

MINUTES

Blowing Rock Board of Commissioners

October 12,2004

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, October 12, 2004. Members present were Mayor Pro-tem Terry Lentz, Commissioners Bobby Ball, Rita Wiseman, Keith Tester and David Wray. Mayor Lawrence was out of town and unable to attend. Town Manager Scott Hildebran, Town Attorney Allen Moseley and Town Clerk Sharon Greene were also present. Other staff members attending were Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Police Chief Owen Tolbert, Building Inspector John Warren, Finance Officer Margaret Pierce, Recreation Director Jamie Saitta, Emergency Services Director Kent Graham and Consulting Engineer Doug Chapman of McGill & Associates.

CALL TO ORDER & APPROVAL OF MINUTES

Mayor Pro-tem Terry Lentz called the meeting to order and asked for approval of minutes for meetings dated September 14, 2004 and September 21, 2004. A motion was made by Commissioner Wiseman, seconded by Commissioner Ball to accept the minutes as presented. All members were in favor.

PRESENTATION

A Resolution to Approve A Memorandum of Understanding between the NC Board of Transportation and the Town of Blowing Rock for improvements scheduled for Highway 321 was presented to Council by Missy Dickens, NCDOT Project Manager. A motion was made by Commissioner Tester to adopt the Resolution as presented. Commissioner Ball seconded the motion with all members in favor.

Mayor Pro-tem Lentz expressed gratitude on behalf of the Town of Blowing Rock to Project Manager Missy Dickens and NCDOT Board Member Sam Erby for their continued help and guidance with this project.

Resolution to Approve a Memorandum of Understanding

Attached as Exhibit "A"

Memorandum of Understanding Attached as Exhibit "A-1"

PUBLIC HEARINGS

Mayor Pro-tem Lentz requested that anyone wishing to speak at the public hearing be sworn in by the clerk. Kevin Rothrock, Bill Dixon, Tony DiSanti, Ginny Stevens, Annie Whatley and Andrew Whatley were duly sworn.

1. CUP #2003-09 Hanna @ Village Café

Planning Director Kevin Rothrock presented to Council a request received from Mr. Bill Dixon representing the Hanna Family Trust for a conditional use permit to construct a two-story, three-level, multi-use building on the existing Sunset Café property. The basement and main level of the building is proposed for retail and office use.

The second floor is proposed multi-family use. The property is located at 1107 Main Street and is zoned CB, Central Business.

Mr. Tony DiSanti and Mr. Bill Dixon both representatives of the Hanna Family were present for questions or concerns Council had pertaining to this request.

Items of concern were storm water management, parking requirements, trash containment, designated loading/unloading area, etc. Commissioner Wray spoke of his concerns regarding the construction plan for the project, the effect this would have on Main Street during the construction process. Commissioner Tester suggested that the town planning staff come up with a construction template to be used with this project, as well as other large projects in the future.

Other topics for discussion were mixed use in the downtown area and parking requirements. Mr. DiSanti stated he felt his client had met all requirements of the town's ordinance regarding these matters. Council felt a parking agreement should be incorporated into the lease agreement for the residential portion.

Commissioner Wiseman made a motion to close the public hearing, seconded by Commissioner Ball. All members were in agreement.

Commission Wray made a motion to approve Conditional Use Permit 2003-09 with the stipulation that eight (8) off-site parking spaces be required; three (3) residential and five (5) retail. Also included in his motion, was a requirement that all easements from all affected property owners, be submitted prior to issuance of the CUP. Commissioner Tester seconded the motion, with numerous changes to the following items:

