

# **MINUTES**

## **Town of Blowing Rock Board of Commissioners**

**June 13, 2006**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, June 13, 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. Other 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, EMS Director Kent Graham, Parks & Recreation Director Jennifer Brown, 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.

### **Presentation**

Mayor Lawrence presented Resolution No. 2006-07 honoring Tweetsie Railroad on their 50<sup>th</sup> Anniversary. Kathy Cole, Manager of Tweetsie Railroad accepted the Resolution on behalf of the Robbin's family and thanked the Town for honoring Tweetsie Railroad on this important milestone.  
**Resolution No. 2006-07**

**Attached as Exhibit A**

### **Approval of Minutes**

A motion was made by Commissioner Wiseman to approve the minutes for meetings held on May 9, 2006 and May 11 & 16, 2006 as written, seconded by Commissioner Ball. Unanimously approved.

## **Public Hearings**

### **1. CUP #2006-03-Townes at Green Hill**

Sworn to speak during the public hearing were the following people: Kevin Rothrock, Richard Franklin, Perry Keziah, Joy Walker, Ted Walker, Howard Eidel, Ed Johnson, George Holt, Ginny Stevens, Ron Oberle, Sue Glenn, Ann Meade, Carroll Weathers, and Kent Graham.

Planning Director presented Council with a request from Mr. Jason Tucker who represented Green Hill, LLC for a conditional use permit to build four (4) duplex buildings (8 units) along Hwy 321 across from the Green Park Inn. The property would have a private driveway connecting to Pinnacle Avenue. The subject property is zoned R-10D, and is located within the Green Park Historic District. The property is also in the WS-IV-PA water supply watershed.

Mr. Rothrock stated this project originally proposed to have five buildings (10 units) which exceeded the impervious limits for the watershed. The project was then resubmitted with four duplex buildings (8 units) which meets all watershed regulations.

As stated above, the property is within the Green Park Historic District. Mr. Rothrock stated that Town staff had contacted a representative of the Blowing Rock Historical Society to review the proposed building designs. The representative had agreed that the proposed design and materials appeared to be consistent with the materials and architectural style found in the district.

Several items regarding access to the proposed property were presented for Council's consideration such as, the Planning Staff's recommendation that the site access be provided from Pinnacle Avenue. Mr. Rothrock stated the initial conversation with NCDOT concurred with their recommendation to eliminate curb cuts onto 321 for safety purposes. Mr. Rothrock also stated that the Memorandum of Understanding and Memorandum of Agreement by NCDOT for the 321 widening project specifically proposes minimization of the roadway footprint, and in keeping with the minimization efforts of the roadway design team, the Planning Staff recommended the access be off Pinnacle Avenue instead of Hwy 321. He also stated to further complicate the access problems, NCDOT was planning to eliminate the Goforth Road connection during the widening project. He stated with that elimination, staff supported that access onto the Hwy. 321 should be limited.

During the May 18, 2006 meeting of the Planning Board, it was recommended that access be provided to the site only from Hwy 321. Mr. Rothrock stated that the applicant would like to submit the plans as originally proposed with access from Pinnacle Avenue. He further stated that Mr. Kipp Turner, NCDOT District Engineer was consulted regarding the Hwy 321 access and he supported staff's recommendations of providing site access from Pinnacle Avenue. Mr. Turner also said that after the road is widened, it would be unlikely that access would be feasible from Hwy 321. Mr. Turner sent revised plans showing access onto Hwy 321 to the NCDOT roadway design section in Raleigh. After their review it was determined that access for the project as designed would not be allowed onto Hwy. 321.

Mr. Rothrock also stated that several adjacent property owners were concerned the driveway connection to Pinnacle Avenue could not be approved due to access being through single-family zoning. He also stated the property in question is split by a zoning district line, with the portion of the property along Hwy 321 being zoned R-10D, while the access portion adjacent to Pinnacle Avenue is zoned R-15. Mr. Rothrock further stated that Section 16-16 of the Land Ordinance states when a lot is split by district lines, the zoning designation on the larger portion of the lot shall apply to the entire lot. Therefore, the smaller portion of the lot with R-15 zoning should be considered zoned R-10D for the development of the entire tract. He also stated that the UNC School of Government had concurred with this interpretation.

Mr. Rothrock then discussed parking, stating the proposed project requires 16 parking spaces with all the required parking being placed under the buildings in garages. Eight (8) additional visitor spaces would also be provided for a total of twenty-four (24) spaces.

