

## **MINUTES**

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

**August 8, 2006**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, August 8, 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 attending 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, Emergency Services 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.

#### **Approval of Minutes**

Upon a motion received from Commissioner Wiseman, seconded by Commissioner Ball, the minutes of the July 11, 2006 meeting were approved as written.

#### **PUBLIC HEARINGS**

The following people were sworn to speak during the public hearing: Planning Director Kevin Rothrock, Kevin Donovan, Michael Trew, Bud Walker and Doug Chapman.

#### **1. CUP #2006-10 Glenmoore Subdivision**

Planning Director Kevin Rothrock presented Council with a request from Mr. Kevin Donovan of Celtic Building Co, Inc. for a conditional use permit for a major subdivision with five (5) single-family residential lots with a new public road. The 3.78-acre property is located at the end of Goforth Road off Rocky Glen Lane just outside the town limits in the ETJ district and is zoned R-10S. The applicant also requested that the property be annexed into the town for water and sewer service. The subject property is also in the WS-IV-PA water supply watershed.

Mr. Rothrock stated in order to serve 5 single-family lots, a new subdivision road was proposed. The road would be just over 500 feet in length and would have a cul-de-sac at the end. The road would be offered for public dedication.

Storm water detention would also be required for the increased impervious areas resulting from the proposed street. The plans submitted were designed to detain storm water from the street in two (2) ponds that would remain dry except during storm events. Storm water leaving the detention ponds would then be allowed to spread out across the ground before flowing toward the lower adjacent properties. It was also stated that property owners in Hillwinds Estates had expressed concern over the concentration of storm water drainage above their homes and property. Town Engineer Doug Chapman met with the applicant, project engineer, and adjacent property owners to discuss their concerns. With proper easements obtained, it was recommended that the applicant convey the storm water leaving the detention ponds on lot #1 to the paved ditch along High Ridge Lane in Hillwinds Estates.

The proposed subdivision required that street trees to be planted or retained an average of every 30 feet on each side of the street. As recommended by the Planning Board, additional landscape screening should be placed around the proposed detention pond to shield from view of adjacent properties.

Planning Director Rothrock also stated that if the road was offered and accepted for public dedication, the Town would be responsible for street maintenance and snow removal.

In order for the subject property to connect to the Town's water and sewer system, the property would require annexation into the Town limits. Mr. Rothrock stated that water service was available to three (3) of the proposed lots (3, 4, and 5 only) at this time. Water and sewer service could be installed during road construction for lots 1 and 2, but service would not be immediately available.

During the July 20<sup>th</sup> Planning Board meeting, a recommendation was made for approval of the proposed subdivision and annexation of the property into the Town limits with the following condition:

1. That the proposed houses have multiple gutter downspouts that terminate onto splash blocks to maximize runoff dissipation and infiltration.
2. That double silt fences be installed during construction to further minimize off-site sedimentation.
3. That the trees and vegetation be retained between the proposed detention ponds and Hillwinds Estates.

Commissioner Tester had questions regarding the annexation process and asked for clarification from Planning Director Rothrock. Mr. Rothrock stated that a formal request for annexation would be required of the applicant. Commissioner Tester asked if Council was considering the request subject to annexation into the Town. Mr. Rothrock stated that was correct, the applicant would come before Council at a later date with the annexation request. Commissioner Tester asked if the project could be started before annexation. Town Manager Hildebran conveyed that formal recording of the document could not happen until the property was annexed, but the applicant could start the proposed project. Mr. Hildebran stated it would take some time to get the annexation request together, possibly by the September meeting.

Commissioner Tester also questioned water and sewer availability before the property was annexed into the Town. Mr. Hildebran stated that water was available for only one home at the present time, and annexation would be needed in order for the other lots to receive water. Mr. Hildebran also added the road would need to be completed before the plat could be recorded and water and sewer installation would run concurrent with that process.

Commissioner Klutz questioned if it would be best to wait until the annexation process was completed before starting the project. Mr. Rothrock stated the annexation would take a while, and in the meantime the project could begin.

Mr. Kevin Donovan, Project Developer, spoke regarding his proposed project, stating, he found this property appealing due the flatness of three of the lots and the open field on the property. He stated he would like to maintain the openness of the property. Mr. Donovan also stated his plan was for a low-density project with five homes instead of the seven allowed by the zoning ordinance. Mr. Donovan conveyed that the proposed project met all the Town Ordinance requirements.

Mayor Lawrence asked about an agreement with adjacent property owner Mr. Walker regarding water detention. Mr. Donovan stated that he had met with Mr. Walker regarding storm water management to see if there were additional measures that needed to be taken. Mr. Donovan stated this area was a natural drainage area that would not be changed. He stated that according to their calculations, water would be released at a slower rate than the natural flow at the present time.