- Item #2 *The applicant is hereby authorized to construct a two-story, three level, multi-use building. The basement and main level floors are permitted to have office or retail use. The second or upper floor is permitted to have a one-bedroom apartment and a two-bedroom apartment. Satellite parking is required for the residential use. Failure to provide continuous satellite, off-street parking in a designated parking lot will terminate the residential use.*
- Item #3 *The applicant is hereby authorized to develop the project with a Special Intensity Allocation of 54% net impervious, as approved by the Planning Board.*
- Item #6 *Prior to the commencement of any land disturbing activity, the Applicant shall be required to submit to the Town Engineer and receive approval of a grading plan and storm water management plan. The storm water management plan shall provide that the storm water generated by the proposed building shall be detained on the site, shall only be conveyed to a public right-of-way, and shall only be released across the Applicant's property, except by appropriate easements on neighboring properties. The easement across the Homestead Inn property must indemnify and hold the Town harmless from any storm water damage or other similar claims resulting from this proposed project. All easements required to implement the storm water management plan must be secured, submitted, reviewed and approved by the Town Attorney prior to issuance of this conditional use permit and prior to commencement of land-disturbing activity.*

The design of the detention basin shall comply with the Town's storm water management standards (capable of handling a 100-year equivalent of 6.8 inches of rainfall in 24 hours if using Soil Conservation Service method for calculations; or 7.4 inches if using the Rational method) and shall be approved by the Town Engineer. More specifically, the storm water management plan shall be implemented as shown on the civil engineering site plans, referenced in conditon No. 1 above.

- Item #7 *The primary exterior building material shall be stone and stucco in warm, natural colors or equivalent as approved by the Administrator. Copper roofing is hereby approved for the awnings. The*

roof shall be a flat roof, not exceeding 26' 8 1/2", as shown on the building design plans. The proposed building designs, as shown on the plans dated August 19, 2004, are hereby approved. Exterior colors, signage, and retaining wall materials for the proposed project must be approved by the Zoning Administrator. All signage shall conform to the requirements of the Town's sign code.

- Item #9 The applicant shall negotiate a dumpster lease agreement with the Caruso property owners to share the dumpster area in the rear parking lot. If an agreement cannot be reached, a trash containment area shall be provided.
- Item #10 The Land Use Ordinance would require a total of 28 parking spaces for the proposed project. The Applicant has requested and a variance is hereby granted to reduce the number of parking spaces to eight (8). Minimum parking space dimensions (other than handicapped spaces) shall be 9 feet by 19 feet. All parking for the project shall be provided on the Hanna property on Laurel Lane, perpetually. The three residential and five office/retail employee parking spaces be designated on the Hanna (Laurel Lane property). All parking spaces shall be for the perpetual exclusive use of the residents and employees utilizing this building. The parking area to be located off Laurel Lane shall be paved and striped according to the standards in the Land Use Ordinance. Required landscape buffers shall be protected and/or installed to satisfy the standards in the Land Use Ordinance. A supplemental site plan for the parking lot design shall be submitted with the development plans. The said parking spaces shall be clearly designated with signage that conforms to the Town's sign ordinance. A legal, enforceable, satellite parking agreement must be submitted and approved by the Zoning Administrator and Town Attorney prior to issuance of this conditional use permit. This document shall be recorded at the Watauga County Registry.

Section 16-300 of the Land Use Ordinance requires a loading/unloading space for the proposed development. The required loading/unloading area is hereby waived. The existing loading/unloading zone designated on Laurel Lane shall serve this property.

- Item #12 The Applicant shall fully implement the landscape plan dated 8/6/04, or as revised herein, specifically, the Applicant shall plant trees within the Main Street green space area designated on the site/landscape plan. One of these trees must be large overstory tree with a minimum diameter of 3 inches, measured 6 inches above grade. The other tree shall be an ornamental tree consistent with the species identified in Appendix Section E-13 in the Land Use Ordinance.

An eight-foot wide landscape buffer consisting of Rhododendron shall be planted along the rear property line and around the northern property line on the proposed rear access sidewalk. The shrubbery shall be planted five feet apart in two staggered rows.