Mr. Rothrock addressed several other issues regarding the project, such as trash collection, storm water management, watershed, retaining walls, etc. With regard to landscaping, Mr. Rothrock stated the majority of the existing trees, mature rhododendron, and other vegetation between Hwy 321 and the proposed buildings would be retained.

The applicant proposed an 8-foot buffer on the east, west, and south property lines. Mr. Rothrock stated that according to the Land Use Code, these buffers should be 16-foot wide and semi-opaque. Mr. Rothrock stated there was sufficient room on the east and west property lines for the 16-foot buffer, but not on the south property line, unless the building and parking is shifted.

Mr. Rothrock stated that staff recommended a 16-foot buffer be required along the east and west property lines, and that if an eight-foot buffer is allowed along the south property line, the buffer be opaque screening and only in the areas with insufficient space for the 16-foot buffer.

Regarding the required sidewalk, Mr. Rothrock conveyed the Applicant agreed to construct prior to the Certificate of Occupancy, but would like to have the option of paying the cost of the sidewalk into an escrow account until the 321 widening project is completed, then complete the sidewalk.

The Applicant requested the following waivers/variances:

- Side and rear landscaping buffers reduced from 16 feet to 8 feet (waiver).
- Sidewalk construction to be deferred until the 321 widening project is complete with money or bond deposited into a fund prior to construction (waiver).

Planning Board recommendations were the following:

- That the access to the site be from Hwy 321 only.
- That the landscape buffer along the south side of the property be maintained no less than 16 feet wide.
- That the sidewalk construction be allowed to be deferred until Hwy 321 is widened, and the applicant submit to the Town a performance bond to cover the sidewalk costs.

Mayor Lawrence opened the floor for discussion.

Commissioner Tester had questions regarding the right-of-way, and asked if Mr. Rothrock, during his conversations with NCDOT, had inquired if multiple accesses were allowed or if the access off Pinnacle Avenue could be turned down through the green space onto Hwy. 321. Mr. Rothrock replied that no access was allowed off Hwy 321 as the plans were submitted.

Commissioner Tester followed with questions regarding property zoning. His concern was regarding the majority of the property being zoned R-10-D and one lot being zoned R-15. Commissioner Tester questioned the driveway through the lot zoned R-15 and if the applicant had to adhere to the R-15 restrictions in the Town Land Use Codes. He was not sure the driveway would be allowed. Mr. Tester clarified in the Land Use Code Section 16-16 (a); it stated if a lot was less than an acre in size, it should be treated as the majority of the other acreage. If so, the lot zoned R-15 would need to adhere to the R-10-D zoning, which would make the lot in question landlocked, due to Town Code restrictions and NCDOT restrictions.

Mr. Rothrock replied this could be interpreted two ways, one being as the lot exists today split zoning of a lot less than 2 acres. Commissioner Tester replied that all the property had to be treated as a single unit to meet Town Code, that the restriction on the bigger lot would override the restrictions on the small lot. Mr. Rothrock then pointed out if the lot is greater than 2 acres, the portion of the lot with R-15 zoning has to be large enough to meet the minimum lot standards for that district. In this case, the R-15 portion would not meet the minimum standards so the R-15 portion is considered R-10D for the purposes of this development. Commissioner Tester then agreed with Mr. Rothrock's interpretation.

Commissioner Wiseman asked Mr. Rothrock if the UNC School of Government had access to the entire Town Ordinance when he sent this proposal to them for their interpretation. Mr. Rothrock stated they did in fact have the Town Ordinance during their review and had interpreted that the smaller parcel had to follow the zoning requirements of the larger parcel.

Mr. Tony diSanti, representative of the applicant, spoke regarding the project. Mr. diSanti began with the Town Comprehensive Plan adopted in 2004, and how a project such as this one was in keeping with this plan. He maintained that Comprehensive Plan Section I.H.3 spoke favorably of allowing town houses in multi-family zoning districts.

Mr. diSanti further stated he had declaration recorded in Caldwell County approximately 20 years prior, in which he shared with Council, stating the owners during that period had proposed to build a 24 Unit condominium project called Pinnacle Place Condos.

Mr. diSanti also conveyed that the property was zoned properly and representatives of the Green Park Historic District had been consulted and the materials and design were appropriate for this district. He also stated the site plan complied with the Town Ordinance. Mr. diSanti spoke further regarding parking for the project. He stated the applicant would like to request a waiver regarding the 16-foot opaque buffer required by Code. He stated his client would like to reduce the required buffer to 8-foot in order to provide more guests parking, but if Council did not authorize this waiver, his client would continue with the 16-foot buffer. Mr. diSanti also requested the applicant be allowed to post a bond for sidewalk construction and install the sidewalk after the road widening was completed. He stated the Planning Board had been willing to allow these requests.

