

MINUTES

Town of Blowing Rock

Board of Commissioners

Tuesday, April 11, 2006

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, April 11, 2006, in the Town Hall Council Chambers. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Engineer Doug Chapman, Town Attorney Allen Moseley, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Police Chief Owen Tolbert, Building Inspector Jesse Horner, EMS Director Kent Graham, Parks & Recreation Assistant Director Amy Flieg, and Town Clerk Sharon Greene.

Call to Order

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed those in attendance.

Annual Council/TDA Joint Planning Session

Mayor Lawrence stated that per Ordinance #2003-15, which created the Blowing Rock Tourism Development Authority, the TDA and Town Council are to meet at least once annually to hold a joint travel and tourism planning/goal-setting session. He then welcomed the Tourism Development Authority and TDA Chair Person Bernie Keele.

TDA Chairperson Bernie Keele introduced new TDA Executive Director Mrs. Shawn Miller to Council. After Mrs. Miller's introduction, Mr. Keele gave a brief synopsis of the Tourism Development Authority's 2005 goals that were met and a list of anticipated goals for 2006. He also spoke of the increase in Occupancy Tax and felt the TDA had contributed to the increase. Mr. Keele stated their objectives for the future were to plan events that would bring people to town for longer than just a weekend, which in turn would fill up hotel rooms and increase retail sales.

Mayor Lawrence inquired if Mr. Keele felt the new visitor's center had been well received. Mr. Keele stated that in his opinion the new visitor's center had been very effective and the planned kiosk system would be a great improvement also. Mayor Lawrence thanked the TDA for their efforts and also welcomed Mrs. Miller to her new position.

TDA Board Member Kent Tarbutton expressed his excitement on having Mrs. Miller as the new TDA Director. Mr. Tarbutton stated that now with a new Executive Director, the Board could concentrate more on their strategic planning duties.

Commissioner Wiseman spoke of the difficulty when two separate organizations have related interest and direction, and inquired if the transitioning period between the TDA and Chamber of Commerce was coming along smoothly. Mr. Keele reiterated there were still some growing pains to work through, but he felt things were progressing in a positive manner and the TDA and Chamber had the same goals in mind for the future.

Mr. Tarbutton spoke regarding events that were planned with hopes of extending the length of stay for people visiting the area. He also stated he was very excited about the new Community Arts Center because he felt this would be another place to offer area visitors and to hold events.

Commissioner Wiseman thanked the TDA for a great job.

Commissioner Tester (also a TDA Board Member) reiterated what Council had previously said, stating that members of the TDA Board had worked diligently towards their goals and his primary concern as a member of the TDA Board was to insure constant communication between the TDA and Town Council.

With no further comments, Mayor Lawrence thanked the TDA for their attendance at the meeting.

Approval of Minutes

Commissioner Ball made a motion to approve the minutes of the March 14, 2006 meeting as written, seconded by Commissioner Wiseman. Unanimously approved.

Mayor Lawrence suggested that Council move forward on the Agenda until the scheduled time for Public Hearings (6:30 p.m.)

Old Business

1. Surplus Real Property – Upset Bid Process (Resolution #2006-03)

Town Manager Hildebran presented Council with Resolution #2006-03 authorizing the sale of a 0.23000000417-acre parcel of surplus town real property located on Hidden Waters Street, per the upset bid process. The Town received an offer and an upset bid properly submitted by Ernest C. Williams, Sr. for the purchase of the property described above in the amount of \$50,000.00 and received payment of the required five percent (5%) deposit.

During the December 13, 2006 meeting, Council adopted Resolution #2005-12 declaring the property surplus and began an Upset Bid process. After an original bid of \$11,000.00 and a total of 14 upset bids, no qualifying upset bid was received above the \$50,000.00.

Commissioner Wiseman made a motion to approve Resolution #2006-03 authorizing the sale of the 0.23000000417-acre parcel to Mr. Ernest C. Williams, Sr. for a sum of \$50,000.00. Commissioner Klutz seconded the motion. Unanimously approved. **Resolution #2006-03 Attached as Exhibit A**

New Business

3. Stage Company Ticket Office Lease – Renewal Request

With relocation plans later in the year to the new Hayes Performing Arts Center upon its' completion, the Blowing Rock Stage Company requested a seven-month renewal of the lease agreement for the Ice House located at 140 Maple Street.

Town Manager Hildebran presented Council with a draft lease agreement from June 1, 2006 through December 31, 2006, with a rental fee of \$1.00, stating the provisions of the proposed lease were identical to the current agreement except for the duration of the term.