Mr. Michael Trew of Municipal Engineering was available for questions regarding water detention for the project. He stated that he and the applicant had met with adjacent property owners, Mr. Walker, Mr. Jim Cherry and Mr. Mark Klein to discuss water detention for the area. He stated that Mr. Donovan had an agreement with Mr. Walker to install a pipe on his property to carry excess storm water should Mr. Walker experience problems due to the project. Mr. Trew stated this would be done as an extra measure should any problems arise. Commissioner Wiseman asked if the agreement with Mr. Walker was a written agreement or verbal. Mr. Trew stated it was a written agreement and a copy had been given to the Town Planning Director.

Commissioner Tester asked Town Engineer Doug Chapman if he agreed with what had been said and was comfortable that no issues might arise later on the Town would have to deal with. Mr. Chapman responded that several options had been discussed, and he felt the option discussed by Mr. Trew would be adequate.

Mr. Walker, adjacent property owner stepped forward to commend Town Planning Director Kevin Rothrock, Town Engineer Doug Chapman, and Public Works Director Johnny Lentz for the outstanding job they had done with this project.

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

Commissioner Tester entertained a motion to approve CUP #2006-10 as presented, seconded by Commissioner Lentz. Unanimously approved. **CUP #2006-10 Genmoore Subdivision Attached as Exhibit A**

## **2. Code Amendment – No-Thru Trucks (Ordinance #2006-04)**

Planning Director Rothrock presented Ordinance Amendment #2006-04 to Council for their review. Mr. Rothrock stated there had been several complaints regarding large delivery and construction-related trucks traveling on town streets of inadequate size, resulting in personal property damage and other traffic conflicts. Many residential streets are too narrow, curvy, or steep for truck drivers to navigate. The ordinance states that vehicles with more than two (2) axles would be prohibited unless the designation is located on the designated "no thru truck" street. Appropriate signage would be placed on the applicable streets to notify drivers, and information would be distributed to contractors for building sites in the regulated neighborhoods.

The table below shows an initial list of streets to consider as "no-thru truck" streets.

<b>Street</b>	<b>From</b>	<b>To</b>
Morris Street	Blowing Rock School	Chestnut Drive

Lower Chestnut Drive	Main Street	Blowing Rock Hospital
Pine Street	Main Street	Wallingford Street
Wonderland Trail	Laurel Lane	Laurel Lane
Ransom Street	Sunset Drive	Valley Blvd
Morningside Drive	Hwy 221	Green Street

At the July 20<sup>th</sup> meeting, the Planning Board recommended approval of the draft ordinance.

Commissioner Tester inquired as to what type of action would be needed to update the table. Town Manager Hildebran stated that Council would need to take action for further updates to the street list, but it would not require a public hearing.

Enforcement of this ordinance amendment was also discussed. Mr. Rothrock stated the “no-thru trucks” ordinance amendment would be enforced mainly by the Police Department and neighborhood watch as well as by signage and through the building permit process. Commissioner Tester asked if places such as Blowing Rock School and the Blowing Rock Hospital had been contacted since they would be affected by this ordinance change. Mr. Hildebran stated that John Aldridge had contacted those institutions and they did not have any problems with this change. Mr. Hildebran stated at the present time there was nothing in the town code addressing this problem which made it hard for the Police Department to enforce.

Council inquired who would be deciding on the appropriate signage. Mr. Rothrock stated that Police Chief Owen Tolbert and Public Works Director Johnny Lentz would probably decide on the signage.

Mr. Rothrock stated according to the Town Code, a fine of \$100.00 could be charged per offense. Commissioner Lentz asked if this fine increased with each offense. Mr. Rothrock stated it was not an incremental fine, such as the one in the noise ordinance. Commissioner Wiseman asked if this could be changed at a later date if they chose to. Mr. Hildebran stated that Council could change the penalty schedule if needed.

Council also decided that Maple Street needed to be added to the table of streets in the ordinance amendment.

Commissioner Tester suggested that staff check into changing the ordinance to discourage any large trucks being allowed in the village.

Upon a motion received by Commissioner Wiseman, seconded by Commissioner Ball, the public hearing was closed. Unanimously approved.

Commissioner Wiseman made a motion to accept Ordinance #2006-04 with the addition of Maple Street from Main Street to Sunset Drive to the table in Appendix 6-A. The motion received a second from Commissioner Klutz. Unanimously approved. **Ordinance #2006-04 Attached as Exhibit B**

## **New Business**

### **1. Blowing Rock Community Library – Sculpture**

Ms. Cantey Kelleher approached Council with a request for their support for the acceptance and placement of a sculpture in front of the Community Library to honor her aunt, Grace Carr, and to support public art.