Mr. diSanti advised that access was the biggest issue regarding this project. He stated the plans originally called for access to be off Hwy. 321, but in reviewing the project, the Town Planning Director and Town Engineer conveyed that access from Pinnacle Avenue would be better. Mr. diSanti stated his clients wanted to do what Council felt was best for the community. He also stated that he understood several residents along Pinnacle Avenue were not in favor of this option, but that the Town Engineer and Planning Director both strongly recommended the access be off Pinnacle rather than Hwy. 321.

Mr. diSanti expressed that he would like to speak as a citizen of Blowing Rock and former Council Member regarding access along Hwy. 321. He stated that the current Council, as well as former Councils had worked very hard with NCDOT in getting what they felt was best for the Town regarding the road widening and getting the boulevard effect. Mr. diSanti stated that in his opinion, a lot of the same people opposed the project's access from Pinnacle Avenue, were the same people that went to NCDOT, after Council had worked hard in getting the tree lined median and turn lanes, in an effort to do away with any turn lanes from Green Park Inn to Broyhill Furniture Showroom. He spoke of his dissatisfaction with the outcome of these changes. Mr. diSanti challenged that Council's decision on this proposed project was what was best for the Town of Blowing Rock, not what was best for the applicants, or residents along Cliff Drive and Pinnacle Avenue, but a larger aspect, all the citizens of Blowing Rock.

Mr. Perry Kezieh, property owner along Pinnacle Avenue, spoke of this opposition to this project having access off Pinnacle Avenue. He gave a brief history of the area and stated this area had approximately 9 million dollars in property values. He felt if access was granted from Pinnacle Avenue, it would be very detrimental to the area.

Area resident Mrs. Joy Hazen Walker was also opposed to the proposed access from Pinnacle Avenue, she felt it would destroy the quaintness and charm of the area. She also felt the increased traffic due to multi-family development would

cause safety issues for area residents.

Mrs. Walker's husband, Mr. Ted Walker spoke of his appreciation for the zoning efforts the current leaders of Blowing Rock and their predecessors had developed. He spoke of the half-mile street and the 13 home located on Pinnacle Avenue and in allowing access for a multi-family project from a street that was zoned R-15 Single-Family would in affect mean that their street would no longer be zoned R-15 Single-Family. He felt this would violate the intent of the zoning in this area. He further stated that the Planning Board was also opposed to the Pinnacle Avenue access and he felt this important issue should be resolved immediately.

Mr. Howard Eidel spoke of this displeasure of the proposed project, stating the driveway was approximately fifteen (15) feet from the corner of his home at 231 Pinnacle Avenue. He felt the steep grade of the driveway would create a navigational hazard.

Pinnacle Avenue resident, Mr. Ed Johnson also spoke of his concerns regarding the steep slope of the driveway and if adequate fire protection could be provided to the residents.

Mrs. Ginny Stevens representing Mariam Cannon Hayes, who was unable to attend, spoke of how Mrs. Haye's home was encompassed by the Historic District and how she felt the character and charm of the neighborhood should be maintained.

Mr. Ron Oberle stated there was no evidence that NCDOT had the ability to deny access from Hwy 321. Mr. Oberle expressed his concerns regarding safety with access off of Pinnacle Avenue, stating that both intersections accessing Pinnacle Avenue were problematic. He also assured Council that during Planning Board meetings regarding multi-family housing along this area, they never conceived that access would be anywhere other than Hwy 321.

Ms. Sue Glenn, listing agent for the proposed property, gave a brief history of the property and previous safety concerns regarding access from Hwy 321.

Mr. George Holt, of 299 Pinnacle Avenue addressed Council with his concerns regarding the Pinnacle Avenue access, his opinion being that access should be off Hwy 321. He was also concerned with the applicant asking for an 8-foot variance regarding the buffer issue for the project, stating his property adjoined the proposed property and he felt there should be a 16-foot buffer. Mr. Holt also stated he thought the proposed project would look unsightly from Hwy 321 since you would be seeing the back of the buildings.

