

MINUTES

Town of Blowing Rock

Board of Commissioners

August 9, 2005

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, August 9, 2005 at 6:00 p.m. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman, and David Wray. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Public Works Director Johnny Lentz, Planning Director Kevin Rothrock, Police Chief Owen Tolbert, Building Inspector John Warren, Parks & Recreation Director Jennifer Gore, Finance Director Margaret Pierce, Town Engineer Doug Chapman of McGill Associates, Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order and welcomed those in attendance.

APPROVAL OF MINUTES

A motion was made by Commissioner Tester to approve minutes from meeting held on July 12, 2005 as presented, seconded by Commissioner Ball. Unanimously approved.

WORK SESSION

Council received an update regarding the Edgewood Cottage and Blowing Rock Art & History Museum (BRAHM). Wellborn Alexander, a representative of BRAHM, requested guidance on the proposed parking structure that

was to be included on the same property as the museum and Edgewood Cottage. He inquired if BRHAM was going to be assessed fees to help pay for the structure. He also had concerns regarding the zoning of the property, stating it was now zoned Central Business (CB) and Office Institutional (OI). He inquired if the property could be rezoned Office Institutional only. Commissioner Lentz stated this would have to be reviewed by Council before a decision could be made regarding the matter.

Mr. Alexander stated that the Blowing Rock Historical Society and BRAHM had compromised in order to reach an agreement regarding the Edgewood Cottage. He presented Council with a copy of their agreement.

Ginny Stevens, Chairperson for the Blowing Rock Historical Society, presented drawings of the proposed renovations of Edgewood Cottage. She updated Council on a number of concerns they had regarding the restoration of the cottage. Mrs. Stevens informed Council that the plans included removing the back section of the cottage, which was not part of the original building, adding columns to the front of the cottage, as well as possibly turning the cottage on the property. Mrs. Stevens also stated that \$80,000 of the anticipated \$250,000 needed for renovations had been pledged at the present time.

Commissioner Tester inquired if an engineer had looked at the proposed plans, and were they feasible. Mrs. Stevens and Mr. Alexander both stated that the plans were feasible according to their architects. Commissioner Tester was concerned with how everything would be coordinated between the two architects for these projects. Mrs. Stevens stated that both architects had worked on the presented model and that they would continue coordinating with one another.

Council had concerns with number eight of the agreement between The Blowing Rock Art and History Museum (BRAHM) and Blowing Rock Historical Society (BRHS). The agreement stated "if BRAHM elects not to build its museum on the site for any reason, this agreement will be considered null and void." Commissioner Tester asked if this did not work out, would another plan be presented to Council. Commissioner Wray asked if this particular clause could be eliminated completely.

Commissioner Wray asked when construction would be started. Mr. Alexander stated that construction had to begin within three (3) years from August of 2005. Commissioner Wray asked Mrs. Stevens if two years would be enough time to finish the renovation of the cottage. She stated she felt two years would be adequate. The renovations would be in two phases; the first beginning next spring with the exterior renovations, the second phase would be the following spring which would include the interior work.

Another item discussed was the number of spaces in the parking deck that was on the proposed plan. Council stated the plan only had 150 of the original 210 anticipated spaces. The reason for the reduction was due to the setbacks in Central Business (CB) which requires 15-foot setbacks. Another concern was adequate

vegetation for the parking deck project. Commissioner Lentz stated he would rather have less parking spaces and more green space, Commissioner Wray agreed with Mr. Lentz.

Ginny Stevens and Welborn Alexander thanked Council for their assistance and support.

Mayor Lawrence called for a short recess. Upon reconvening the meeting, Mayor Lawrence asked if there were further questions or comments.

Commissioner Tester felt the record should state exactly what was intended at the work session. He stated there are three (3) separate projects and each one should come before Council and go through the proper channels. He made a motion that the Historical Society move forward with their project and work with staff on an agreement and for the re-zoning process to be started. The motion received a second from Commissioner Ball, with all members being in favor.

Edgewood Cottage Agreement (Exhibit A)

PUBLIC HEARINGS

1. Ord. #2005-06 – Ordinance to Establish Northeast Extraterritorial Jurisdiction

North Carolina General Statutes authorizes the Town of Blowing Rock to extend its planning and zoning jurisdiction up to one (1) mile beyond the corporate limits. The areas proposed for the ETJ zoning were Goforth Road, Rocky Glen Subdivision, Sunrise Cove, Tipton Lane, Wonderland Drive, Possum Hollow Road, and Blowing Rock Assembly Grounds.

