

# **MINUTES**

## **Town of Blowing Rock**

### **Board of Commissioners**

**September 12, 2006**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, September 12, 2006 in the Town Hall Council Chambers. Present were Mayor Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman and Tommy Klutz. Others attending were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Town 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 Lentz, seconded by Commissioner Ball, the minutes for meetings held on August 8, August 10, and August 22, 2006 were approved as written.

#### **Public Hearings**

Planning Director Kevin Rothrock and Charles Neal were sworn to speak during the public hearing.

#### **1. CUP #2006-14 Napier Building – Exterior Change**

Planning Director Kevin Rothrock presented Council with a request from Charles Neal for a conditional use permit to stucco and paint the sides of the Napier Building located at 1129 Main Street. The existing brick on the north and south elevations of the building were deteriorated beyond repair. Mr. Rothrock stated that the applicant proposed to stucco over the existing brick on both sides of the building.

During the August 17, 2006 meeting of the Planning and Zoning Board, a recommendation to approve the conditional use permit was made with the following conditions:

1. That the applicant receive approval from the building inspector and the structural integrity of the existing brick is verified.

Commissioner Wiseman stated the mortar was deteriorating and needed to be retooled and asked if the applicant planned to stucco the area instead. She had concerns regarding the vertical cracks and the hurricane rods in the building. She felt the building had structural problems that an engineer should assess. The applicant Mr. Neal stated a structural engineer had not looked at the building.

Commissioner Lentz asked if stucco met the designs standards of the Town. He felt this was a massive building and the proposed use of stucco would take away from the charm of the downtown area, whereas, the existing brick would be more appropriate for the downtown area.

Town Manager Hildebran stated that technically the proposed request for the use of stucco was allowed, but he understood Commissioner Lentz's concerns. Mr. Hildebran stated that Council could look into prohibiting the use of stucco in downtown in order to maintain the integrity and appearance of the downtown area.

Commissioner Klutz asked if wire lath was going to be used, and if so would it be nailed onto the building. The applicant replied that it would be used and that was how it usually was applied. Commissioner Klutz felt it would only accentuate the problem if it were not corrected. He stated that he would prefer that the applicant clean and re-grout the proposed area.

Mr. Neal stated that it would be very visible if it were done that way. He also stated the grout was approximately 100 years old.

Commissioner Tester stated it only amplified the concerns that Commissioner Klutz spoke of, with nails being put in the worst places where the grout was very old. He also inquired if this was the best way to fix the problem or just the least expensive way. Mr. Neal stated that it was not necessarily the least expensive because stucco would have to be used on the whole area not just the area in need of repair. Mr. Neal stated that stucco had been used on the back of the building approximately 10 years prior without any major problems occurring. Commissioner Ball asked if Mr. Neal had done the work then and if it had held up well. Mr. Neal stated that he had and it was holding up well.

Commissioner Wiseman was concerned that the stucco would cause too much weight to be added to the building. She was also concerned with the cause of the vertical cracks that were there now.

Commissioner Klutz asked if the building was brick or brick veneered. Mr. Neal stated it was brick. Commissioner Wiseman said that only added to her concerns since no block was present.

At this time Ginny Stevens asked Council if the contractor from Boone Construction could speak regarding this subject. Mayor Lawrence advised that anyone wishing to speak would need to be sworn in by the clerk. Mrs. Stevens and Mr. Ron Funk were duly sworn.

Mr. Funk advised that in older buildings like this one, sometimes there are several layers of brick that can be as much as 16 inches thick this could be measured by openings in the building such as windows and doorways.

Commissioner Lentz felt the building was too tall for this much stucco. He stated the intent of the code was to keep the downtown area looking as original as possible.

Mr. Neal asked Commissioner Lentz if he would be in favor of re-grouting and painting. Commissioner Lentz stated he would rather see it re-grouted than the use of stucco. Commissioner Klutz stated a clear sealant could be used instead of paint. He also stated before proceeding with this project he would like to hear a report from an engineer regarding the structural problems.