Mrs. Anne Meade of 344 Pinnacle Avenue, agreed with other property owners on Pinnacle Avenue, stating she did not think that access for the project should be on Pinnacle Avenue, and the buffer should remain at 16 feet, not be reduced to 8 feet. She felt the whole project would be detrimental to the ambiance of the neighborhood.

Mr. Carroll Weathers residing at 221 Pinnacle Avenue addressed Council with his concerns with the proposed project. Mr. Weathers stated this area was one of the oldest districts in Blowing Rock making it a historic district. Mr. Weathers commented how important the village atmosphere was and compared to surrounding areas, quite unique. He felt projects such as the one proposed would destroy the Blowing Rock atmosphere, which was one of Blowing Rock's main attractions. Mr. Weathers stated he was opposed to this project.

At this time, Commissioner Lentz entertained a motion to close the public hearing, seconded by Commissioner Ball. Unanimously approved. Mayor Lawrence asked if Council required further discussion on the matter. Commissioner Tester asked for clarifications as to whether the proposed access would be a road or driveway. Mr. Rothrock stated it would be a driveway and would be maintained by the property owners. Commissioner Tester had questions regarding fire protection.

Mayor Lawrence asked EMS Director Kent Graham to address these questions. A motion was made by Commissioner Tester to re-open the public hearing, seconded by Commissioner Ball. Unanimously approved. Mr. Graham stated that this situation was not the best scenario, but was within the fire code. He stated with the correct positioning of fire trucks and apparatus, as well as pre-fire planning, adequate fire protection could be provided.

Commissioner Tester questioned if the Town Engineer was familiar with the construction of a retaining wall on the property. Mr. Chapman replied that he was aware that a retaining wall would be constructed and it would require an engineer design. Commissioner Tester also wanted to know if Mr. Chapman had conducted a traffic flow study of the project, particularly at the intersections on Hwy 321. Mr. Chapman replied that the intersection where Pinnacle Avenue meets Rock Road was a difficult intersection, due to the vegetation obstructing the view. He stated the intersection located at Canyons Restaurant had a somewhat better angle of view.

A motion to close the public hearing was made by Commissioner Lentz, seconded by Commissioner Ball. Unanimously approved. Mayor Lawrence asked for a motion for action. Commissioner Tester made a motion to table the request until a detailed traffic flow study could be done including consultation with NCDOT with respect to the project. The motion received a second from Commissioner Wiseman. Mayor Lawrence asked if there was further discussion regarding this matter. Commissioner Tester acknowledged that he had strong emotions regarding the traffic issues and felt it would be a disservice to the people of Blowing Rock, as well as the visitors to not do a detailed traffic study in this area. He also had minor reservations regarding the property being zoned R-10-D in an area where the majority of the property was zoned R-15, but he felt this issue should have been addressed prior to this.

Commissioner Lentz communicated that he was totally against the access coming out into a residential section, he stated for as long as he had been on Council he had fought for R-15 areas to remain sacred ground. He also stated that he did not disagree that they have duplexes on the property, because it was properly zoned for that, but they may have to decrease the number of units.

According to Commissioner Ball, she was unclear on where NCDOT stood on this issue, because she had heard from one person that NCDOT would not allow access off Hwy 321, and from another that access was available. Mr. Rothrock presented a letter from NCDOT stating that access would not be allowed from Hwy 321. It further stated that the project would need to be redesigned to diminish impact on Hwy 321. Upon hearing this information, Commissioner Tester withdrew his motion.

Commissioner Tester entertained another motion to deny the project as it was presented, seconded by Commissioner Lentz. Mr. Tester stated that it made no sense to move forward with the project according to the professional opinion from NCDOT.

Town Attorney inquired if the NCDOT letter was part of the record before the public hearing was closed, he stated the applicant did not have a chance to respond to the letter. Mr. Moseley advised if the letter was going to be discussed, the public hearing needed to reopen.

Commissioner Tester made a motion to withdraw his motion and reopen the public hearing, seconded by Commissioner Ball. Unanimously approved.

The public hearing was reopened at this time for further discussion. Mr. diSanti responded that a new document had been received from NCDOT District Engineer Kipp Turner that clearly states the project could be built. Mr. diSanti called on Richard Franklin from Atlantic Plan Corporation to further explain the document and it's origin. Mr. Franklin stated two proposals had been sent to Mr. Turner at the district office and that Mr. Franklin had consulted Mr. Wayne Best the district engineer for this area and the Hwy 321 widening project. Mr. Franklin said according to Mr. Best, by their calculations they would not be able to tie into an entrance on Hwy 321 due to the steep slope. Mr. Franklin stated that Mr. Best basically said that NCDOT agreed with the Town's Planning Director and Town Engineer.

