

MINUTES

Town of Blowing Rock

Board of Commissioners

October 11, 2005

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, October 11, 2005 at 7:00 p.m. at the Town Hall Council Chambers. Attending were Mayor J.B. Lawrence, Commissioners Keith Tester, Terry Lentz, Rita Wiseman and David Wray. Others in attendance 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, Town Engineer Doug Chapman, Finance Director Margaret Pierce and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence welcomed everyone to the meeting and announced that Commissioner Barbara Ball had been detained out of town and would not be attending.

APPROVAL OF MINUTES

A motion was made by Commissioner Wiseman to approve the minutes as presented for meetings held on September 13, 2005 and September 15, 2005. Commissioner Wray seconded the motion. Unanimously approved.

PUBLIC HEARINGS

1. Rezoning #2005-02 Blowing Rock Art and History Museum/Town Property

Council received a request from the Blowing Rock Art and History Museum (BRAHM) to rezone the Town of Blowing Rock's property located on the southeast corner of Main Street and Chestnut Street from O-I, Office-Institutional/CB Central Business (split zoning) to O-I Office-Institutional. Currently a house is located on the property facing Chestnut Street, which is used for maintenance and storage. Edgewood Cottage is also on the property. This property is also the proposed site for the art and history museum and parking facility.

The setback standards and building heights standards would be more flexible with all the property zoned O-I. A museum is a permitted use in the Office-Institutional zoning district.

At the September 15, 2005 meeting the Planning Board recommended approval.

Commissioner Tester inquired if the property was rezoned and the art and history museum wasn't constructed for some reason, would the parking facility still be permitted. Planning Director Rothrock stated it would be a permitted use in that district as an accessory use.

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

Commissioner Tester made a motion to approve Ordinance No. 2005-12 with a change to the second paragraph to read as follows: *WHEREAS, The Blowing Rock Art and History Museum intends to construct an art and history museum and the Town of Blowing Rock intends to construct a parking facility on the subject property.* Mr. Tester's motion received a second from Commissioner Wiseman. Unanimously approved.

Ordinance #2005-12 (Exhibit A)

2. Rezoning #2005-03 Emergency Services Building/Town Property

A rezoning of Town of Blowing Rock property located off Valley Boulevard (Hwy 321 Bypass) from R-15 Single-family to GB, General Business was discussed by Council. The 1.132-acre property which is currently vacant, was purchased by the Town with the intention of combining the property with another adjacent parcel for the construction of a new emergency services building.

A fire/rescue or emergency services facility is not a permitted use in the R-15 zoning district, but is permitted with a conditional use permit in the GB zoning district. Rezoning this lot to General Business maintains the land use patterns along the 321 Bypass and is not considered spot zoning. It is also consistent with Action Statement 5.C.2 of the 2004 Blowing Rock Comprehensive Plan. This policy states: "(The Town should) relocate the

emergency services (Fire and Rescue) from Park Avenue to the Route 321 Bypass to provide faster response times.”

The Planning Board, at their September 15, 2005 meeting, recommended that the subject property be rezoned from R-15 to GB.

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

A motion to approve Ordinance #2005-13 as presented was made by Commissioner Wray, seconded by Commissioner Lentz. Unanimously approved.

Ordinance #2005-13 (Exhibit B)

3. CUP #2005-11 Vincent Properties Addition

Sworn to speak at this public hearing were Planning Director Kevin Rothrock and Applicant Jay Vincent.

Mr. Rothrock presented Council with a request from Jay Vincent of Vincent Properties for a conditional use permit to add a connection on the rear of his building to the Rug Gallery building. The connection would allow for access to the rear of the Rug Gallery where Mr. Vincent plans to construct some new offices.

Commissioner Tester inquired what the rear of the building was being used for at the present time. Mr. Rothrock stated it was now being used for storage.

Commissioner Tester also wanted to know if a change in use would impact parking requirements. He stated that the formula for calculating parking would be the same if the property were being used for retail or for offices. However, the Town now had parking fees in place for any businesses in town that required a parking waiver. He was concerned if this change in use would require the parking fees. Town Manager Hildebran stated if the change in use had created additional parking requirements, such as from retail to restaurant, the parking impact fees would apply, but in this request he felt it would not.