A motion was made to renew the Stage Company Lease for the requested period by Commissioner Lentz, seconded by Commissioner Ball. Unanimously approved. **Stage Company Ticket Office Lease Attached as Exhibit B**

4. Blazing Saddles – Chamber of Commerce Art in the Park Request

Town Manager Hildebran presented Council with a request from Ms. Shelley Dewey, Secretary of the Blazing Saddles, Inc. an organization that provides therapeutic riding lessons for individuals with disabilities, to use a Memorial Park basketball court for (2) two air-walks during Art in the Park. The proposed dates were June 10 and August 12, 2006. The Chamber of Commerce granted Blazing Saddles permission to participate with a booth in Art in the Park as one of three non-profit organizations.

Commissioner Tester inquired if the Parks & Recreation Department had any problems with the request. Mr. Hildebran stated they did not. Mr. Hildebran also stated there would be no charge for the airwalks, but they would accept donations to cover the cost. Mr. Hildebran also stated a proof of insurance must be provided to the town.

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

5. Surplus – Vehicles/Equipment (Resolutions #2006-04 & #2006-05)

Per N.C.G.S. 160A-266©, the Town Council can adopt a resolution authorizing an appropriate Town Official to dispose of personal property valued at less than \$5,000 through use of informal procedures to obtain fair market value.

Town Manager Hildebran presented Council with Resolution #2006-04, declaring the following vehicles/equipment surplus authorizing the Town Manager to accept sealed bids.

- 1991 Chevrolet Kodiak Dump Truck
- 1995 Ford Crown Victoria
- Piqua H.D. 2200 Cardboard Bailer

According to N.C.G.S. 160A-274(b), the Town Council may adopt a resolution authorizing an appropriate Town Official to sell personal property to another governmental unit, upon such terms and conditions as it deems wise, with or without consideration.

Also presented was Resolution #2006-05, declaring the following vehicle surplus authorizing the Town Manager to transfer the vehicle to the Blowing Rock Volunteer Fire Department for \$1.00.

- 1995 Ford F-150

A motion was received from Commissioner Wiseman, seconded by Commissioner Ball to accept Resolution #2006-04 as presented. Unanimously approved.

Commissioner Lentz made a motion to approve Resolution #2006-05 as presented, seconded by Commissioner Ball. Unanimously approved. **Resolutions #2006-04 & #2006-05 Attached as Exhibits C & C-1**

Special Presentation

Mayor Lawrence asked Emergency Responders (Police, Fire, Rescue & Fire Auxiliary) to come forward at this time to accept a "Resolution of Appreciation" for their exemplary work in extinguishing the recent 30-acre brush fire on Hwy. 321 S. near the Blackberry Community. Mayor Lawrence presented a special plaque to Owen Tolbert, Winston Lawrence, Mike Hicks and Susan Graham expressing gratitude and appreciation to these individuals for their bravery and devoted public service.

Chief Tolbert also commended the Communications Department as well as the Fire Department for the tremendous job they did during this crucial time. **Resolution of Appreciation Attached as Exhibit D**

Town Attorney Allen Moseley arrived at the meeting at this time.

Public Hearings

1. CUP #2006-05 – Blowing Rock Conference Center

Sworn to speak during the Public Hearing were Project Architect Bill Dixon, and Planning Director Kevin Rothrock.

Kevin Rothrock presented Council with a request for a conditional use permit from the Blowing Rock Conference Center. The proposed request was for an addition to “Shuford Hall” assembly building and adjacent “motel” building for improvements of the pool building, and for several changes to the building grounds, landscaping, and courtyard. The proposed improvements would be phased over a period of time. The subject property is zoned O-I, Office-Institutional and is located in the WS-IV-PA water supply watershed, as well as in the Extraterritorial Jurisdiction (ETJ).

The applicant also proposed some architectural changes and updates to the existing “Shuford Hall” building and the existing “motel” building.

During the March 16th meeting, the Planning Board made a recommendation to approve the conditional use permit with the condition that stop signs be erected at all driveway intersections leaving the property on Goforth Road, as made.

Mr. Bill Dixon, Project Architect spoke regarding the request, stating that “Shuford Hall” was one of the older buildings on campus. Mr. Dixon said the main focus for the proposed changes was to gain better accessibility from the dormitories to the dining facilities and to gain more pervious area.

With no questions from Council, a motion was made by Commissioner Lentz, seconded by Commissioner Wiseman to close the public hearing. Unanimously approved.

Commissioner Wiseman entertained a motion to approve CUP #2006-05 as presented, seconded by Commissioner Klutz. Unanimously approved. **CUP #2006-05 Blowing Rock Conference Center- Exterior Modifications Attached as Exhibit E**

2. CUP #2006-07 Creeks at Mayview Subdivision

Sworn to speak during the public hearing were John Allision and Cannon Harmon representing Triple Tree Development.