- Item #13 The large double maple at the rear of the project may be removed. Four maple trees are required for replacement at the rear of the property. Measures must be taken to ensure that the other off-site trees are protected through-out the construction process and after completion of the project.
- Item #20 Prior to issuance if any permits and/or commencement of any land-disturbing activity, the Applicant shall coordinate a construction procedures and staging plan with the Public Works Director, Planning Director, Building Inspector, Police Chief, and Director of Emergency Services. Items to be coordinated include:

Public Safety Material Delivery Traffic Interruptions

Protection of Property Construction Parking Sidewalk Infringement

Access to Adjacent Construction Staging Debris Removal

Properties

Material Storage Construction Noise Penalties for Violation

Traffic Control Tree Protection Barricades/Canopy Details

Construction Schedule Hours of Construction Maintenance

This plan shall outline all anticipated construction procedures and penalties for noncompliance, and shall be submitted to the Town Council for review and approval. In the event that this plan or the ongoing construction procedures are unacceptable to the Town Council, the Applicant shall coordinate and make adjustments that are satisfactory to the Town Council.

The amended motion made by Commissioner Wray seconded by Commissioner Tester was unanimously approved by all members.

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CUP No 2003-09 Hanna Family Trust @ Sunset Café

Attached as Exhibit "B"

1. 6-MONTH MORATORIUM – Wind Mills/Wind Turbines

Information provided by the Western North Carolina Wind Initiative states that the Western North Carolina region is targeted for small-wind technology such as wind turbines or "windmills" because of its prominent mountains and ridgelines.

The Planning Board and staff had concerns because of the unregulated placement of wind turbines in the Blowing Rock jurisdiction. The Land Use Ordinance currently does not list windmills or wind turbines as a permitted use in any zoning district. They also felt that specific guideline standards should be drafted that address the placement of wind energy devices and towers.

Mr. Dennis Scanlin a professor at ASU spoke in support of wind turbines or "windmills". He had done much research on the topic and felt that a 6-month moratorium was unnecessary. He felt that it would give a bad impression of a good technology.

The Planning Board and staff recommended that Council consider a 6-month moratorium

be enacted to provide opportunity to further study the issue and provide their recommendations on regulatory standards for wind power technology.

A motion was made by Commissioner Wiseman, seconded by Commissioner Ball to close the public hearing at this time. All members were in favor.

Commissioner Wiseman made a motion to put a 6-month moratorium on wind mills/wind turbines for further study, seconded by Commissioner Tester. All members were in unanimous favor.

OLD BUSINESS

1. Emergency Services Building- Architectural Services Agreement

A Services Agreement with Scott Garner Architects, PA for the emergency services building design was presented to Council for consideration. Mr. Garner was present at the meeting for any questions Council might have.

A motion was made by Commissioner Tester to adopt the contract with changes listed below:

8. Add "**as defined by the 2004 Comprehensive Plan**

1. Add "**governed by the State of North Carolina**"

Commissioner Tester's motion was seconded by Commissioner Wiseman, with all members in agreement.

Service Agreement Between Scott Garner Architects, PA and

Town of Blowing Rock - Attached as Exhibit "C"

NEW BUSINESS

1. 2005 Blowing Rock Winterfest

The seventh annual Winterfest committee represented by Earl Horne asked that Council approve the following dates for 2005. The dates requested were January 27th, 28th, 29th, and 30th. The Winterfest committee also wanted approval from Council to use town facilities for some of the scheduled events.

Commissioner Wray made a motion to approve the Winterfest request with the stipulation that in order for them to use town facilities it must meet the approval of the Town Manager. Commissioner Ball seconded the motion all members were in favor.

2. Primary Fire District – State Code Appendix D

Appendix D of the NC Building Code which provides specific guidelines for construction, alteration, repair, and relocation in the Primary Fire District was presented to Council for consideration.

Commissioner Wiseman made a motion to adopt Appendix D to Section 12-16 of the Blowing Rock Town Code, with a second from Commissioner Ball. All were in favor of the motion.

Ordinance to Amend Section 12-16 of the Town Code

Primary Fire Limits Appendix D

Attached as Exhibit "D"

3. Closed Session – G.S. 143-318.11(a)(5)

A motion was made to enter into closed session at 9:40 p.m. to discuss the acquisition of real property by Commissioner Wiseman, seconded by Commissioner Tester. All were in favor.

At 10:00 p.m. Council resumed their regular meeting. There being nothing further to discuss the meeting was adjourned at 10:00 p.m.

MAYOR PRO-TEM _____

Terry D. Lentz

Attest: _____

Sharon H. Greene, Town Clerk