Commissioner Wiseman made a motion that the public hearing be closed, seconded by Commissioner Tester. Unanimously approved.

A motion to approve CUP #2005-11 as written (including all staff suggestions). The motion received a second from Commissioner Wiseman. Unanimously approved.

CUP #2005-11 (Exhibit C)

OLD BUSINESS

1. CUP #2005-02 Amendment – Brookside Inn (Village Inn) – Reconsideration

Planning Director Rothrock presented a request from Charming Inns of Blowing Rock, for reconsideration of the minor amendment request for the conditional use permit for the former Brookside Inn, now named The Village Inn.

The Village Inn obtained a conditional use permit in March of 2005 to make exterior changes to the inn. Those changes included a new covered Porte Cochere with bark siding.

In June, the Village Inn made a request for an amended CUP to leave the exposed timber frame Porte Cochere with plexiglass panels for roof covering. Their request was denied and the Applicant was required to finish the Porte Cochere as originally approved. The Town received a cash bond from the applicant to insure that construction would be completed in a timely manner.

The Applicant is now requesting a reconsideration of the conditional use permit amendment to allow the Porte Cochere to remain as uncovered heavy timber framing as it exists currently. According to Section 16-65 of the Land Use Ordinance, the Town Council may reconsider a denied application request if the property circumstances or the application has changed in some substantial way.

Mr. Jim Smith representing the Village Inn spoke on behalf of the request. He stated that he felt the Porte Cochere enhanced the building and he had not received any negative comments regarding the Porte Cochere.

Commissioner Wiseman asked what substantial changes had been made that constituted a reconsideration of the request.

Mr. Smith stated that plexiglass was not a recommended roofing material in Blowing Rock and had to be removed and he felt this was a substantial change.

According to Commissioner Lentz, the whole structure was not approved before it was erected. Mr. Lentz stated that the applicant had built the structure first, then later appeared before Council for approval. He stated he was against the request for reconsideration.

Commissioner Tester agreed with Commissioner Lentz to a certain degree, stating the key issue was that the structure was built differently than what was originally approved. Mr. Tester also felt that the timbered Porte Cohere took the attention from the two-story building and made it look more like a lodge. He felt the "lodge" appearance was more in keeping with what the Comprehensive Plan indicates the citizens of Blowing Rock prefer. He stated he would like to say the applicant did not follow instructions, and therefore the request should be denied, but he felt that the timbered structure might be replaced with something less attractive.

Mayor Lawrence asked for a motion for action at this time. Commissioner Lentz entertained a motion to deny the request, seconded by Commissioner Wiseman.

Commissioner Tester stated he was not comfortable with making the applicant take the structure down and building something less attractive or appropriate for the area.

Commissioner Wiseman commented that she understood Commissioner Tester's thoughts on the issue, but she also had a problem with the applicant not following the proper procedures. Ms. Wiseman stated the applicant should have presented Council with changes to the original plans for approval instead of constructing it differently, then later coming to Council.

Mayor Lawrence asked for a vote on the motion made by Commissioner Lentz to deny the request. Those in favor of the motion were Commissioners Lentz and Wray, not in favor were Commissioners Wiseman and Tester, with Mayor Lawrence also voting no.

Commissioner Tester then made a motion to approve the request for a minor amendment to CUP #2005-02, seconded by Commissioner Wray. Those in favor of the motion were Commissioners Tester and Wiseman, those not in favor, were Commissioners Lentz and Wray. Mayor Lawrence voted to affirm the motion. Motion carried.

2. CUP #2003-09 – Hanna Project – Permit Extension Request & Construction Plan

Planning Director Rothrock presented Council with a request from Bill Dixon, an architect representing the Hanna Family Trust for an extension for the conditional use permit approved on October 12, 2004. The approved CUP was issued to the Hanna Family Trust to construct a two-story, three-level, multi-use building on the former Sunset Café property at 1107 Main Street. Normally a conditional use permit expires at the end of one year if no work had been commenced on the project. However, Section 16-62 of the Land Use Code provides that the Council may extend the permit for an additional six months “ if it concludes that (i) the permit has not yet expired; (ii) the permit recipient has proceeded with due diligence and in good faith; and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to six months upon the same findings.”

