

MINUTES

Blowing Rock Board of Commissioners

July 13, 2004

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, July 13, 2004. Members present were Mayor J.B. Lawrence, Commissioners, Bobby Ball, Rita Wiseman, Terry Lentz, Keith Tester and David Wray. Town Manager Scott Hildebran, Planning Director Kevin Rothrock, Planning Intern Chris Hudson, Building Inspector John Warren, Public Works Director Johnny Lentz, Parks & Recreation Director Jamie Saitta, Andy Lovingood of McGill & Associates, and Assistant Town Clerk Sharon Greene were also present.

APPROVAL OF MINUTES:

Commissioner Wiseman made a motion to approve minutes from meetings held on June 8, 2004, June 28, 2004, and June 30, 2004 as presented. Commissioner Lentz seconded the motion all members were unanimously in favor.

PUBLIC HEARINGS:

CUP #2004-04 Pssghetti's Restaurant

Mayor Lawrence requested that persons wishing to speak during the Public Hearing, be sworn in by the clerk, at which time, Frank Mongelluzzi, owner of Pssghetti's, Kevin Rothrock, and Patrick Warren, Engineer for Mr. Mongelluzzi were duly sworn.

A history of this request was given by Planning Director Kevin Rothrock. He stated that the original request made by Mr. Mongelluzzi was to construct a new access road to the property, a large containing wall for the access road, storm drainage improvements, parking lot re-paving, building exterior color changes, and interior renovations. This request required a conditional use permit.

However, the scope of work was reduced to interior renovations, an exterior color change, a new location for the handicap space, dumpster pad location and screening, and a driveway alteration near the upper parking area. A zoning permit was issued for the proposed project.

During the construction phase, the project became more involved than originally anticipated with many decisions being made in the field to assist the contractor in the getting the project completed. However, the project was modified so substantially, that administrative approval was no longer acceptable and a conditional use permit was required.

A conditional use permit to complete the project as proposed is now being requested.

A list of the following changes are proposed to finish the project:

Site:

- 1. Re-pave parking lot**
- 2. Re-stripe the parking lot**
- 3. New landscaping ***
- 4. Retaining wall behind the building to hold the slope**

5. **Two coach lights ***
6. **Stack rock retaining wall along front entrance drive ***
7. **Wooden guardrail with steel posts**
8. **Handicap space**
9. **Outdoor waiting area**
10. **New dumpster pad and screening area ***

Building:

1. **Replace all previously existing featheredge siding with vertical tongue-and-groove ***
2. **Place tongue-and-groove siding on dumpster screening and outside cooler ***
3. **Add a stone archway above the entrance door ***
4. **Replace wooden roof shingles with new wood shingles ***
5. **Stain new siding natural color with a dark gray tint ***
6. **Replace old windows ***
7. **Expand bathroom outside original footprint to meet building code requirements***

** Indicates what was finished at the time of the meeting*

The following changes have been proposed as Phase II, after the restaurant opens:

Site:

1. **Replace existing stream culvert and expand parking area with new rock retaining wall (Army Corp and NCDENR approval are required)**
2. **Expand upper parking area and install new rock retaining wall**
3. **Provide steps from upper parking area to restaurant entrance**
4. **Parking lot coach lights to be relocated**
5. **Storm water detention**

Patrick Warren from McGill and Associates and Frank Mongelluzzi presented to Council the above changes and what was finished at the time of the meeting and an approximate time frame in which the other changes would be completed.

Council voiced their concerns pertaining to parking, the storm water detention and Phase II of the project and when it would be finished.

Patrick Warren stated that Phase II could not be completed without a permit from the Corps of Engineers to replace the underground pipe in the parking area. This process would take at least 60-90 days after applying for the permit for them to receive it. When and if they receive the permit, Mr. Warren stated they would like to wait until after April 15th, 2005 to begin the work, due to weather conditions during the winter. The work would take approximately 3 weeks to complete, with plans to close the restaurant during this time.

Commissioner Ball made a motion to close the public hearing, with a second from Commissioner Tester. All members were in favor.

A motion was made to approve the Conditional Use Permit, but to include that Phase II of the project be complete within one year and the Town would require a \$50,000 bond from the owner. Commissioner Lentz requested that screening to match the siding of the building be installed to hide the vents on the roof.

Attorney Frank Wilson representing Mr. Mongelluzzi, voiced his dissatisfaction with requiring the \$50,000 bond from his client. He felt it would be unfair to Mr. Mongelluzzi to have to pay the \$50,000 bond, if by chance they did not receive the permit from the Corps of Engineers in order to complete Phase II within the time limitation.

Commissioner Tester modified his motion to exclude **Item #1 on Phase II** from the stipulations included under the required bond. Council agreed to accept a "Letter of Credit" from the project owner. Commissioner Wray seconded the motion, with unanimous approval from all members.

CUP #2004-04 Attached as Exhibit A

Code Amendment – Nonconforming Uses (Ord. #2004-10)

Section of 16-124 of the Land Use Ordinance refers to the extension or enlargement of nonconforming situations. Section 16-124 (E) specifically pertains to the enlargement or replacement of nonconforming structures used for single-family purposes. This section allows the expansion of nonconforming houses beyond the existing footprint and into the applicable setbacks. Where a structure (dwelling /deck/carport) encroaches into a setback, the structure may be enlarged along the line of nonconformity as long as it does not encroach further into the setback.