Council was presented with a request from Triple Tree Development for a conditional use permit for a major subdivision located between Laurel Lane and Cone Road. The applicant proposed to divide the 7.318 acres into six (6) single-family lots. All six lots would have frontage on a public street. The subject property is zoned R-15, single-family.

The proposed request was to divide the property into six (6) lots. The smallest lot being .755 acres and the largest lot being 1.686 acres. All six lots have road frontage on either Laurel Lane or Shop Road.

The request proposed that lots four and five share a driveway to minimize the impacts caused by stream crossings in the wetland area.

Planning Director Rothrock stated that any stream crossings/culvert/bridges or wetland impacts shall be permitted by the U.S. Army Corps and the NCDENR-Division of Water Quality (DWQ). He also stated that staff recommended two options for driveway configurations:

1. All lots shall be served by a single driveway; or
2. No more than two lots facing Shop Road shall be served by a single-driveway along a common property line (i.e. lots 4 and 5, or lots 5 and 6).

Other staff recommendation were:

- The applicant shall provide two (2) fire hydrants – one on Laurel Lane and one on Shop Road.
- The applicant shall coordinate the installation of standard coach lights on Laurel Lane and Shop Road.
- Street trees shall be provided where existing trees do not satisfy the street tree requirements in the Land Use Code.
- A 20-foot opaque buffer must be provided along lots 5 and 6 to buffer the horse show grounds and town maintenance area.

- Access to lot 3 should be limited to Laurel Lane.

During their March 16th meeting, the Planning Board made a recommendation to approve the subdivision with the following conditions:

1. No access shall be permitted for lot #3 from Cone Road or Shop Road
2. Only two driveways be permitted to serve lots 4, 5 and 6.

Commissioner Tester inquired if staff anticipated any issues if three driveways were located of Laurel Lane, should Option I be chosen. Mr. Rothrock stated the proximity of the driveways would be close, but staff would be doing a more detailed study if this option were chosen.

Commissioner Wiseman inquired if the driveways were wide enough to have adequate fire protection for the homes located in the subdivision. Town Engineer Doug Chapman stated that a fire hydrant would be installed in the common area on Shop Road, but EMS Director Kent Graham should address this concern. Mr. Graham stated that the fire trucks had 900 feet of supply, which would be sufficient.

Commissioner Wiseman stated that it seemed less wetland would be disturbed if driveways 4 and 5 were combined. Town Engineer Doug Chapman stated that with a small amount of adjusting between property lines, a driveway could be shared between the two while still keeping the front setback on lot 5 and save a few large trees.

Mr. Cannon Harmon a partner in the proposed project spoke of their desire to leave the property as natural as possible with minimal disturbance to the trees. Mr. Harmon also stated that all shared driveways would be 18' wide, as shown on the preliminary plat.

After further discussion a motion was made to close the public hearing by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved.

Commissioner Tester made a motion to accept CUP #2006-07 as written with authorization for staff to exercise some flexibility in the decision to combine driveways 1, 2 and 3, (one driveway to access two lots) in addition to driveways for lots 4 and 5 being combined. Commissioner Ball seconded the

motion. Unanimously approved. **CUP #2006-07 Creeks at Mayview Subdivision Attached as Exhibit F**

New Business

1. CUP #2004-04 Minor Amendment – Pssghetti’s Restaurant

Sworn to speak during the public hearing was Mr. Charlie Day.

Planning Director Kevin Rothrock presented Council with a request from Mr. Larry Vanhaerents of Blowing Rock Renovators for a conditional use permit minor amendment to add a valet shed at Pssghetti’s Restaurant.

The proposed 20 square foot valet shed would be used by the valet parking attendants during inclement weather and would be located across from the main entrance on the edge of the parking lot. Materials for the shed would match the materials on the restaurant building.

Commissioner Tester suggested the applicant pay close attention to Item #3 of the CUP that states no other storage building, shelter, or structures shall be located on the property without securing proper permits, and the temporary valet shed shall be removed no later than 5:00 p.m. on April 17, 2006.

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

Commissioner Lentz entertained a motion to approve CUP #2004-04 as written, seconded by Commissioner Wiseman. Unanimously approved. **CUP # 2004-04 Minor Amendment – Pssghetti’s Restaurant Attached as Exhibit G**

2. CUP #1992-01 Minor Amendment – Subway Restaurant @ Martin House

Mr. Gregory Clark owner of Subway Restaurant was sworn to speak during the public hearing.

