

MINUTES

Blowing Rock Board of Commissioners

September 14, 2004

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, September 14, 2004. Members present were Mayor J.B. Lawrence, and Commissioners Bobby Ball, Rita Wiseman, Terry Lentz, Keith Tester and David Wray. Town Manager Scott Hildebran, Town Attorney Allen Moseley, and Town Clerk Barbara Beach were also present. Other staff members attending the meeting were Police Chief Owen Tolbert, Planning Director Kevin Rothrock, Building Inspector John Warren, Public Works Director Johnny Lentz, Recreation Director Jamie Saitta, Emergency Services Director Kent Graham, and Consulting Engineer Andy Lovingood of McGill & Associates.

Call to Order

Mayor Lawrence called the meeting to order and welcomed the assembled citizens. He then presented a plaque to Mrs. Beach in recognition of her retirement from the Town with 31 years of service. Mrs. Beach is retiring October 1. Town Finance Office staff presented her with 31 roses. Mrs. Beach expressed her appreciation and gratitude to the Mayor and Council for their kindness and to her co-workers for their support over the years.

Approval of Minutes

Upon motion of Ms. Wiseman, second by Mr. Tester, Council unanimously voted to approve the minutes of the August 10th meeting as drafted.

PUBLIC HEARINGS:

1. CUP #2004-05 - The Last Straw

Mayor Lawrence called for a public hearing concerning a request by Roger Robertson for approval of a conditional use permit for two storage buildings to be located behind The Last Straw at 978 North Main Street. Kevin Rothrock and Mr. Robertson were sworn in to speak at the public hearing. Mr. Rothrock introduced the staff report and explained that because the buildings would be an exterior change to commercial property, placement of the buildings would require a conditional use permit. After hearing the staff report, Ms. Wiseman moved that the public hearing be closed. Mrs. Ball seconded the motion, and it was unanimously approved.

Ms. Wiseman made motion that the draft conditional use permit be approved and that the recommendation of the Planning Board be followed in locating the storage buildings next to the back property line. There was no second, but Mrs. Ball commented that she did not like the proposed green color of the buildings, and suggested a brown or natural color for the exterior. Ms. Wiseman amended her motion to approve the buildings with a brown or natural color, and Mrs. Ball seconded the motion. All members voted to ratify the amended motion.

CUP No. 2004-005 Attached as Exhibit A

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Mayor Lawrence advised that the second scheduled public hearing concerning a proposed amendment to the Tanger CUP would not be held because the request had been withdrawn.

2. Code Amendment - Nonconforming Situations (Ordinance No. 2004-10)

Mayor Lawrence opened a public hearing to receive comment concerning a proposed code amendment. Mr. Rothrock explained that this draft ordinance had been reviewed by Council at the July 13 meeting and then sent back to the Planning Board for additional consideration of the impact. This code amendment would clarify nonconforming situations and would provide a one-time opportunity for replacement of nonconforming houses or enlargement of a nonconforming structure up to 25% of the square footage. Council members discussed potential problems associated with the amendment, including tracking violations of the one-time rule. Mr. Hildebran commented that permits could be entered into the GIS mapping program and tied to the real property in that manner. Several Council members expressed dissatisfaction with the expansion of nonconforming situations. After additional discussion, Mr. Wray moved that the public hearing be closed. Ms. Wiseman seconded the motion, and it was unanimously approved.

Mr. Lentz commented that Council should disallow expansion of nonconforming situations, not allow expansion, and he made a motion that the proposed amendment be disapproved. Mrs. Ball seconded the motion, and Council members voted unanimously to concur with Mr. Lentz's motion.

3. Code Amendment - Setbacks in GB, O/I & HMC Zoning Districts (Ordinance No. #2004-11)

Mr. Rothrock explained that in General Business, Office/Institutional, and Hospital/Medical Complex zoning districts there are no setbacks except for a minimum street setback of 30 feet from the street centerline. The draft ordinance would establish the following setbacks:

Zoning District	Street Setback	Side/rear Lot Boundary
General Business	20	8
Office/Institutional	15	8
Hospital/Medical Complex	15	8

Wayne Green asked to speak, commenting that townhouse development could not be approved, since zero lot lines are not allowed. He suggested that townhouses be exempted from the ordinance, or amend the ordinance to allow architecturally integrated subdivisions again. Members discussed options with Mr. Moseley, including possible Council review of townhouse development under the flexibility rule in the Zoning Code.

Mr. Wray made a motion that the public hearing be closed, and Ms. Wiseman seconded. All members voted in favor.

