

# MINUTES

## Town of Blowing Rock

### Board of Commissioners

July 11, 2006

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

### **Commissioner Wiseman was absent.**

#### Call to Order

Mayor Lawrence called the meeting to order at 7:00 p.m. and advised that Commissioner Wiseman was out of town and unable to attend the meeting.

#### Approval of Minutes

Commissioner Ball entertained a motion to approve the minutes for meetings held on June 13 and June 27, 2006 with the following corrections: in paragraph two on page two, reserve funds from the “1980’s” should be changed to read from the “1990’s.” Also in paragraph three on page three, the motion to enter into Closed Session received a second from Commissioner Ball, not Commissioner Tester. With these changes, the motion received a second from Commissioner Lentz. Unanimously approved.

## Presentation

Mr. John Blake, County Librarian, requested that the Town of Blowing Rock adopt a Resolution of Supporting Community Reading and Declaring September 2006 as “Watauga Reads” Month.

Upon a motion from Commissioner Lentz, seconded by Commissioner Ball, Resolution #2006-09 Supporting Community Reading and Declaring September 2006 as “Watauga Reads” Month. Unanimously approved.  
**Resolution #2006-09- Attached as Exhibit A**

## Public Hearings

### 1. CUP #2003-07 Chetola Manor House-Major Amendment

The following people were sworn to speak during the Public Hearing: Planning Director Kevin Rothrock, Randy Jones, Kent Tarbutton, Marie Weingartner, and Hildegard Marica.

Planning Director Kevin Rothrock presented Council with a request from Kent Tarbutton, owner of Chetola Resort, for a conditional use permit major amendment to expand the parking lot behind the existing Chetola Lodge hotel. The expansion would increase the number of parking spaces from 15 to 47. Storm water drainage and detention would be proposed with the parking expansion also. The subject property is zoned CB-PUD, Central Business-Planned Unit Development and R-6M-PUD, Multi-Family-Planned Unit Development.

Mr. Rothrock stated the proposed lot expansion would increase the total number of parking spaces for the Manor House, hotel, restaurant, and recreation center to a total of 206 spaces.

Storm water detention would be required for the increased impervious areas. The Applicant was also proposing to make additional storm water drainage improvements to control runoff in the parking lot and reduce the amount of sheet flow across the steep access at the rear of the hotel.

An extensive system of retaining walls would be required to minimize steep cut and fill slopes as a result of the parking lot expansion. The proposed retaining walls would be constructed of "Rockwood" brand segmental block to match the existing walls on site.

At the June 15<sup>th</sup> meeting, the Planning Board made a recommendation to approve the conditional use permit as submitted.

Ms. Marie Weingartner of Chetola Woods Condominiums had reservations regarding the expanded parking lot being used by large buses. Ms. Weingartner stated she had received a letter from Mr. Tarbutton saying no refrigerated trucks would be allowed in the proposed lot, it would only be used for employee parking. She asked for reassurance that large buses would not be parking there as well. Ms. Weingartner felt if large buses were allowed the residents would be exposed to air and noise pollution.

Ms. Hildegard Marica, owner of two units in the Oak Building directly behind the parking lot, addressed Council with her concerns regarding the increase of noise and air pollution. She felt that she and other residents would be exposed to a large amount of noise and air pollution, due to the proposed expansion. She felt the parking lot expansion would be detrimental to the area and stated she had planned to sell one of her units, but when the prospective buyer found out about the parking lot expansion, they changed their minds. Ms. Marica had other concerns regarding the drainage system as well as retaining walls for the project. Ms. Marica also questioned if the proposed work would interrupt traffic flow to her building or affect her ability to rent to tenants.

Mr. Tarbutton assured area residents the parking lot would be for employee parking only. He stated with the increase in staff for Chetola the parking expansion was needed. Mr. Tarbutton conveyed that large buses would not be able to access the parking lot due to lack of room, and Mr. Tarbutton agreed to have this added to his CUP. Mr. Tarbutton also stated the work would be completed as soon, possibly within 60 days of the starting date.

Project Architect, Randy Jones stated that even if the buses were allowed there would not be enough room. He also stated the drainage system design would be done after the expansion was approved and he felt the work would be completed within 60 days of the start date.

Commissioner Lentz made a motion to close the Public Hearing, seconded by Commissioner Ball. Unanimously approved.

A motion to approve CUP #2003-07 as presented was made by Commissioner Tester, seconded by Commissioner Lentz. Unanimously approved. **CUP #2003-07 Chetola Manor House – Major Amendment – Attached as Exhibit B**

## **2. CUP #2006-12 Best Cellar Restaurant**

Sworn to speak during the public hearing were Tom Enterline and Rob Dyer.

Planning Director Rothrock presented a request from Mr. Rob Dyer, representing 2 For One, Inc. to rebuild the Best Cellar Restaurant. The Best Cellar was recently destroyed by fire. The subject property is located at the end of Little Springs Road and is zoned CB, Central Business. The property is also located in the WS-IV-PA water supply watershed.