Planning Director Kevin Rothrock presented Council with a request from Mr. Clark of Subway Restaurants for a conditional use permit minor amendment to add a satellite Subway sandwich shop at the Martin House Properties. The subject property is zoned CB, Central.

The proposed satellite Subway sandwich shop would be located in one of the vacant retail spaces (Unit 3) adjacent to the Inspirations retail shop. The proposed space is 334 square feet and would not include indoor seating. The sandwich shop would be for walk-in customers and for pick-up only. There are currently located in the Martin House courtyard, 2 (two) concrete picnic tables where customers could dine. Mr. Clark stated the restaurant would prepare sandwiches and salads on premise, but the bread baking and food prep would be done at the restaurant located on Valley Boulevard.

Planning Director Rothrock stated since no indoor seating was available and the concrete tables are located outside, staff did not consider this as a restaurant by definition. Instead, staff considered this establishment more of a walk-up retail business. The previous use was retail, so there would be no changes in parking requirements.

Mr. Rothrock stated staff's only concern was there being no public restroom facilities available on the property. The NC Building Code and Watauga County Health Department do not require restroom facilities if no indoor seating is available.

Commissioner Tester requested clarification regarding this issue. Mr. Tester questioned why this request was on the agenda since it was for a minor amendment with no construction changes. He stated if this was not in fact considered a restaurant, but a retail business instead, it would not require a minor amendment, because there would be not change in use. He stated on the other hand, if this was considered a carry out restaurant, this use would not be allowed in the Central Business (CB) district. He also stated he would challenge the premise that this was not a restaurant. Mr. Tester stated the definition for restaurant read as such; "a common establishment for sale of refreshments and eating house, a place where meals are served to customers".

Mr. Tester stated according to the definition, this request constitutes being a restaurant, not a retail business. Mr. Tester also stated that the applicant clearly intended to use 18 seating spaces in the Martin House complex. He felt the request was not appropriate for consideration at this time. Commissioner Tester continued on with a motion to reject the request for a minor amendment, and stated if the applicant chose to pursue the request, proper public hearing procedures should be followed. Town Manager Hildebran stated the request had been placed on the Planning Board's April agenda. Commissioner Tester's motion received a second from Commissioner Lentz.

Commissioner Wiseman voiced her opinion regarding this request, stating she disagreed with Commissioner Tester. She felt this was a retail business as opposed to a restaurant. Commissioner

Wiseman felt this establishment was the same as what used to be Sunset Café, in as much; since Sunset Café served food to the public with outside seating and offered no restroom facilities, as well as Kilwin's. Commissioner Wiseman stated she understood what Mr. Tester was thinking, but she felt this was definitely a retail to-go establishment. She continued on stating that changes in the code for clarification purposes were probably needed at some point.

Commissioner Tester agreed this was a different type of business, but he still believed it was a take-out restaurant according to the use code. He also stated there were other restaurants fitting this description, but during the 10 years he had been in town, none had been approved. He stated this applicant had come before Council for approval, and he could not give approval to something that contradicts the Land Use Code. He felt this would be authorizing a variance, which Council was not allowed to do, only the Board of Adjustment could do this. He stated he would like to have a Subway on Main Street, but could not in good faith, approve something that he felt was going against town land use tables.

Town Manager Hildebran stated this was not a simple request and the town staff had had similar discussions as the Board on this matter.

Commissioner Tester stated there were many issues that needed to be reviewed further, such as bathroom facilities and parking requirements.

Commissioner Wiseman also asked that the Planning Board study Item #3 and #5 of the CUP further and that the applicant be required to follow the Martin House Master Sign Plan.

Mayor Lawrence stated that a motion had been received by Commissioner Tester to refer this request to the Planning Board, seconded by Commissioner Lentz. He called for a vote on the motion. Commissioner Tester, Lentz, Ball and Klutz voted in favor of the motion, with Commissioner Wiseman voting against the motion. Motion carried. 4-1

Speakers from the Floor

None

Departmental Reports

Town Manager Hildebran presented Council with FY 2006/07 employee health/dental insurance quotes. Mr. Hildebran recommended the town renew their contract with CIGNA Healthcare of N.C. for employee health coverage and contract with Companion Life Ins. Co. for dental coverage.

Commissioner Wiseman made a motion to accept Town Manager Hildebran's recommendation as presented, seconded by Commissioner Ball. Unanimously approved.

Adjournment

With no further business to discuss, Mayor Lawrence adjourned the meeting at 7:10 p.m.

Mayor _____
J.B. Lawrence

Attest: _____

Sharon H. Greene, CMC