Commissioner Lentz commented that as it stands now, this property has two driveway cuts on Hwy 321 and NCDOT is saying the driveways can no longer be accessed, instead the access has to go through a residential area. Commissioner Lentz stated he felt the project needed to be redesigned using the driveway cuts that are currently there.

Mr. diSanti advised that from a legal perspective, NCDOT could not deny access to the property and that was not the issue. He requested that Council make a decision as to whether his client could go forward with the project and allow them would to work with NCDOT. Mr. diSanti felt the only issue was the access issue, that his client met all other requirements and he did not feel that they should be delayed or denied their CUP because of the access issue.

Commissioner Wiseman expressed her opinion regarding Council's wish to preserve the character of Blowing Rock. She stated she hated to see the neighborhoods in town change. She stated that personally she would like to deny the project, but as a member of Council, she felt the project could not be denied completely.

Mr. Ron Oberle stated that he agreed with Mr. diSanti in saying that NCDOT did not have legal authority to deny the applicant access to his property from Hwy 321.

A motion was made by Commissioner Wiseman to close the public hearing, seconded by Commissioner Ball. Unanimously approved. Commissioner Tester made a motion to deny the project as presented and for the applicant to redesign the project with NCDOT's approval for access off Hwy 321. Commissioner Wiseman seconded the motion. Unanimously approved.

Mayor Lawrence called for a short recess at this time.

Upon reconvening the meeting Commissioner Tester stated he would like to rephrase his motion, and say that the request should be tabled rather than denied, pending a redesign of the project with NCDOT approval of an access from Hwy 321. The amended motion received a second from Commissioner Ball. Unanimously approved.

## **2. CUP #2004-04 – Pssghetti's Restaurant – Major Amendment**

Sworn to speak during the public hearing was Michael Trew.

Planning Director Rothrock presented a request from Mr. Larry Vanhaerents of Blowing Rock Renovators for a major amendment to CUP 2004-04 to add a 26-space parking lot at Pssghetti's Restaurant. The proposed parking lot would be constructed on the hillside above the existing rear parking area. The subject property is located at 7170 Valley Boulevard and is zoned GB, General Business, and R-10S, Single-family.

Mr. Rothrock stated the restaurant currently had a 25-space parking lot with the majority of the current lot being severely sloped. The restaurant currently utilizes valet parking and would continue to do so should the amendment be granted.

The access drive would be constructed at 17.5% grade. The driveway would exceed the maximum 15% grade allowed for streets and roads.

Mr. Rothrock advised, according to the NC Accessibility Code, the existing parking lot required one (1) handicap space. The proposed parking lot expansion would require one (1) additional handicap space. According to Mr. Rothrock, the applicant plans to provide two (2) handicap spaces on the north side of the building across from the main entrance. The grade on these proposed spaces exceeds the maximum allowed by the Accessibility Code.

Mr. Rothrock spoke of storm water detention stating the project required an additional impervious surface. Storm water detention is proposed under the parking area and the driveway. Additional detailed review would be required on the proposed detention system prior to issuance of permits. Final approval would also be required from the Town Engineer.

Mr. Rothrock stated that according to the Land Use Code, the proposed project is limited to 36% impervious surfaces. The Applicant submitted plans showing compliance with this standard with 4.3% increase (9,919 square feet) over the existing impervious surfaces.

Mr. Rothrock stated the landscaping plan showed trees in and around the parking lot being planted or retained to satisfy the parking lot shading requirements. He further stated that staff would accept a conditional landscape plan to determine if the trees retained after the site grading would satisfy the shading requirements, and if not, additional trees would be required.

According to Mr. Rothrock, the retaining walls shown above and below the proposed parking lot showed the highest point on the lower wall at 16 feet. The highest point of the upper wall would be approximately 17.5 feet. According to the plans submitted, the limits of grading and construction above the upper walls do not allow for a segmental retaining block system and would most like be formed concrete. Mr. Rothrock stated that staff recommendations were for all retaining wall surfaces to match materials of the existing wall adjacent to the building and dumpster area.

Commissioner Tester asked what the current parking requirements were for this restaurant and what the intent was in adding another parking area. Mr. Rothrock replied that the required parking was 25 spaces and the Applicant just wanted additional customer parking. Commissioner Tester stated the initial permit called for Phase I and Phase II, and inquired if these Phases had been completed. Mr. Rothrock stated that both phases had been completed.