Ms. Kelleher stated she had designed a 38”x21” foundry-cast bronze sculpture that depicted a small child reading a book on a bench. The sculpture would be placed near the Main Street entrance to the library. She also stated The Blowing Rock Community Club had unanimously endorsed the project.

Ms. Kelleher stated that her family would cover all expenses incurred with the cost of making the sculpture as well as installing it. She stated a plaque would also be placed near the sculpture.

After Commissioner Ball and Commissioner Wiseman thanked Ms. Kelleher for her wonderful gesture, a motion was made by Commissioner Wiseman to accept this sculpture honoring Ms. Carr. The motion received a second from Commissioner Ball. Unanimously approved.

### **2. Resolution of Consideration – Gideon Ridge Area (Resolution #2006-09)**

Planning Director Rothrock presented a resolution to Council for consideration that identified the Gideon Ridge and the Blowing Rock visitor attraction as areas for possible future annexation. The Town periodically identifies areas under consideration as a part of its comprehensive annexation process during the Town Council Retreat in January.

If the proposed resolution were adopted, it would permit the Council’s future ability to choose to conduct a Town-initiated annexation. However, adoption of this resolution would not require that the Council pursue a Town-initiated annexation.

North Carolina State Law regarding annexation included a requirement that the Planning Board and Town Council adopt a resolution identifying an area as being under consideration for annexation at least one year prior to adopting a resolution of intent to annex that area, if the annexation effective date is not to be delayed one year after adoption of an annexation ordinance.

The resolution of consideration would remain effective for two years. This requirement would not affect the Town's ability to act on petitions for annexation. For several years, Council had declared its intent to consider for future annexation the land outside the current town limits, where town utility services are needed or already exist.

During the revision of the Town's Comprehensive Plan, Council urged the Planning Board and staff to identify areas where growth was likely to occur and areas where water and/or sewer services were currently provided. The ETJ is an area that will likely experience growth and is regulated by the Land Use Code, while Gideon Ridge and the Blowing Rock already have the benefit of Town water service. These are two separate areas to be studied with the adoption of this resolution for consideration.

After reviewing the handouts regarding the proposed annexation, Commissioner Klutz questioned why three lots in the area were not included in the proposed annexation. Planning Director Rothrock stated there were no structures on the properties and adding those three properties to the proposed annexed property area would not meet N.C. General Statutes for annexation at this time.

Water and sewer services were discussed briefly, along with other issues. Town Manager Hildebran stated the proposed study would aid in answering any questions Council may have regarding the feasibility of the proposed annexation.

Commissioner Wiseman questioned what advantage the Town would have regarding the annexation. Mr. Hildebran advised the area of the proposed annexation was landlocked, allowing residents to utilize town streets, and the Blowing Rock name for advertisement of businesses in the area, receiving water services (although they were paying double rates at the present time), plus receiving police and fire protection. He stated the residents of that area should equally pay taxes the same as residents living within the town limits who received benefits of town services. Mr. Hildebran also stated if the area were to be annexed, water rates would be reduced to the in-town rate. Mr. Hildebran also advised the Town would not be required to supply sewer to this area until such time as sewer is available to all of in-town residents.

Sara Sellers Golini a representative of The Blowing Rock tourist attraction, questioned if this area were to be annexed and the Town did decide to run sewer to the area, who would be responsible for

the expense of that. Mr. Hildebran stated the proposed study would answer those types of questions. Mrs. Golini stated she felt the annexation would be a win-win situation for the Town as well as residents of that area.

Commissioner Wiseman made a motion to proceed with the Resolution of Consideration #2006-09 as presented, seconded by Commissioner Ball. Unanimously approved. **Resolution of Consideration #2006-04 Attached as Exhibit C**

### **3. Blowing Rock Emergency Fest – 2007**

Town Manager Hildebran presented Council with a request from the Blowing Rock Emergency Services Department to host the 5<sup>th</sup> Annual Emergency Fest on June 9, 2007.

The department also requested that they be allowed to close a portion of Park Avenue and Wallingford Street for the event; as well as the lower parking area at the American Legion building. Davant Field, Broyhill Park would also be utilized during the event. Use of the hydrant at the corner of Park Avenue and Wallingford Street, park benches and garbage containers would also be needed.

Commissioner Ball entertained a motion to approve Emergency Fest – 2007 as presented, seconded by Commissioner Tester. Unanimously approved.

### **4. Bids/Financing – 2006-07 Capital Equipment Purchases**

Mayor Lawrence asked to be excused from the discussion due to a conflict of interest.

