

MINUTES

Town of Blowing Rock

Board of Commissioners

January 10, 2006

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, January 10, 2006 in the Town Hall Council Chambers located at 1036 Main Street. Present at the meeting were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman and Tommy Klutz. Others attending were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Public Works Director Johnny Lentz, Planning Director Kevin Rothrock, Building Inspector John Warren, Emergency Services Director Kent Graham, Parks & Recreation Director Jennifer Gore, and Town Clerk Sharon Greene.

Call to Order

Mayor Lawrence called the meeting to order at 7:00 p.m. and welcomed those in attendance.

Approval of Minutes

Upon a motion made by Commissioner Tester, seconded by Commissioner Ball, the minutes for the December 13, 2005 meeting were approved as presented. Unanimously approved.

Presentation – ASU 2005 NCAA I-AA Football National Champions

On behalf of the citizens of Blowing Rock, Mayor Lawrence presented ASU Chancellor Kenneth Peacock and ASU Athletic Director Charlie Cobb with a formal proclamation recognizing their achievement in winning the NCAA Division I-AA Football National Championship on December 16, 2005 with their 21-16 victory over Northern Iowa.

In recognition of the Mountaineers' successful season and the significant role the University plays in Blowing Rock's community, Mayor Lawrence proclaimed the 10th day of January 2006, Appalachian State University Day in Blowing Rock.

Chancellor Peacock thanked Mayor Lawrence and the citizens of Blowing Rock for the enthusiasm and support the citizens of Blowing Rock had shown them. He expressed his gratitude by stating what a tremendous honor it was to receive the proclamation from the Town of Blowing Rock. Chancellor Peacock commended ASU players and coaches on their hard work and excellent sportsmanship and stated he looked forward to another championship year.

Athletic Director Charlie Cobb thanked Mayor Lawrence and the citizens of Blowing Rock for the honor being bestowed upon them in receiving the proclamation. Mr. Cobb thanked everyone for Coach Jerry Moore who was unable to attend the meeting. Coach Moore was in Dallas, Texas being honored for the much-deserved title of Annual Football Coach of the Year!

Mr. Cobb commended all 53 players and 10 coaches involved in the championship. He stated it was a great year not only on the field, but academically as well. **(Town of Blowing Rock Proclamation Honoring the Appalachian State University Football Team 2005 NCAA I-AA National Championship Attached as Exhibit A)**

Public Hearings

1. CUP #2005-13 Jazzy Joe's Restaurant

Mayor Lawrence asked those wishing to speak during the public hearing to be sworn in by the clerk. Planning Director Kevin Rothrock and Project Architect Bill Dixon were duly sworn.

Planning Director Kevin Rothrock presented a request from Mr. Jerry Kaufman for a conditional use permit to renovate the former Los Arcoiris building located at 8036 Valley Blvd. The proposed changes would include exterior upgrades, such as a new gabled entrance, with wood shake shingles and cedar beams. A new outdoor dining area would also be added. Cultured stone would be added to the base of the exterior wall that faces Valley Blvd. and a portion of the north and south building walls. The roof parapet would be extended to hide the HVAC equipment.

Mr. Rothrock stated the existing parking lot would be used but a few changes were proposed to the parking layout. The existing compact spaces would be re-striped to standard spaces. The existing driveway would be limited to one-way traffic with vehicles entering the site from the north driveway and exiting from the south driveway. This revised traffic pattern will have to be approved by NCDOT.

The applicable street setbacks for the property are now 20 feet from the edge of the right-of-way. The existing building eave is approximately 9 feet from the edge of the right-of-way. The proposed gabled entrance facing Valley Blvd. would extend seven (7) feet from the existing building. After construction, the proposed building would have a setback of approximately two (2) feet.

The proposed north side entrance and vestibule will encroach 1.5 feet into the 20-foot setback.

In order for the gabled main entrance and the side entrance vestibules to be constructed as proposed, the applicant was requesting a street setback waiver.

Planning Director Rothrock stated that in order for the applicant to receive any setback waivers or deviations, the Town Council must first vote specifically on each finding in Section 16-189 of the Land Use Ordinance.

Commissioner Ball and Wiseman agreed the proposed renovations would enhance the appearance of the existing building.

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

Mayor Lawrence called for a motion for action. Commissioner Wiseman entertained a motion to approve CUP #2005-13 with the following changes: the 7-foot encroachment into the 20-foot setback be reduced to 4-feet, and the recommended window grills be required in the CUP. Commissioner Lentz seconded the motion. Mayor Lawrence asked for any further discussion on the matter.

Commissioner Tester felt if the setback waiver request was approved, the town would be setting a precedent for future setback waiver requests. He stated the town had worked diligently with NCDOT on the proposed road widening and how they wanted it to look and he felt with the proposed setback request, green space would be eliminated and he was opposed to the extension into the right-of-way.