Mr. Neal stated he felt that two issues were being discussed; one being the structure and the other aesthetics. He felt if a decision could be made on the aesthetics, it would also help to determine what would be best structurally.

Commissioner Wiseman asked Planning Director Rothrock if the draft CUP stated a structural engineer would be required to inspect the proposed project. Mr. Rothrock stated that would not be needed, because he felt the building inspector's requirements would be sufficient. Commissioner Wiseman felt the integrity of the mortar as well as the brick should be verified. Mr. Rothrock stated the only reason the applicant came before the Planning Board and Council was because adding the stucco would be an exterior change. He stated if the applicant left the building brick no permit would be needed. He also stated that a building permit would be required if any structural changes were to take place.

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

Commissioner Lentz moved to deny the request for CUP # 2006-14 as presented, seconded by Commissioner Tester. Unanimously approved.

## **2. Code Amendment – Residential Driveway Definition (Ordinance #2006-06)**

Planning Director Rothrock presented Council with a clarification of the Land Use Code as it pertains to shared driveways, stating that a zoning subcommittee had met in August to study the issue. He stated the committee had developed the attached draft which was approved by the Planning Board.

The Town's policy in the past was to allow shared driveways for two lots. This limited land disturbance and provided access to existing lots that might otherwise be "landlocked". The policy had not allowed people to create lots that are landlocked and also have access through a shared driveway. Any lots created must have the required minimum width according to the Code.

The draft ordinance would simply clarify and codify the town policy regarding shared driveways as well as provide minimum width and slope standards for such access.

Commissioner Klutz inquired if the draft addressed access through residential property to commercial property. Mr. Rothrock stated the draft did not address this specifically, but the ordinance itself did.

Commissioner Lentz voiced his concerns regarding the percentage of grade for driveways as he felt there should be a leveling area at the end of a steep grade for safety purposes.

Commissioner Klutz also wanted to address the issue of driveways becoming roads in residential areas.

Mr. Rothrock asked if Council wished to address these issues at the present time, or would rather staff study it further and bring the issues back before Council at a future meeting. Commissioner Lentz stated he felt this issue should be tabled for further study.

Commissioner Wiseman made a motion to table the public hearing for Ordinance #2006-06 until the October meeting. Commissioner Klutz seconded the motion. Unanimously approved.

### 3. Financing Proposal – Emergency Services Building –Bids

Town Manager Hildebran presented Council with two Resolutions regarding financing for the proposed Emergency Services Building. He gave a brief history of the project stating that for years there has been a need for a new emergency services facility at a centralized location outside downtown Blowing Rock. The Town acquired two tracts of property along Valley Boulevard for this purpose. The Town also last year improved site conditions through a land exchange with an adjoining property owner. The proposed facility received approval from Council on February 14, 2006 in CUP #2006-01.

Since 2004, Town Staff has been researching potential financing options for the \$4 million plus Emergency Services Facility. The Town explored the possibility of acquiring a low interest loan from the USDA-Rural Development Administration's (RDA) Community Facilities Loan Program. A formal application was submitted and the Town was awarded a \$2,200,000 loan for a 40-year term at 4.25% interest rate, which covers a portion of the total cost. Based on construction bids received by the Town, \$2.5 million is still needed for the proposed project. The Town will need to finance that portion.

Town staff met with several area banks to discuss various financing options that were available and drafted requests for proposals (RFP's). The RFP solicited bank quotes for the following options:

**Option 1** – utilize the USDA loan of \$2,200,000 for 40 years and borrow up to \$2,500,000 for 20 years to cover the balance of USDA shortfall (This option requires an interim \$2,200,000 construction loan for the USDA portion, as required by USDA regulations).