The Planning & Zoning Board and zoning subcommittee recommended a revision of the ordinance that would:

- a. allow nonconforming houses to be built back within the same footprint.
- b. allow expansion of a nonconforming structure for up to 25% of the square footage of existing nonconforming habitable floor area; and
- c. expansion of nonconforming uncovered decks six feet in height or less along the established line of nonconformity.

Planning & Zoning Chairperson Jim West presented to Council the Planning Board's reasoning for the above recommendations. After some discussion a motion was made by Commissioner Wiseman to send this back to the Planning Board for further review, and what they felt the consequences would be if the ordinance was left as it is now, without allowing any increase in the dimensional nonconformity. Commissioner Ball seconded the motion, with approval from all members.

NEW BUSINESS:

Art in the Park – 2005 Dates

May 14, June 11, July 16, August 13, September 10 and October 1 were dates submitted to Council for approval by Charles Hardin, Executive Director of the Blowing Rock Chamber of Commerce for the 2005 season of Art in the Park. Commissioner Wiseman made a motion to accept the dates, seconded by Commissioner Wray. All members were in approval.

Classic Carriage Rides – Request for Permit Renewal

Jeri Walker owner of Classic Carriage Rides appeared before Council to request the renewal of their business license for the current year.

Based on Council's policy adopted in August of 1994, all carriage rides must have approval from the board at yearly renewal time.

The following conditions were approved by Council in September 2003:

1. **sponsoring party (Green Park Inn)**
2. **valid certificate of insurance for the duration of license period**
3. **proposed route**
4. **days/hours of operation (Saturdays 2:00 p.m. to 9:00 p.m.)**
5. **months of operation (Memorial Day through October)**
6. **inclement weather (no rides)**
7. **plan safety/cleanliness**
8. **plan for housing/feeding horses**
9. **rates (\$10.00-adults/\$4.00-children)**

A motion was made by Commissioner Ball to renew their license with the stipulations that the Police Department must be notified if the carriage rides were to operate outside their normal hours, which are stated above. Commissioner Ball stressed the importance of Condition 2; that Classic Carriage Rides should always carry their valid certificate of insurance and town business license during operating hours. Commissioner Lentz seconded the motion, with all members in favor.

Ms. Walker also asked if her company should receive requests for carriage rides during special times such as the Christmas holidays, would they be allowed. It was noted if this should arise, she would need to get special permission two months prior to time from Chief Tolbert.

N.C. Governor's Highway Safety Program Grant- Authorization (Res. #2004-01)

A resolution to formally authorize filing an application contract with the N.C. Governor's Highway Safety Program for \$31,580 funding for a checkpoint and radar unit trailer, with \$28,580 in grant and committing \$3,000 in local funding match was presented to Council.

Commissioner Wray made a motion to accept Resolution #2004-01, seconded by Commissioner Wiseman. All members were in favor.

Resolution #2004-01 Attached as Exhibit B

Bids – Public Works/water-Sewer Truck Bids

Public Works Director Johnny Lentz received bids for two (2) Extended Cab 4x4 pick-up trucks as well as a 4x4 Crew Cab Utility Truck, all of which were included in the 2004-05 fiscal year budget. The bids were as follows:

4x4 Extended Cab

2004 Ford F-150 Extended Cab 4x4 Boone Ford \$21,811

2004 Chevrolet Silverado 1500 Ext. Cab 4x4 Mack Brown \$22,220

2004 Chevrolet Silverado 1500 Ext. Cab 4x4 Everett Chevrolet \$22,511.86

Utility Truck

1 Ton Ford Utility Bed 4x4 Boone Ford \$28,813

1 Ton GMC Sierra 3500 Utility Bed 4x4 Rooster Bush \$31,302.58

1 Ton Chevrolet Utility Bed 4x4 Everett Chevrolet \$31,752.49

1 Ton GMC Sierra 3500 Utility Bed 4x4 Superior Inc. \$32,378.84

1 Ton Chevrolet Utility Bed 4x4 Mack Brown \$35,885

It was recommended to Council that bids be awarded to low bidder Boone Ford for \$72,435 (2 Extended Cab Trucks @ \$28,811 each and 1 4x4 Utility Truck @\$28,813), excluding tax, title and tags.

The current FY 2004-05 budget included \$26,000 for the first of three payments on the vehicles, or \$78,000 over three years.

At a later date a financing package for all capital equipment authorized in the current fiscal year budget will be presented to Council for approval.

Commissioner Lentz made a motion to accept the recommendation brought forward, with a second from Commissioner Ball. All members were in favor.

DEPARTMENTAL REPORTS:

Fire/Rescue Department Head Kent Graham introduced two new employees in his department, Winston Lawrence and Matthew McGuire to Council. He stated that Angie Gregg would continue on with the Town on a part-time basis.

Council commended Jamie Saitta Director of Parks & Recreation on a superb job during the Fourth of July holiday.

Council thanked Planning & Zoning Chairman, Jim West and the Planning Board for their hard work and encouraged them to continue in their review of the Zoning Ordinance, parking in Central Business, codes and policies, etc.

ADJOURNMENT:

There being no further business Mayor Lawrence adjourned the meeting at 9:00 p.m.

MAYOR _____

J. B. Lawrence

Assistant Town Clerk _____

Sharon Greene