the enforcement date of the ordinance. Mr. Tester amended his motion to add the date of January 1, 2004 to allow time for businesses to comply with the code amendment. Mrs. Ball agreed to the amendment, and the vote was called. All members voted to ratify the draft as amended.

Ordinance No. 2003-03 Attached as Exhibit B

3. CUP No. 2003-03 - The Cottages at Mayview Subdivision

Mr. Lawrence opened a public hearing to hear testimony concerning the application for a conditional use permit for the Cottages at Mayview subdivision. Mr. Rothrock reviewed the staff report for this request for major cluster subdivision consisting of 16 lots on the T. H. Broyhill heirs property in Mayview Park. The 7.318-acre tract between Laurel Lane, Cone Road, and the Town's shop access road below the Horse Show grounds.

September 9, 2003

Page four

The Cottages at Mayview Continued

David Stevens, one of the heirs, was present to answer questions concerning the request.

Council members questioned the efficiency of detention ponds in the wetlands area. Doug Beach, David Farlane, and Frank Thomas spoke unfavorably about the proposal. There were no other citizens who requested to address the issue, and upon motion of Mr. Lentz, second by Mr. Wray, Mayor Lawrence closed the public hearing.

Mr. Lentz moved that the Board accept the request for a conditional use permit with the addition of the following conditions: 1) the detention ponds will be inspected once every six months by the Town engineer,

with the cost of the inspections and the cleaning of the ponds to be borne by the developer, and after completion of the project, by the property owners association, and 2) street lights must be installed along Cone Road between the intersections of Laurel Lane and the Shop Road, and along Town Shop Road. Mrs. Ball seconded the motion, and it was approved unanimously.

CUP No. 2003-03 Attached as Exhibit C

4. CUP No. 2003-04 – Blowing Rock Country Club

Paul Peterson and Dennis Quinn of the Blowing Rock Country Club were present to petition for a conditional use permit to renovate and construct an addition to the clubhouse and cart barn.. Mayor Lawrence opened a public hearing to receive comment on this request.

After the review of the staff report, Mr. Lentz inquired whether additional parking was planned. Mr. Peterson replied that since the membership number is remaining the same, no additional spaces are needed. Mr. Lentz reasoned that if the number of members is increased in the future, the Club must furnish additional parking. Mr. Peterson agreed to this provision.

Mr. Lentz also asked whether the Board of Directors would consider granting a right of way or deeding the street in front of the Country Club to the Town. Mr. Peterson assured him that they are prepared to turn the street over to the Town whenever it can be arranged, and they will meet with Mr. Hildebran to work out the details. Mr. Lentz made motion that the public hearing be closed. Mrs. Ball seconded the motion, and it was approved unanimously.

Mr. Lentz moved that the request for conditional use permit be approved, with the provision that the Country Club will provide additional parking if membership numbers increase in the future, and that the street be added to the Town system. Mr. Hildebran is to meet with the Building Committee to work out the details of the transfer. Ms. Wiseman seconded the motion, and Council unanimously approved it.

CUP No. 2003-04 Attached as Exhibit D

September 9, 2003

Page five

5. CUP No. 2003-05 – Blowing Rock Renovators

Dwan Elks of Blowing Rock Renovators was present to request a conditional use permit to change the exterior of the old Goodwin Weavers building located at 176 Cornish Road. Mr. Lawrence opened a public hearing to hear comment in the matter.

After Mr. Rothrock presented the staff report, Council questioned Mr. Elks about the pitch and height of the new roof. Mr. Elks did not know and it was not in the plans as presented. After further questions concerning the planned siding of the building, Mr. Wray made motion that the public hearing be closed. Ms. Wiseman seconded the motion, and it was approved unanimously.

Mr. Lentz moved that consideration of the request be tabled until better plans and information can be furnished to Council. Ms. Wiseman seconded the motion, and all members voted in favor.

New Business

1. Classic Carriage Rides

Ms. Jeri Walker was present to request a permit to provide carriage rides at the Green Park Inn. Based on Council policy from August 9, 1994, all carriage rides must be approved by the Board. Ms. Walker stated that the rides would be on Saturdays only, from Memorial Day through the end of October. Rides would be between the hours of 2:00 p.m. and 9:00 p.m. and will be cancelled in case of inclement weather. The proposed route for the carriages would be around the Green Park Inn, exiting right from the parking lot, onto Goforth Road by the golf course, onto Galax Lane, then Green Hill Road and returning to the parking lot of Green Park Inn. She assured Council that safety of the clients, horses, and drivers is the uppermost concern and that the company will provide a Certificate of Insurance to prove liability coverage.

After a time of discussion, Mr. Lentz moved that Classic Carriage Rides be approved for a permit, with their request letter to be made part of the record of their application, and the permit to be reviewed annually at the time of renewal of the privilege license. Ms. Wiseman seconded the motion. Voting for the motion: Lentz, Wiseman, Ball, and Wray. Voting against the motion: Tester. The motion was approved.

Carriage Ride Application attached as Exhibit E

September 9, 2003

Page six

2. Blowing Rock EmergencyFest

Angie Gregg of Emergency Services requested Council approval for the second annual EmergencyFest to be held June 26, 2004. Ms. Gregg also requested permission to block off Wallingford Street and use the upper and lower American Legion parking lots for the event. Upon motion of Mr. Wray, second by Mrs. Ball, Council voted unanimously to approve the request.

3. Bids for Police Cruisers

Mr. Hildebran reported on bids received for the purchase of two police cars. The vendors and amounts are shown below.

Bobby Jones Ford \$46,228

Phillips Ford 46,504

Jacky Jones Ford 48,400

Staff recommended that the contract be awarded to Bobby Jones Ford, with financing of the purchase through Ford Motor Credit Corp. for a term of three years, with an interest rate of 5.85%. By motion of Mr. Wray, second by Ms. Wiseman, Council voted unanimously to take this action.

4. Closed Session

Mr. Lawrence announced the end of the regular agenda, and that the Board will convene in closed session for consultation with the Town Attorney by authority of North Carolina General Statutes 143-318.11(5) to discuss acquisition of real property.

Upon re-convening in regular session, there was no further business, and Mayor Lawrence adjourned the meeting at 10:30 p.m.

J. B. Lawrence,
Mayor

Barbara G. Beach, Town Clerk