Mr. Tony diSanti, representative of the applicant spoke regarding the project. He stated the steep slope of the proposed lot was less of a slope than the current parking lot. He also stated that his client had complied with all aspects of the Town Code and referred to the Town's Comprehensive Plan Section 1.C-2 referring to the business sector as an integral part of the Blowing Rock community. Mr. diSanti encouraged Council to allow the major amendment.

Mr. diSanti asked Mr. Michael Trew, Project Engineer to speak regarding the project. Commissioner Tester had questions regarding the retaining walls and if they were going to be visible from Hwy 321 or would evergreens be planted. Mr. Trew stated that White Cedar trees were going to be placed at the base of the retaining wall, which were evergreen trees. He also stated that Virginia Creeper would be planted at the base of the upper wall.

Commissioner Wiseman asked if outdoor dining would be utilized, and if so, would there be adequate room for staff parking, customer parking and outdoor dining. Mr. Rothrock stated no outdoor dining would be allowed without a CUP amendment.

Commissioner Ball moved to close the public hearing, seconded by Commissioner Tester. A motion to approve the project as presented was made by Commissioner Tester, seconded by Commissioner Ball. Unanimously approved. **CUP #2004-04 – Pssghetti’s Restaurant – Major Amendment Attached as Exhibit B**

### **3. Ord. #2006-03 – Carry-out Restaurant – Major Amendment**

Planning Director Rothrock stated the zoning subcommittee and the Planning Board had submitted a draft ordinance for consideration that would allow the use of exclusive carry out restaurants in the Central Business. The ordinance recommended definitions be adopted for restaurants and carry out restaurants, and the use table be amended to allow exclusive carry out restaurants in Central Business. Parking would be governed by the parking standards currently established for this particular use which is 1 space per 100 square foot of the gross floor area, plus one space for every four outdoor seats.

Mr. Rothrock stated the subcommittee and Planning Board also recommended that service and consumption for carry out restaurants should be limited to 10:00 p.m. local time in the Central Business District.

Mr. Rothrock informed Council that restroom facilities would be provided according to the NC Building Code and County Health Department regulations.

The following definitions and text changes were submitted for review and consideration:

- **Restaurant.** A place where meals or food products are prepared, served, and eaten.
- **Carry out Restaurant.** A place where meals or food products are prepared and served, to be eaten primarily off-premise.
- Add carry out Restaurants to Use Table.

Commissioner Tester asked why a policy statement was necessary regarding restroom facilities, would it not be that all restaurants etc. would be required to the NC Building Code codes and County Health Department. Mr. Rothrock stated that restaurants with indoor seating require bathrooms.

Commissioner Ball made a motion to close the public hearing, seconded by Commissioner Ball. Unanimously approved. A motion to approve Ord. #2006-03 as presented was made by Commissioner Wiseman, seconded by Commissioner B all. Ball, Tester, Lentz & Wiseman in favor of the motion. Klutz voted against. Motion carried 4-1. **Ord. #2006-03 – Carry-out Restaurants in Central Business District Attached as Exhibit C**

#### **4. FY 2006-2007 Budget ( Ordinance #2006-04)**

Town Manager Hildebran presented Council with the proposed FY 2006-2007 Annual Budget for their consideration. Mr. Hildebran stated the FY 2006-2007 Budget included a revenue neutral tax rate of \$0.2425 per \$R100 and proposes an additional \$0.0375 cents dedicated for capital improvements, for a total ad valorem property tax rate of \$0.280 per \$100 valuation. He stated all other town fees and charges would remain the same in FY 2006-2007.

The FY 2006-2007 Budget totals \$5,698,125 for all Town operations, capital improvements, and debt service requirements. This being an increase of 11.3% over last year's adopted budget of \$5,119,695.

Blowing Rock resident, Sonny Howard of 326 Green Street, came before Council to voice his dissatisfaction regarding the proposed tax rate and what he felt was limited public input on the budget process. Mr. Howard stated the public was not allowed to speak regarding the budget except during the public hearing and he did not feel this was right. He recommended to Council that they gather more public input during this process.