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Mr. Wray moved that the draft amendment be approved as presented. Mr. Lentz seconded the motion for purposes of discussion. He commented that he would prefer Council consider amendments relating to setbacks once these questions had been worked out. Mr. Wray then withdrew his motion, requesting the draft be sent back to the Planning Board for additional consideration and review.

NEW BUSINESS

1. Mausoleum Roof - Woodlawn Cemetery

Mr. Rothrock reported that the Town had received a request from Barney Hampton of Hampton Funeral Service to construct a pitched roof structure over the existing mausoleum in Woodlawn Cemetery. In 1972, Mr. Hampton contracted with the Town to build a mausoleum in the Town cemetery. The existing structure has a flat roof and has been experiencing leakage problems. He provided pictures of a mausoleum in Zionville with a four-way hip roof and an overhang to provide shelter and protect the marble nameplates. Council members discussed the proposed design, which depicted a metal standing seam roof. Mr. Wray made motion that Council approve the design of a structure to include 40 year dimensional fiberglass/asphalt shingles, and stone columns. Ms. Wiseman seconded the motion. Mr. Rothrock will submit a revised drawing at the next meeting to include Council recommendations, as well as the addition of shrubbery adjacent to the columns. All members voted to ratify the motion.

2. CUP #2001-09 - Blowing Rock Hospital – Permit Extension Request

Mr. Tony di Santi was present on behalf of Blowing Rock Hospital to request a six-month extension for conditional use permit #2001-09. Construction on the Laurelmont project halted around October, 2003. For the permit to remain valid, significant construction must take place and continue on site, or Council must approve an extension.

For the record, Mayor Lawrence explained that he is no longer serving on the Hospital Board of Directors.

Mr. Rothrock expressed Town staff concerns that a great deal of vegetation has been lost on the site due to clearing and blasting, and no landscaping has been restored in the buffer areas. Staff suggests that conditions for an extension include submission of a revised landscaping plan for the interior of the project, and that extensive landscaping must be planted in the buffers prior to the end of the 2004 planting season.

Mr. di Santi stated that the Hospital relied on financial commitments that were made in fall 2003, but have not come through. They are now negotiating with another developer and these negotiations cannot be completed if an extension of the CUP is not granted. He explained that they have spent \$4 million on the infrastructure of the project and he believes landscaping would be a waste of money because it will have to be torn out soon and they cannot afford the expense.

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Ms. Wiseman commented that there is a problem with storm water draining off the project and destroying the South Main Trail construction that the Town has worked on for many months. Mr. di Santi believed that the storm water detention system had been installed, but Mr. Rothrock and Mr. Johnny Lentz did not agree. Mr. Lentz also commented that an engineer would have to certify the water and sewer lines that have been installed on site.

After additional discussion, Terry Lentz made motion that an extension for an additional six months be granted, with the condition that the Hospital provide a performance bond or a letter of credit in the amount of \$200,000 for landscaping and/or storm water detention in the event the project fails. Ms. Wiseman seconded the motion. Mr. di Santi asserted that this was a significant financial burden and would likely cause foreclosure of the property. The vote was called. Voting in favor of the motion: Lentz, Wiseman, Tester, and Wray. Voting against the motion: Ball. The motion was approved.

CUP #2001-09 Attached as Exhibit B

3. CUP #2003-03 - The Cottages at Mayview – Permit Extension Request

Mr. Rothrock reported that Mark Whitley and David Stevens have requested an extension of six months for Conditional Use Permit #2003-03. This would continue the permit until March 2005. Upon motion of Mr. Lentz, second by Mr. Wray, Council voted unanimously to approve the request.

CUP #2003-03 Attached as Exhibit C

4. Mayview Madness - 5K Road Race (November 13, 2004)

Mr. Hildebran submitted a request from the High Country Conservancy for authorization to hold the 5th Annual Mayview Madness Road Race on Saturday, November 13, 2004. The 3.1 mile race will begin at 8:00 a.m. at the School, continue into the Mayview area of Town, and end at Memorial Park. Mr. Wray made motion to grant the request. Mrs. Ball seconded the motion, and all members voted to approve.

DEPARTMENTAL REPORTS

Mr. Hildebran reported that a public meeting will be held on Thursday, September 16 to allow public input into the Master Plan for Parks and Recreation. The meeting will begin at 6:00 p.m. at the American Legion Building.

He also reminded Council of a special meeting on Tuesday, September 21 at 4:00 p.m. The work session will be held at Town Hall for consideration of several items of business.

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Adjournment

There were no further items for Council consideration, and Mayor Lawrence adjourned the meeting at 8:35 p.m.

J. B. Lawrence, Mayor

Barbara G. Beach, Town Clerk