Commissioner Wiseman agreed with Commissioner Tester to a certain extent, but felt the renovations would make such a significant improvement to the building she was in favor of granting the setback request.

Commissioner Wiseman withdrew her original motion at this time so that Council could proceed to vote on the items in Section 16-189 of the Land Use Ordinance, upon recommendation from Planning Director Rothrock.

The items were as follows:

- (1) Will not materially endanger the public health or safety; (aye-all)**

- (2) Will not substantially injure the value of adjoining or abutting property;**
(aye-all)

- (3) Will be in harmony with the area in which it is to be located; (aye-all)**

- (4) Will be in general conformity with the Master Plan or other plan officially adopted by the Board; and**
(Aye- Ball, Wiseman, Lentz & Klutz - No-Tester
4-1)

- (5) Will be in substantial conformity with the intent of the regulations contained in this Article. (Aye- Ball,**
Wiseman, Lentz & Klutz – No-Tester 4-1)

Commissioner Wiseman entertained her original motion to approve CUP #2005-15 with the following changes: that the 7-foot setback encroachment be limited to 4-feet only, and the applicant should be required to add the

recommended window grills. Commissioner Ball seconded the motion. Aye-Wiseman, Ball, Lentz & Klutz- No Tester. Motion carried 4-1. **(CUP # 2005-13 Jazzy Joe's Restaurant Attached as Exhibit B)**

2. CUP #2002-06 Minor Amendment – Blowing Rock Hospital

Mayor Lawrence requested those wishing to speak during the public hearing be sworn by the clerk. At which time, Planning Director Kevin Rothrock, Alice Salthouse and Jackie Wilson were duly sworn.

Commissioner Tester asked to be excused from voting on the request due to conflict of interest, since he was a member of the Board of Directors at Blowing Rock Hospital. Mayor Lawrence excused Commissioner Tester from voting on the issue.

Planning Director Rothrock presented a request from Blowing Rock Hospital for a minor amendment to CUP #2002-06 for modifications to the main entrance of the hospital and extended care facility. The changes would include installation of automatic doors and construction of rock columns and other rock accents on the building entrance.

The proposed modifications would make the entrance more ADA accessible and architecturally compatible with the entrance on the new emergency room addition.

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

Upon a motion made by Commissioner Lentz, seconded by Commissioner Ball, CUP #2002-06 was approved as presented. Motion carried with the exception of Commissioner Tester. **(CUP #2002-06 Minor Amendment Blowing Rock Hospital Attached as Exhibit C)**

Commissioner Tester re-entered the meeting at this time.

New Business

1. Budget Amendments

Town Manager Scott Hildebran presented Council with 4 (four) FY 2005-06 amendments for their consideration.

The first amendment was for proceeds of a lease-purchase transaction with First Citizens Bank for funding of FY 2005-06 capital equipment. The second amendment was for community contributions received over the holidays, a TDA wayfinding signage reimbursement and N.C. highway safety grant proceeds. The third amendment property accounts for drug forfeiture tax proceeds. With the final amendment being for allotment of monies to cover the Green Hill Slide Repair expense.

Commissioner Lentz entertained a motion to approve the budget amendments as presented, seconded by Commissioner Tester. Unanimously approved. **(2005-06 Fiscal Year Budget Ordinance Amendments Attached as Exhibit D-G)**

2. Tax Releases/Refunds

Town Manager Hildebran presented Tax Release/Refunds #111-116 in the total amount of \$1,581.62 for Council's consideration.

Pursuant to N.C.G.S. 105-381(b), the governing board, upon receiving a taxpayers written statement of defense and request of release or refund, shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.

Town Manager Hildebran stated that 6 (six) requests met the statutory requirements for release.

A motion was made by Commissioner Tester to approve Tax Release/Refunds in the amount of \$1,581.62 as requested, seconded by Commissioner Wiseman. Unanimously approved. **(Tax Release/Refunds #111-116 Attached as Exhibit H-M)**

Speakers from the Floor

None

Departmental Reports

Town Manager updated Council on the up-set bid process for town property located on Hidden Waters Drive, stating that the bid amount was presently at \$16,640.

Commissioner Wiseman inquired if Council decided to withdraw the property for sale, would they be able to do so. Ms. Wiseman stated she was not completely convinced the property was not a buildable parcel and that the appraisal value was accurate. Town Manager Hildebran assured Commissioner Wiseman if Council chose to withdraw the property for sale, they could legally reject any and all bids.

Town Manager Hildebran also updated Council on the latest request from the 2006 Winterfest committee to use Davant Field for the dogsled event. Council had no objections to the request.

Mayor Lawrence expressed Council's disappointment with the resignation of Town Building Inspector John Warren, who would be leaving the town's employment as of February 17, 2006 to enter into a private sector of employment.

Adjournment

There being no further business to discuss, Mayor Lawrence adjourned the meeting at 7:50 p.m.

Mayor _____

J.B. Lawrence

Attest: _____

Sharon H. Greene, CMC