Mr. Dennis Quinn, of 386 Green Hill Circle spoke of his opposition to the town budget and property tax increase. Mr. Quinn stated he found it coincidental the previous tax increase as well as the proposed tax increase followed a property revaluation. Mr. Quinn felt the increase was not warranted and criticized the Town, stating the increase was due to increased spending. Mr. Quinn stated he felt the town should have a capital reserve available, but did not think there was adequate need for the reserve to be increased for a new emergency services building. He felt the facility came under "nice to have" but not an absolute necessity. Mr. Quinn spoke of the economic hardship the increased taxes plus other inflation issues would have on a lot of citizens in Blowing Rock.

Mr. Quinn stated since he was opposed to the proposed budget, he felt it was only appropriate that he propose an alternative, stating the proposed 3% salary increase for town employees was fair and in keeping with the private sector of business. Mr. Quinn commented if the town recognized a 3%

cost of living increase as being fair, they should only increase the revenue neutral tax rate as such. With this increase, the town could allow some increase in the capital reserve while minimizing the affect on town citizens. Mr. Quinn also recommended that Council direct the town manager to decrease the overall town budget by 3% and increase the capital reserve by that amount, again minimizing the affect on citizens. Mr. Quinn stated it was Council's decision, but he hoped they did not use tax reassessment as justification for the increase.

Ms. Marty Logan of Wonderland Woods Drive shared her feelings regarding the tax reassessment on her property and stated she understood the need for a modest tax increase, but it should not be gold-plated.

Business owner and town citizen, Mr. David Wray, of 167 Elliott Circle, addressed Council on the proposed budget stating he understood both sides of the issue, stating as a tax payer, he did not want taxes to increase, but services provided by the Town were very important. Mr. Wray acknowledged if his garbage was not picked up on schedule his life would not change, but if he had a heart attack his life would change. He commended the fire and rescue departments for the wonderful and professional job that they provide to the citizens of Blowing Rock. Mr. Wray stated with the volume of calls the departments receive a new Emergency Services building has been needed for a long time. Mr. Wray felt a centrally located, more modern facility would improve response times even more so, and in turn save more lives and properties. Mr. Wray stated with a new much-needed facility, other town departments, such as the recreation department and the police department would be helped by allowing them to expand. Mr. Wray conveyed his support to Council for increasing taxes in order to construct the much-needed emergency services building become a reality.

A large number of firefighters were present in support of the tax increase and the need for a new modernized building. Mayor Lawrence inquired of Fire Chief Dennis Bolick as to how many of the 44 firefighter were actually residents of town. Chief Bolick responded that only 6 were town residents. Mayor Lawrence also asked if getting to the station to respond to a call was an issue for most of the responders. Chief Bolick stated this issue was the most difficult in trying to answer a fire call.

Mrs. Ginny Stevens of 852 Dogwood Lane emphasized the need for a new facility and offered her support to Council for realizing the need for the tax increase in order to build the new facility. Mrs. Stevens reiterated her feelings that the town could not possibly decrease taxes and citizens still receive the quality of services they were used to.

Commissioner Lentz commented the tax increase affects everyone, but the quality of services that citizens receive such as paving, snow removal, garbage collection, etc., are important and there has to be an increase in order to keep receiving the services in which they have become accustomed. Mr. Lentz stated his personal taxes had increased approximately 146%, but the only alternative to the situation was to move out of town, but he enjoyed the quality of live he had in town, so that was not an option to him.

Commissioner Tester commented he never thought the Town could manage growth without paying for the process. He stated at the time he came onto Council there were many infrastructure needs and an effort plus funding were needed for these improvements. Mr. Tester stated, at that time, a reassessment had been done and Council made an effort to increase taxes, and a small increase was implemented. Mr. Tester stated the town did not have well thought-out engineering plans for the infrastructure needs. Mr. Tester assured those in attendance that Council and town staff had for the past 4 years, worked towards getting the plans in place that were needed to make the necessary changes. Mr. Tester stated all that was needed now was the funding. He commented that Council could wait another 4 years, but the price would increase, and he felt it was a useless waste of time to develop plans and not implement them.

Linda Laughter a resident of 140 Cliff Lane spoke in support of the Town Council and the proposed tax rate. She praised the Town of Blowing Rock and felt a tax increase was necessary. Mrs. Laughter spoke of work that needed to be done within town, such as curb repair, street paving, etc. and she felt the citizens would need to work a little harder to continue to reside here.

Commissioner Ball addressed the few disgruntled citizens that were in attendance, stating that Council always held open meetings and the meetings were always advertised properly. She stated that any citizen at anytime could attend these meetings and that Council welcomed citizen input. Commissioner Ball voiced her disappointment with being second-guessed on decisions that were made by Council. She felt if citizens were not pleased with the Council they elected, these citizens should find someone else to run or perhaps run for office themselves.