Mr. Rothrock presented the site plan to Council for their review. He stated the proposed restaurant including outdoor seating, existing office and bar, and existing house required 44 parking spaces. Thirty-four (34) spaces are existing on site. Because the proposed restaurant is a replacement of the same square footage of the previous restaurant, the applicant would not be providing any additional parking. Mr. Rothrock also stated the applicant would continue to offer valet parking for customers.

According to the site plan, no additional impervious areas were proposed. According to town policy, no storm water detention would be required. The applicant would be making storm water improvements to control runoff in the parking lot.

Mr. Rothrock stated the site currently has mature landscaping and appears to exceed the Land Use Code requirements.

Architectural modifications to the following exterior materials on the new restaurant are as follows:

- Bark siding on the south and west elevations (visible to the public).
- Board and batten siding on the north and east elevations.
- Asphalt roofing shingles.

- The original stone chimney has been salvaged and will remain.

The Planning Board, during their June 15<sup>th</sup> meeting, made a recommendation to approve the conditional use permit as submitted.

Mr. Dyer approached Council stating the original chimney would have to be replaced due to extensive damage from the fire. He thanked Council for their consideration in letting the Best Cellar be rebuilt.

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

A motion to approve CUP #2006-12 as presented was made by Commissioner Lentz, seconded by Commissioner Klutz. Unanimously approved. **CUP #2006-12 Best Cellar Restaurant – Attached as Exhibit C**

## **Old Business**

### **1. Hanna Family Trust @ Sunset Café – Logistics Plan**

During the regularly scheduled meeting of the Town Council held on May 9, 2006 Council approved CUP #2006-02 Hanna Family Trust @ Sunset Café with various changes and required a logistics plan from the applicant.

Planning Director Rothrock stated that Enterline & Russell Builders had been selected as the contractor for the Hanna project located on Main Street, and Mr. Enterline had provided a logistics plan and tentative work schedule that was approved by all department heads for Council's review.

Mr. Rothrock advised Council of a recent recommendation allowing the Town to contract out the storm drainage work and receive reimbursement for the actual costs.

After reviewing the logistics plan and work schedule, Commissioner Klutz inquired if the contractor doing the storm water lines on Main Street and Morris Street could work after 9:00 p.m. Town Manager Hildebran conveyed that the noise ordinance was from 7:00 a.m. to 9:00 p.m. but governmental entities were exempt from these times. Mr. Hildebran asked Town Attorney Allen Moseley for his opinion regarding this issue. Mr. Moseley stated if governmental agencies were exempt from this requirement, he felt that town contractors

would be able to work past 9:00 p.m. in order to finish the utility installations in a more timely manner. Commissioner Lentz inquired if this process would be of any cost to the town, should a water line be broken during the work. Mr. Lentz was concerned the Town would have to pay over-time to town employees should this occur. Mr. Hildebran stated that licensed contractors would bid on this project which should minimize concerns. Council agreed the contractor should be allowed to work after 9:00 p.m. on the storm drainage installation, should the contractor be willing.

Mr. Enterline thanked Planning Director Rothrock for his assistance on the logistics plan. Mr. Enterline also approached Council with two concerns he had with the logistics plan. He asked for clarification regarding the power line to Kilwin's and the telephone line into Sunset Tee's having to be buried and in place before construction began. Mr. Enterline asked if this could be done before the Certificate of Occupancy was granted. Mr. Rothrock stated this could be allowed.

Mr. Enterline also said the logistics plan stated he could not receive deliveries before 5:00 p.m. He stated that his crew worked from 7:30 a.m. until 5:00 p.m. and this stipulation put a hardship on him and his crew. He asked if Council would allow deliveries to be made at a designated time to alleviate this problem. Commissioner Lentz stated he felt the clause about no deliveries before 5:00 p.m. was unreasonable. Mr. Lentz was in favor of allowing deliveries to be made at some point during the workday.

Commissioner Tester asked if deliveries could be done between 8:30 a.m. and 9:30 a.m. Mr. Enterline felt this time would be inappropriate due to interference with school traffic. Council agreed to allow deliveries to be made between 9:00-10:00 a.m. Commissioner Tester asked that the wording be changed in the logistics plan to allow for major deliveries between 9:00 -10:00 a.m. with allowances for special deliveries also. Commissioner Lentz made a motion to accept the logistic plan with changes, seconded by Commissioner Ball. Unanimously approved. **Hanna Family Trust @ Sunset Café – Logistics Plan – Attached as Exhibit D**

A separate motion was given by Commissioner Tester to allow the town to contract for storm drainage work and be reimbursed for the actual costs; and also allowing for storm drainage construction on Main Street and Morris Street to minimize disruption to other businesses. The motion received a second from Commissioner Ball. Unanimously approved.