Mr. Rothrock stated that a letter was sent to Mr. Dixon stating that the permit would expire on October 12, 2005 if no physical work started or less than 10% of the total project cost has been completed. The letter stated conditions for being eligible for a six-month extension and proving due diligence which include: (a) a title opinion submitted, and (b) a construction sequencing plan submitted and approved by town department heads.

The Town received a letter from Mr. Dixon dated September 15, 2005 that requested a six-month extension to the approved permit. The letter outlined the intentions of the Hanna Family to complete the project as approved. The title opinion was submitted in November 2004. The title opinion made reference to easements required to complete the project as proposed. However, according to the letter from Mr. Dixon, the easements from the Whatley’s and other adjoining property owners had not been secured.

Attorney Tony diSanti appeared before Council, representing the Hanna Family Trust, and outlined various documents pertaining to the project. He stated that Hanna Family Trust had spent in excess of \$70,000 on the project to date. Mr. diSanti also stated that his clients had worked diligently in order to save the maple trees that were on the proposed site. He stated they were moving forward in good faith with the project but due to an unforeseen denial of the needed easements his clients would not be able to start construction on November 1, 2005 as previously anticipated. Mr. diSanti asked that Council consider the six-month extension request so that the project architects could adjust the building plans to comply with the town’s land use ordinances.

Commissioner Tester stated due to the denial of the easements, it seemed the project plans would have to be substantially rewritten. He felt that changing the previously approved storm water detention plans would justify the project going through the CUP process again with the town.

Mr. diSanti stated that the outside building design would remain the same, only the storm water detention plans might possibly need changing and that would not be seen by the public.

Commissioner Tester reiterated again that changing the storm water drainage plans would in fact affect the public if it was not done correctly. He felt the dramatic changes would warrant going through the entire process.

Commissioner Lentz inquired how the large maple tree could be saved without a redesign of the building.

Mr. Bill Dixon, architect for the project, explained the current design of the building, which is located 7 to 10-feet from the maple tree. He stated that every effort was being made to save the tree, but thought the maple tree would not survive. He also stated there would be no redesign of the building.

Commissioner Lentz questioned Public Works Director Johnny Lentz regarding storm-water detention for the project. Mr. Lentz stated that nothing located on Main Street would be able to handle the storm water, and that it would need to be directed to Morris Street or Sunset Avenue.

Adjoining property owner Annie Whatley spoke regarding the project. She stated that in the beginning she was in favor of the project, but following certain events or non-events, her position on the project had changed. She was now opposed and would not grant the Hanna Family Trust an easement.

After further discussion on the matter, a motion was made by Commissioner Lentz to deny the request, seconded by Commissioner Wiseman. Unanimously approved.

3. Bid Award – Surplus Dewatering Equipment

In September 2005, Council adopted a resolution authorizing advertisement for formal sealed bids for (1) 1987 Hycor Rotoshear RC Model RSL 3672 Detwatering Equipment w/catwalk.

After public notice and public advertisement, the Town received one (1) bid from Honeywell Septic for \$1,000.

Town Manager Scott Hildebran stated that due to the age and limited need of the equipment, staff recommends award of the bid to Mark Cook of Honeywell Septic. He also stated the bidder would be responsible for any and all associated costs in removing the equipment from the town wastewater plant.

A motion was made by Commissioner Wiseman to accept the bid as recommended, seconded by Commissioner Wray. Unanimously approved.

NEW BUSINESS

1. Sewer Request – Quail Hollow Drive (Vincent Project)

Town Manager Hildebran presented a request to Council from Granville Petrie (via Jay Vincent) to extend public sewer to Quail Hollow Drive located below Laurel Park Road. The proposed line extension would provide sewer access to 13 vacant parcels owned by Mr. Petrie, and 11 other lots along Quail Hollow Drive using a pressure system. He stated that Mr. Petrie agreed to pay the full amount of the sewer extension costs estimated at \$200,000.