The establishment of an ETJ area is a two-step process. An ordinance defining the ETJ boundary must be adopted. Afterwards, an ordinance must be adopted that specifies the zoning designations of each lot in the new ETJ area.

The Planning Board held several meetings to discuss the proposed ETJ boundary area and zoning classifications. A planning board subcommittee held two public meetings on May 2nd and May 9th. All affected owners, based on information provided by Watauga County, received notices of these meetings and the public was encouraged to share their comments and concerns. The subcommittee presented their recommendations to the Planning Board at their regular meeting on May 19, 2005. The Planning Board allowed public comment during this meeting. They agreed to table a final decision until they had additional time to hold a work session on ETJ zoning in June. On June 9th, the Planning Board held public works session and assigned designations to all areas of the proposed ETJ.

On July 12th the Town Council held a public hearing on the adoption of an ETJ boundary. At that time, Council felt a decision could not be made and scheduled more work sessions for the public.

The proposed ordinance would include 148 properties in the Town's planning and zoning jurisdiction. Some properties along Green Hill Road are partially in the town limits. This ordinance would include the balance of those properties within the ETJ.

Wayne Green addressed Council on his concerns regarding the residents of the proposed ETJ area not being able to vote in local elections. He felt Council should petition the Board of Elections to extend voting into the ETJ areas.

James Craig, a resident of Wonderland Drive, voiced his dissatisfaction with regards to the ETJ district.

A representative of the Blowing Rock Assembly Grounds (BRAG) stated that this property had multiple zones. He stated their preference was for all the BRAG property to be zoned the same.

Mr. Terry Story, a resident of Goforth Road, thanked Council for their efforts to extend the ETJ boundary in his area.

Another resident of the proposed ETJ boundary, Webb Alexander, stated that Council had a duty to protect the residents of Blowing Rock and felt that Council had the citizen's best interest in mind. He stated he was glad that Council had decided to extend the ETJ district in the proposed areas.

A motion to close the public hearing was made by Commissioner Lentz, seconded by Commissioner Ball. All were in favor.

Mayor Lawrence called for a motion for action.

Commissioner Tester made a motion to adopt Ordinance #2005-06 as presented, seconded by Commissioner Ball. Unanimously approved.

Ord. #2005-06 (Exhibit B)

2. Ord. #2005-07 – Ordinance to Establish Northeast ETJ Zoning Districts

Following the adoption of ordinance #2005-06 an ordinance must be adopted that specifies the zoning classifications of each property in the new ETJ area. The areas studied by the Planning Board were, Rocky Glen Subdivision, Goforth Road, Blowing Rock Assembly Grounds, Sunrise Cove/Sunrise Terrace, Possum Hollow Road, Tipton Lane, properties that are on the east and west side of Green Hill Road, and properties above Blackberry Gorge.

Over the past few months, the Planning Board, Planning Board subcommittee, and Council held several meetings with area residents affected by the ETJ boundary and zoning classifications.

Mr. Lonnie Webster, a Goforth Road property owner, had several questions regarding zoning of property on Goforth Road and Green Hill Road.

A motion to close the public hearing was made by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved.

Commissioner Wiseman made a motion to accept Ordinance #2005-07 as presented. Commissioner Ball seconded the motion, with all members in favor.

Ord. #2005-07 (Exhibit C)

3. CUP #2005-09 Chetola Resort – Major Amendment to “Ponds” PUD

Mayor Lawrence requested those wishing to speak on this matter be sworn in by the clerk. Planning Director Kevin Rothrock and Kent Tarbutton of Chetola Resort were duly sworn.

Planning Director Kevin Rothrock presented to Council a request from Chetola Resort for an amendment to the “Ponds” conditional use permit to subdivide and sell a .972 acre tract of land from the Planned Unit Development (PUD) to an adjacent single-family property owner. Mr. Tarbutton requests to have this .972 acre lot rezoned from R-6M, multi-family to R-15, single-family.