Mr. Tony diSanti, representing the Hanna Family Trust asked if this would be the appropriate time to request that reconsideration be made in the Hanna Family Trust CUP regarding the loading zone requirement on the Snips property.

Town Attorney, Allen Moseley stated that this request would need to go before Council at a later date.

## **New Business**

### **1. Art in the Park – 2007 Dates**

Chamber of Commerce Executive Director, Charles Hardin, made a request to Council for approval of Art in the Park dates for the 2007 season. The requested dates were May 19, June 16, July 21, August 18, September 8, and October 6, 2007.

Commissioner Ball asked Mr. Hardin if any consideration had ever been given to changing the area for Art in the Park vendors to park their vehicles and trailers. She felt that possibly there was a better place further away from the Davant Field area. Mr. Hardin stated he would take Mrs. Ball's suggestion into consideration.

Commissioner Ball entertained a motion for approval of the requested dates for the Art in the Park 2007 season, seconded by Commissioner Tester. **Chamber of Commerce Request for Approval of Art in the Park Dates – Attached as Exhibit E**

### **2. Settlement of 2005 Property Taxes/Charges of 2006 Property Tax Collection**

As required by N.C.G.S. 105-373, the tax collector is required to send a settlement report for FY 2005-06 to Council for their approval. The settlement report stated the total levy was \$2,406,735.61 and a total of \$2,395,826.61 had been collected, being 99.56 percent of the total.

Town Manager Hildebran and Members of Council commended the tax collector on her collection rate.

An Order of Collection was also presented to Council, which would allow the Tax Collector to collect taxes for the upcoming 2006 tax year.

Commissioner Tester entertained a motion to accept the Tax Collector's Settlement Report for Fiscal Year 2005-06 and Order of Collection as presented, seconded by Commissioner Ball. Unanimously approved.  
**Settlement of 2005 Property Taxes/Charge of 2006 Property Tax Collection – Attached as Exhibit F**

### **3. Bids- Public Works Truck Bids**

Town Manager Hildebran presented Council with bids for a compact Extended Cab 4x4 Pick-up Truck, which was included in the 2006-2007 fiscal year budget.

The bids were as follows:

<b>2006 Chevrolet Colorado Ext. Cab 4x4 Empire Chevrolet</b>		<b>\$17,200.00</b>
<b>2006 Ford Ranger Ext. Cab 4x4</b>	<b>Martin Family Ford</b>	<b>\$17,751.00</b>
<b>2006 Chevrolet Colorado Ext. Cab 4x4 Everett Chevrolet</b>		<b>\$19,926.38</b>
<b>2006 Chevrolet Colorado Ext. Cab 4x4 Mack Brown Chevrolet</b>		<b>\$20,064.48</b>
<b>2006 Dodge Dakota Ext. Cab 4x4</b>	<b>Ross Dodge</b>	<b>\$20,862.00</b>
<b>2006 Nissan Frontier Ext. Cab 4x4</b>	<b>University Nissan</b>	<b>\$21,062.00</b>

It was recommended the bid be awarded to low bidder Empire Chevrolet for \$17,200.00 excluding tax, title and tags.

The current FY 2006-07 budget included \$8,500 for the first of three payments on the vehicle.

Town Manager Hildebran stated Council would receive a financing package for all capital equipment authorized by the fiscal year budget at a later date.

A motion was made by Commissioner Lentz, seconded by Commissioner Ball to accept the recommendation for bid approval to Empire Chevrolet in the amount of \$17,200.00. Unanimously approved. **Public Works Truck Bids – Attached as Exhibit G**

### **Speakers from the Floor**

Mr. O. Wayne Green approached Council with his concerns regarding private drives and roads. Mr. Green felt there should be better clarification of the Town Code regarding private drives. He stated he was unsure as to how many dwellings could be served by one driveway due to inconsistencies in the code.

It was consensus of Council to refer this matter to the Planning Board for further review.



Commissioner Ball stated that large trucks should not be allowed to travel residential streets throughout town, for example: coming through Mayview and entering onto Main Street at Laurel Lane. She stated there had been problems with large trucks traveling various town roads damaging properties.

Town Manager Hildebran stated that a regulation regarding large truck traffic on residential streets was on the Planning Board agenda at their next meeting, due to recent problems in town. He stated that according to the General Statutes a code amendment would be needed.

Commissioner Klutz inquired if the trucks would be limited by number of axles or by weight. Planning Director Rothrock stated it would be better to limit by number of axles.

### **Departmental Reports**

Town Manager Hildebran commended all town departments for their work in making the 4<sup>th</sup> of July holiday a success.

### **Adjournment**

There being no further business to discuss, the meeting was adjourned at 8:10 p.m.

**Mayor** \_\_\_\_\_  
**J.B. Lawrence**

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

**Sharon H. Greene, CMC**