Town Manager Hildebran presented Council for their consideration, bids for two (2) 4x4 SUV vehicles with trade-in and financing for the FY 2006-07 capital equipment purchases.

#### **BIDS FY 2006-07 POLICE CAPITAL EQUIPMENT**

The following bids were received for two (2) 2006 Ford Explorer 4x4 SUV's:

Ashe County Motors - \$45,404 plus equipment cost - \$53,574.00

Bobby Jones Ford-	Vehicles with equipment cost - \$52,594.90
Boone Ford-	\$47,712 plus equipment cost - \$55,882.00
Vic Bailey Ford-	No Bid

Police equipment includes – one (1) in-car video system, two (2) new light bars, and miscellaneous radio equipment and installation/labor. Staff recommended that the bid be awarded top low bidder Bobby Jones Ford for \$52,594.90, excluding tax, title and tags.

Mr. Hildebran stated the current FY 2006-07 budget included \$18,000 for a first year payment.

**FINANCING PROPOSAL – CAPITAL EQUIPMENT**

The Town of Blowing Rock received financing proposals from area banks to finance the acquisition of capital equipment approved in the FY 2006-07 Budget – the police vehicles and the public works truck.

The quotes were as follows:

Bank of Amercia	5.00%
BB&T	4.12%
First Citizens Bank	4.08%
RBC Centura Bank	4.34%
Wachovia Corp.	No Bid
High Country Bank	No Bid

Staff recommended that the financing for the lease-purchase be awarded to low bidder First Citizens Bank.

The loan amount would be up to \$74,000 for a term of 3 years, with a \$26,500 payment at closing for the first year and two (2) subsequent annual payments of \$25,213.00.

The final loan amount would be determined once all the capital equipment is received.

Mayor Pro-tem Lentz asked for a motion for action.

Commissioner Tester made a motion to award the bids as recommended by staff to the lowest bidder Bobby Jones Ford - \$52,594.90 and First Citizens Bank 4.08%. The motion received a second from Commissioner Ball. Unanimously approved.

## **5. Emergency Services - Personnel Staffing Agreement**

Council received a proposal from the Blowing Rock Fire Department to authorize the creation of a new Town of Blowing Rock Emergency Services Department Position, with funding provided for one-year by the Volunteer Department and then absorbed by the Town of Blowing Rock.

Emergency Services Director Kent Graham had previously discussed adding another employee once the new fire/rescue facility was completed possibly in the Fall/Winter of 2007. With the proposed partnership, the position could be created and filled earlier with the Blowing Rock Fire Department funding the position for the first year (January 1 until December 31, 2007), including all benefits, and the Town funding the position after the first year was over.

The primary duties for the position would include the 911 Addressing Project, general inspections, code enforcement, and public education. In addition, this position would respond to emergency calls for service.

Commissioner Tester entertained a motion to approve the personnel agreement as presented, seconded by Commissioner Ball. Unanimously approved.

### **Speakers from the Floor**

None

### **Departmental Reports**

Commissioner Lentz suggested that staff conduct a study on limiting any burning inside the perimeters of town. He stated with the equipment available today, such as chippers, trackhoes, etc. brush, limbs, and other debris could be disposed of without burning.

Mayor Lawrence asked what the process would be regarding this issue. Emergency Services Director Kent Graham stated once the new position was filled in his department, this person would be re-writing Chapter 12 of the Town Code that pertained to the Fire Department and this issue would be addressed then. He also advised according the Division of Air Quality there were very few places in town where burning would be allowed, if it were fully enforced.

Commissioner Klutz advised that he had noticed large amounts of brush being piled up in several areas of town due to residents not having a place to take it. He suggested that the Town locate an area for this, possibly at the wastewater treatment plant. Several other members of Council advised the Town had tried having a place for residents to dispose of brush and debris, but contractors and other non-residents of Blowing Rock were using the area to dump construction site materials, as well as other items. Council also stated there was no effective way to keep this from happening and the costs of disposing of the debris would be very expensive.

Commissioner Lentz felt there should be better enforcement regarding this and residents should be fined for leaving brush and debris along the roadways. Commissioner Klutz advised that he wasn't in favor of fining residents for this, since there was no place to take their debris. Town Manager Hildebran stated the town allows for two pickups per year and could charge for any others.

Mr Hildebran advised that bids for the new Emergency Services building were due by August 24, 2006 and several contractors had picked up bid specifications. Mr. Hildebran also extended his gratitude towards Council for their concern during his wife's recent illness.

## **Adjournment**

There being no further business to discuss, Mayor Lawrence recessed the meeting until 9:00 a.m. Thursday, August 8, 2006.

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

**J.B. Lawrence**

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

**Sharon Greene, CMC**