The primary reason for requesting an amendment to the approved conditional use permit is to remove the .972 acre tract from the 12.178 acre Chetola Pond PUD development. According to planning staff’s calculations, Mr. Tarbutton would only be able to subdivide and sell a .783 acre tract from the 12.178 acre common area of the PUD, and still meet the density requirements of 5 units per acre in the R-6M zoning district. Or the .972 acre tract could be subdivided as proposed with the condition that the property remain as perpetual open space.

The Planning Board met on July 21st and recommended that the .972 acre tract be subdivided from the Planned Unit Development and remain as perpetual green space.

Kent Tarbutton, a representative of Chetola Resort, stated that essentially this would be more open space for the town. He asked that Council support the Planning Board recommendation regarding this issue.

A motion was made to close the public hearing by Commissioner Ball, seconded by Commissioner Tester. All were in favor.

Commissioner Wiseman made a motion to approve the major amendment to CUP #2005-09 as presented.

Commissioner Wray seconded the motion. Unanimously approved.

Major Amendment to CUP #2005-09 (Exhibit D)

4. Rezoning #2005-01 Chetola Resort "Ponds" PUD Rezoning

Following the approval of Mr. Tarbutton's request for a major amendment to the "Ponds" Planned Unit Development (PUD) he petitioned Council for rezoning of the property from R-6M, multi-family to R-15 single-family.

Under the original approved conditional use permit, three additional condominium buildings could be constructed. The wooded property is adjacent to Bass Lake dam and the Moses Cone Property.

The property is also adjacent to single-family property owned by Dr. and Mrs. Robert Reed, who have expressed an interest to Mr. Tarbutton to purchase the property for buffer protection.

In his original request, Mr. Tarbutton stated if the property were rezoned R-15 single-family which is the same zoning designation for all three of Dr. Reed's adjacent properties, he would sell the property. He also stated that he would only sell the property with a deed restriction that nothing could be built on the property after it was sold.

Commissioner Lentz asked why did the property have to be rezoned? Mr. Rothrock stated it would separate the PUD from the Reed property more clearly with no split-zoning parcels.

No comments were received from the audience. A motion to close the public hearing was made by Commissioner Wiseman, seconded by Commissioner Wray. Unanimously approved.

Commissioner Wiseman made a motion to rezone #2005-01 Chetola Resort "Ponds" PUD from R-6m multi-family to R-15 single-family as requested. Commissioner Wray seconded the motion. Unanimously approved.

"Ponds" PUD #2005-01 Re-Zoning (Exhibit D)

4. Off-Street Parking Fund

In recent years Council has contemplated the possibility of setting up an off-street parking fund. After consulting with the UNC School of Government, the Town was advised that it needed a local act approved by the N.C. General Assembly to have the authorization to establish a parking fund. Senate Bill 442 was introduced in the spring to the General Assembly to allow the Town of Blowing Rock to establish a parking fund to be used exclusively to organize, develop, enlarge, and maintain municipal off-street parking facilities. The bill also stated that the Town may set forth a fee schedule in its ordinances that would allow businesses and developers to contribute towards the parking fund based on the number of required spaces. Senate Bill 442 was ratified by the General Assembly on June 15, 2005.

A parking fund would be established to collect fees and payments to eventually be used to pay for parking lots and parking facility construction and improvements. A major source of fees could be collected from a developer or property owner that cannot provide spaces on his/her property. Due to the limited amount of land available in the downtown area, a developer may not be able to provide enough parking to satisfy the code requirements.

Commissioner Wiseman stated the proposed bill was for people who do not have adequate space for parking, to be able to build, and pay a fee to the town to enable them to have parking for their property. She felt that

allowing satellite parking would somewhat defeat the purpose for the bill and she was not sure that satellite parking was beneficial to the town.

Commissioner Lentz felt the way it is at present time, when a property is developed, there is no record stating there is satellite parking for that particular property, which would make it difficult for enforcement in the future. He felt it would be best to get a fee from the person up-front for parking.

Commissioner Tester debated both sides of the issue. He stated if you looked down Main Street at the number of residential apartments over retail businesses, the town would in effect allow the developer to rent space in the town parking facility for residential people to park. Commissioner Tester stated the paragraph that addressed satellite parking should be removed from the draft ordinance.