Mr. Sonny Howard questioned the annual retreat and stated that citizens were not allowed to attend. Commissioner Ball clarified Mr. Howard's statement saying that any citizen was allowed to attend the meeting, but the budget process was not during the retreat, but during budget sessions that were held in town; in which Mr. Howard usually attended.

Commissioner Klutz spoke in support of Mrs. Ball's comments and stated he felt the budget was a good budget. He felt that Council was doing the best they could with trying to keep the tax rate to a minimum. He estimated a 36¢ rate was needed to support all the infrastructure projects.

Commissioner Wiseman commended Town Manager Hildebran on his hard work on the budget. She felt Council had been consistent with the budget and the tax increase was for good reason, the town had many needs and it was their job to meet those needs.

With no further comments, a motion was made by Commissioner Tester to close the public hearing, seconded by Commissioner Ball. Unanimously approved. Commissioner Lentz entertained a motion to adopt the FY 2006-2007 Budget as presented, seconded by Commissioner Ball. Unanimously approved. **FY Budget 2006-2007 Ordinance #2006-04 Attached as Exhibit D**

## **Old Business**

### **1. Blowing Rock Art and History Museum – Mural on Capel Rug Building Review**

A rendering of a planned mural to be painted on the Capel Rug building located at 1053 Main Street was given to Council for their consideration. The mural was approved during the regular meeting held on May 9, 2006.

Joann Mitchell, BRAHM Executive Director was present to answer questions Council had regarding the mural. Commissioner Wiseman inquired who would be responsible for wall repair on the building should the mural panels be removed. Mrs. Mitchell assured Council that BRAHM would be liable for repairs.

A motion was made to accept the mural rendering as presented by Commissioner Wiseman, seconded by Commissioner Ball. Ball, Wiseman, Tester & Lentz voted in favor. Klutz voted against. Motion carried 4-1.

## **New Business**

### **1. Resolution #2006-08 Watauga County Solid Waste Management Plan 2006 Update Plan**

Town Manager Hildebran presented Resolution #2006-08 Watauga County Solid Waste Management Plan 2006 Update Plan to Council for their consideration. Mr. Hildebran explained that the Watauga County Solid Waste Management Plan was originally developed in 1997 to meet the requirements of G.S. 130A-309.09A. The 2006 plan updates looks at what solid waste programs and policies are currently in place. Waste reduction goals are examined and updated in the plan also. All units of local government must develop such a plan, or be included in larger (County) plan. Updates are required at least every three years. The plan update must be adopted by resolution by all local governments covered in the plan.

Public Works Director Johnny Lentz also updated Council on the FY 2004-2005 costs for solid waste management.

Commissioner Tester made a motion to adopt Resolution #2006-08 as presented, seconded by Commissioner Ball. Unanimously approved. **Resolution #2006-08 Watauga Solid Waste Management Plan 2006 Plan Update Attached as Exhibit E**

### **Speakers from the Floor**

Town resident and business owner, Mark Crumpler addressed Council with his concerns regarding the parking situation in town. Mr. Crumpler stated that several signs were missing and recommended that parking signs be erected at various places in town. He also recommended that 2-hour parking be enforced. Mr. Crumpler made a proposal to enforce parking from the Bob Timberlake shop on North Main Street down to the churches on South Main Street, and to remove 2-hour signs on other side streets throughout town.

Town Manager Hildebran responded to Mr. Crumpler by stating that the Tourism Development Authority (TDA) had funded signage to be placed throughout town in several phases. Mr. Hildebran specified that several new signs such as the Town of Blowing Rock Historic District had been erected as Phase I with parking signs and kiosks planned for the near future.

Police Chief Owen Tolbert stated the parking enforcement issue had been debated for many years, and his department would have stricter enforcement if it were deemed necessary.

### **Departmental Reports**

Town Manager Hildebran updated Council regarding the street-paving schedule.

Members of the audience as well as council members commented on how beautiful the hanging baskets were, as well as the town parks.

Council also asked Parks and Recreation Director Jennifer Brown how the summer day camp program was going this season. Mrs. Brown responded that the program was going smoothly and continued to be a success.

## **Adjournment**

With no further business to discuss, the meeting was adjourned at 10:45 p.m.

**Mayor** \_\_\_\_\_

**J.B. Lawrence**

**Attest:** \_\_\_\_\_

**Sharon H. Greene, CMC**