Mr. Hildebran also stated that an alternative offer was given by Mr. Petrie to construct a gravity system, which would serve the 24 lots and could eventually provide public sewer access to possibly 15 additional properties located above Quail Hollow Drive. The cost of the alternative would be \$255,000. Mr. Petrie requested the Town share in the cost if the alternative method was chosen, at a fee of \$55,000.

After several questions regarding the matter, Council decided the gravity feed option would be best. Commissioner Lentz stated he felt this would be a win-win situation for the town and the residents of Quail Hollow Drive. Commissioner Wiseman stated she felt the town should not have to pay any of the actual cost for the gravity fed system.

Jay Vincent stated this would make a substantial increase to the property values in the affected area, and in turn, would increase the town's tax base. He asked that the town pay a portion of the cost.

Commissioner Wiseman made a motion to approve the sewer request to construct a gravity system on Quail Hollow Drive as approved by the Town Engineer, at no cost to the Town. Commissioner Lentz seconded the motion. Mayor Lawrence asked for further discussion on the matter. Commissioner Tester asked what impact this would have on the town in regards to the pump station and the current sewer line system. He also questioned staff in regards to Section 14-56 (B) of the Utilities of the Town of Blowing Rock Code, which outlines Town policies on water and sewer extensions. Town Engineer Doug Chapman stated there would be no substantial effect to the town. With no further discussion, the motion was unanimously approved.

Quail Hollow Sewer Extension Exhibit E

Mayor Lawrence called for a five (5) minute break at this time.

Upon reconvening, Council received the following request:

2. Private Well Request

Planning Director Rothrock presented a request from Kings Ransom Subdivision and The Grove Subdivision to allow temporary installation of four (4) private wells, with conditions, until the water moratorium was lifted. Conditions are as follows:

- Applicant to drill a well to serve the proposed house
- Applicant to pay the connection and availability fees up front
- Town to install a well meter at Applicant's expense by the Town's engineer and Public Works Director
- Applicant to pay a minimum water bill until a connection is made to public water
- Applicant to connect to Town sewer prior to a Certificate of Occupancy
- Applicant to connect to Town water within 60 days of water becoming available through the resolution of the water moratorium issues

Commissioner Tester inquired if the town allowed these subdivisions to drill wells, what legal ground would the town have if other owners of large tracts wanted to do the same. Town Manager Hildebran stated that there was one other subdivision located on Globe Road that the town could not supply water to, and they were also drilling wells, but based on a review of the subdivisions in town, these were the only four (4) lots that did not have public water.

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

CUP No. 2001-01 (Exhibit F) & CUP No. 2000-11 (Exhibit G)

3. 2006 Blowing Rock Winterfest

Winterfest Committee Representative Earl Horne updated Council on the plans for the 8th Annual 2006 Blowing Rock Winterfest event to be held on January 26-29, 2006.

Mr. Horne asked permission to use Memorial Park and the Parks & Recreation Building for this event. He also informed Council that the “little white museum” on Main Street was being considered for Winterfest Headquarters. Commissioner Wiseman asked if they were working in conjunction with the Tourism Development Authority (TDA) and the Chamber of Commerce on this event. Mr. Horne replied they were working with the Chamber with regard to events and the TDA for advertising.

Commissioner Lentz made a motion to approve the request, seconded by Commissioner Tester. Unanimously approved.

4. Schedule November Town Council Meeting Date

Town Manager Hildebran asked Council to considering changing the November meeting date from Tuesday, November 8th to Monday, November 7th, due to the municipal elections.

A motion was made by Commissioner Wray, seconded by Commissioner Wiseman to change the November meeting to Monday, November 7th, 2005. Unanimously approved.

SPEAKERS FROM THE FLOOR

None

ADJOURNMENT

There being no further business to discuss, Mayor Lawrence adjourned the meeting at 8:45 p.m.

MAYOR _____

J.B. Lawrence

Attest: _____

Sharon H. Greene, Town Clerk