Commissioner Wiseman felt that satellite parking should remain as an option in the Land Use Code. But satellite parking should be taken to the Planning Board for future review to see if it is beneficial to the town.

Commissioner Wray felt that satellite parking should remain in the draft ordinance, and the off-site parking phrase should be omitted. He felt that satellite parking did not work for the town.

Town Manager Hildebran stated the Tourism Development Authority (TDA) was putting money aside for a parking facility. Mr. Hildebran stated it was approximately \$16,000 per space based on preliminary BRAHM estimates.

Wayne Green spoke in support of the parking fund. He also asked if the fees set aside were reserved only for parking.

Kent Tarbutton spoke in support of the parking fund.

Ginny Stevens asked if a property changed use would a new fee be assessed on the new use. Town Manager Hildebran said it would be calculated on a case-by-case basis; for example: if the business use stayed the same without increasing seating etc. then the fee may not be increased.

A motion to close the public hearing was made by Commissioner Ball, seconded by Commissioner Wiseman. Unanimously approved.

A motion was made by Commissioner Tester to approve Ordinance No. 2005-09 and 2005-10 with the stipulation that BRHAM be excluded from the fee due to the Town owning the property and the building once the lease expires. Commissioner Wiseman seconded the motion. With the exception of Commissioner Wray, this motion was approved.

Ord. No. 2005-09 & 2005-10 (Exhibit E & F)

NEW BUSINESS

1. Blowing Rock Emergency Fest – 2006

A request was presented to Council from the Blowing Rock Emergency Services Department to host the 4th Annual Emergency Fest on Saturday, June 17, 2006.

The following requests were made to Council, for permission for a portion of Park Avenue and Wallingford Street to be closed for the event, permit use of the lower lot at the American Legion building, allow a banner on the day of the event; use of a hydrant at the corner of Park Ave. and Wallingford St., and use of park benches and garbage cans.

Commissioner Wray made a motion to approve the request as presented, seconded by Commissioner Wiseman. Unanimously approved.

2. Bids – Water Plant Control Panel Replacement Project

Town Manager Hildebran presented Council with bids for Water Plant Control Panel Replacement Project. The project consists of replacement of the motor control center at the Blowing Rock Water Treatment Plant, and includes minor control and power wiring changes as well as minor building modifications.

The bids are as follows:

<i>Camp Electric Co., Inc.</i>	\$ 99,935
Thermal Electric Contractors	\$100,625
Haynes Electric Construction Co.	\$133,379
Smart Electric Co., Inc.	\$142,600

Council reviewed a complete breakdown of the bids and recommendation on award of the bid to Camp Electric Co., from McGill Associates.

Commissioner Wiseman asked Doug Chapman of McGill Associates if his company had worked with Camp Electric before and if he anticipated any problems. Mr. Chapman replied that he did not anticipate any problems with the award of the bid to this company.

A motion was made to award the bid to Camp Electric Co., Inc. for \$99,935 by Commissioner Ball, seconded by Commissioner Wray. Unanimously approved.

3. Bids/ Financing – 2005-06 Capital Equipment Purchases

Town Manager Hildebran presented Council with bids for two (2) 2005 Explorer 4X4 SUV's which were included in the 2005-2006 fiscal year budget. The bids were as follows:

Vic Bailey Ford	\$48,612.00
Police Motors	\$62,200.00
Bobby Jones Ford	\$47,051.10
Martin Family Ford	No Bid
Sheely Ford	No Bid

A recommendation was made to Council that the bid go to Bobby Jones Ford for a low bid of \$47,051.10 excluding tax, title and tag.

Public Works Director Johnny Lentz received bids for a wood brush chipper, a mini-excavator as well as a rear loading refuse truck/chassis, which were included in the 2005-2006 fiscal year budget. The bids are as follows:

Wood Brush Chipper

Arbor Equipment Company - Youngsville, NC	\$24,250.00
Ditch Witch of Carolinas - Charlotte, NC	\$25,208.75
Morbark, Inc. - Winn, MI	\$22,399.00
Steele Tree Equipment - Charlotte, NC	\$25,888.00
Tarheel Tractor, Inc. - Lenoir, NC	-----
Vemeer Mid Atlantic - Charlotte, NC	\$24,188.00
Woodchuck Chipper Corp. - Shelby, NC	\$23,740.00

A recommendation was made to Council that the bid go to Morbark, Inc. for \$22,399.00.