**Option 2** – borrow up to \$4,700,000 for 20 years for the entire project costs.

On September 1<sup>st</sup>, the Town received a multitude of responses from the following banks – First Citizens, Wachovia, Bank of America, BB&T, RBC Centura, Northwestern, and AF Bank. The low bids received for each option are:

#### Option 1

<b>USDA</b>	<b>up to \$2,200,000</b>	<b>4.25%</b>	<b>40 years</b>
Wachovia	up to \$2,500,000	4.39%	20 years

RBC Centura up to \$2,200,000                      3.68%                      24 months – Constr. Loan

## Option 2

RBC Centura    up to \$4,700,000                      4.22%                      20 years

After reviewing all proposals, staff proposes to use Option 2 – an installment contract to finance the total project. Option 2 reduces the debt service term from 40 to 20 years and will allow the Town to save over \$1,282,000 in interest and fee costs in lieu of Option 1. **Overall Paycheck Comparison on Loan Options for Emergency Services Building -Exhibit A**

Due to the joint-use of the facility, the Blowing Rock Volunteer Fire Department has agreed to contribute up to \$1,350,000 towards the project cost over a twenty-year period.

Staff recommends that Council adopt Resolution #2006-11 stating its findings that an installment contract is a necessary and expedient method for the proposed project and authorizing filing of application of financing approval with the N.C. Local Government Commission.

Also, it is recommended that the Option 2 financing be awarded to low bidder- RBC Centura to borrow up to \$4,700,000 for 20 years at 4.22%, subject to approval by the Local Government Commission and adoption of Resolution #2006-12.

After some discussion, Commissioner Wiseman made a motion to accept Resolution #2006-11 to approve LGC application and #2006-12 to approve award of financing to RBC Centura, seconded by Commissioner Lentz.

Unanimously approved. **Resolution #2006-11 Exhibit B - Resolution #2006-12 Exhibit C**

## Old Business

### 1. Edgewood Cottage Restoration Project

Mrs. Ginny Stevens approached Council with an update regarding the restoration of Edgewood Cottage. Mrs. Stevens stated the building exterior was supposed to be finished by September 1, 2006 but several things had taken more time than they originally anticipated which put the project behind

schedule. Mrs. Stevens stated the project should move forward as planned at this time. She stated Boone Construction Co. had been hired as the general contractor, and introduced Mr. Ron Funk the project manager to Council to answer any questions they had regarding the project.

Commissioner Wiseman asked when the foundation would be poured and the building set. Mr. Funk replied in approximately 90 working days this should be accomplished.

Mrs. Stevens also asked for permission to have a plaque erected at the site keeping residents and visitors updated on their progress. Council was in favor of the plaque.

## **New Business**

### **1. Blowing Rock Emergency Services Building – Bids**

Town Manager Hildebran presented Council with several bids that were received for the Emergency Services Building. The bids were as follows:

Amber Contracting Co.	\$4,276,000.00
Blue Ridge Enterprises	\$4,393,000.00
David Looper & Co.	\$4,558,318.00
Enterline & Russell	No Bid
Hickory Construction	\$4,728,900.00
J.R Vannoy & Sons	\$5,282,500.00
Wilkie Construction	No Bid
Wishon & Carter	No Bid

Mr. Hildebran stated that project architect Garner & Brown A.I.A recommended the project be awarded to the lowest bidder, Amber Construction. He also stated site work could possibly begin the following week. Mr. Hildebran stated the money for the project would be available by October 15<sup>th</sup> and after permits were obtained, work could begin shortly thereafter.

Mr. Hildebran introduced Neal Brown of Garner & Brown and Doug Chapman of McGill Associates and also recognized Blowing Rock Fire Department President R.L. Sudderth and Emergency Services Director Kent Graham for all their hard work in helping to make this project happen.

A motion was made by Commissioner Lentz to accept the lowest bid of \$4,276,000.00 from Amber Construction for construction of the Emergency Services Building seconded by Commissioner Tester. Unanimously approved.

## **2. Glenmoore Subdivision- Annexation (Resolution #2006-13 & #2006-14)**

During their August meeting, Council approved CUP#2006-10 for the Glenmoore Subdivision. The applicant, Kevin Donovan requested that as part of the subdivision process the property be considered for contiguous annexation so water and sewer service could be available to the lots. A petition, map, and property description and two resolutions to initiate the annexation process were presented to Council for their review. If approved, a public hearing would be set for the October 10, 2006 meeting to consider the annexation of the subject property. Public Notices would also be mailed to adjacent property owners and advertised as required.

A motion was made by Commissioner Wiseman, seconded by Commissioner Ball to accept Resolution #2006-13 and #2006-14 as written. Unanimously approved. **Resolution #2006-13 Directing the Town Clerk to Investigate a Petition Received Under G.S. 160A-31 Attached as Exhibit D – Resolution #2006-14 Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 Attached as Exhibit E- Certificate of Sufficiency Attached as Exhibit F**

## **3. Mayview Madness -5k Road Race (November 11, 2006)**

Town Manager Hildebran presented Council with a request from the High County Conservancy to hold their 7<sup>th</sup> Annual Blowing Rock Mayview Madness 5K Run on Saturday, November 11, 2006.

The 3.1-mile race would begin at 8:00 a.m. at Blowing Rock School, continuing up to the Mayview area and ending at Memorial Park. The High County Conservancy would coordinate with the Blowing Rock Police Department on traffic control

A motion was received from Commissioner Tester approving the request, seconded by Commissioner Ball. Unanimously approved.

## **Speakers from the Floor**



Mr. Jim Greene of 711 Possum Hollow Road approached Council with his concerns regarding water run-off problems from Sunrise Cove onto his property. Mr. Greene stated he felt the water problems were coming from an access road that was cut by a local contractor. Mr. Greene stated with each hard rain he had to shovel and sweep mud and gravel from his property. He stated he also got water run-off from Charlie's Way located in front of his property. Mr. Greene inquired what could be done to remedy the situation. Council inquired if this was a town road and if the contractor had come before the town before the access road was cut. Public Works Director Johnny Lentz stated Sunrise Cove was a private road. Planning Director Rothrock stated some of the work was done before the Town took this area into the ETJ district and was more than likely handled by the County. Mr. Rothrock stated it was his opinion the water problems were coming from a collection of different things not just the road that was cut to access a home in the area.

Mr. Greene stated he felt the problem could be handled by extending the paved ditch located on his property upward towards an adjoining property in order to change the flow of water. Council stated the Town could not make any improvements to private property. Commissioner Lentz suggested that letters be sent to all property owners on Sunrise Cove letting residents know that something would need to be done regarding the run-off problems that neighboring properties were experiencing.

Mr. Greene also voiced his concerns regarding the Thunder Hole Historical Trail being closed by trees cut by a property owner in that area. Commissioner Lentz stated the town would check into this, but the trail was also out of the city limits. He felt this would be something the Park Service would need to address. Planning Director Rothrock stated he walked down into the area and talked with a property owner who had cut trees more than a year prior. Council assured Mr. Greene his concerns would be reviewed by staff.

Mrs. Ginny Stevens had questions regarding the town tree ordinance. Mayor Lawrence stated that any trees over 18 inches would require a permit from the town. Planning Director Rothrock stated if the trees were leaning over someone's home or dead, a permit would be required, but the town would not charge in these instances. But, if someone was cutting trees to enhance their view, or clearing property, a permit would be required and there would be a charge.

It was suggested that the tree ordinance be reviewed in the local newspaper for residents unaware of the guidelines. Town Manager Hildebran stated the Planning Board was in the process of updating the tree ordinance and within 60 to 90 days a new updated ordinance would be available.

## **Adjournment**

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

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

**J.B. Lawrence**

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

**Sharon H. Greene, CMC**