8000LB Mini-Excavator

A.E. Finley - Charlotte, NC	\$41,081.00
Briggs Equipment - Deep Gap, NC	\$44,977.00
Carolina Tractor - Newton, NC	-----
Corriher Tractor - Lenoir, NC	\$36,713.83
Ditch Witch of the Carolinas - Charlotte, NC	\$44,900.00
Greensboro Tractor - Greensboro, NC	\$41,927.00
James River Equipment - Greensboro, NC	\$36,360.00
Linder Industrial Machinery - Asheville, NC	\$41,025.00

A recommendation was made to Council that the bid go to James River Equipment for \$36,360.00.

18 Cubic Yard Rear Loading Refuse Truck/Chassis

Carolina Environmental Systems, Inc. - Kernersville, NC \$93,753.00

Cavalier Equipment Corp. - Cloverdale, VA \$87,820.00

McNeilus Truck & Manufacturing - Villa Rica, GA -----

NuLife Environmental, Inc. - Easley, SC \$89,027.00

A recommendation was made to Council that the bid go to Cavalier Equipment for \$87,820.00.

The Town has received financing proposals from area banks to finance the acquisition of capital equipment approved in the FY 2005-06 Budget as follows:

FY 2005-06 Capital Equipment (3-Year Term)

\$51,000-Police Vehicles

\$25,000-Wood Chipper

\$37,500-Mini Excavator

\$113,500 Total

Mayor Lawrence excused himself from any discussion on this matter due to his involvement with First Citizens Bank.

The quotes are as follows:

Bank of America 4.55%

BB&T	3.45%
First Citizens Bank	3.40%
RBC Centura Bank	3.66%
Wachovia Corp.	3.91%
High Country Bank	No Bid

FY 2005-06 Capital Equipment (5-Year Term)

\$90,000-Garbage Truck

\$90,000 Total

Bank of America	4.58%
BB&T	3.53%
First Citizens Bank	3.45%
RBC Centura Bank	3.91%
Wachovia Corp.	4.04%
High Country Bank	No Bid

Staff recommended that the financing for both lease-purchases be awarded to low bidder First Citizens Bank for both installment purchases for Councils consideration and authorization.

The first loan amount would be for up to \$113,500 for a term of 3 years, with a \$32,900 payment at closing for the first year and two (2) subsequent annual payments of \$42,739.60.

The second loan amount will be for up to \$90,000 for a term of 5 years, with a \$18,000 payment at closing for the first year and four (4) subsequent annual payments of \$19,746.30.

Commissioner Wray made a motion to approve the recommendations as presented by staff, seconded by Commissioner Ball. The motion was approved 4-0.

Installment Purchase Contract Proposal (Exhibit G)

4. “Speakers from the Floor”- Operating Policy

Town Manager Hildebran presented to Council a “Speaker from the Floor” Operating Policy for their consideration. The policy is based on similar policies from cities/counties across the State of North Carolina, and provides a standard procedure/protocol for allowing public comment on non-agenda items at regular Board meetings.

The “Speaker from the Floor” segment of the regular monthly agenda will be in addition to public comments permitted under duly advertised public hearings.

Mr. Hildebran stated there would be a 30-minute comment period at the end of the regular meetings, where the public would have approximately three (3) minutes to speak on certain topics.

Mr. Hildebran asked if there were any changes Council would like to make to the policy. Commissioner Wiseman made a motion to accept the policy as presented, seconded by Commissioner Tester. After some discussion, Ms. Wiseman asked that her motion be amended to omit paragraph five (5) of the policy. The amended motion received a second from Commissioner Tester. Unanimously approved.

“Speaker from the Floor – Operating Policy (Exhibit H)

SPEAKERS FROM THE FLOOR

Town resident Lowell Thomas voiced his dissatisfaction with citizens wishing to utilize the “Speaker from the Floor” Policy, having to wait until the end of the regular meeting to speak. He felt this would deter the public from being able to voice their comments and opinions because of having to wait. He felt this should be at the beginning of each meeting.

There being no further business to discuss, Mayor Lawrence adjourned the meeting at 8:30 p.m.

Mayor _____
J.B. Lawrence

Attest: _____
Sharon H. Greene, Town Clerk