

## **MINUTES**

### **Town of Blowing Rock**

### **Board of Commissioners**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, January 9, 2007 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 Eric Brown, Building Inspector Jesse Horner, Emergency Services Director Kent Graham, Finance Officer Margaret Pierce, Parks & Recreation Director Jennifer Brown, and Town Clerk Sharon Greene.

#### **Call to Order**

Mayor Lawrence called the meeting to order and welcomed those in attendance.

#### **Approval of Minutes**

The minutes for meetings held on November 17, 2006 Closed Session, and December 12, 2006 were approved as submitted with a motion from Commissioner Lentz, seconded by Commissioner Ball. Unanimously approved.

#### **Public Hearings**

##### **1. CUP #2006-15 United Community Bank**

Mayor Lawrence excused himself at this time due to conflict of interest.

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

Planning Director Rothrock presented Council with a request from Bill Dixon on behalf of United Community Bank for a conditional use permit to renovate the former Los Arcoiris building located at 8036 Valley Boulevard for a new branch office. United Community Bank planned to make significant changes to the building which would include a new roof and a three lane drive-thru window. Additional landscape improvements were also planned.

A site plan for the proposed project was presented to Council which reviewed parking, landscaping and storm water management. The applicant also requested a waiver for a street setback of four (4) feet to construct the new roof and overhang facing Valley Boulevard.

Planning Director Rothrock stated that Council must vote specifically on each finding of fact in Section 16-189 of the Land Use Ordinance. After voting on each finding, Council would vote on the waiver request.

Mr. Rothrock also stated during the December meeting the Planning Board recommended approval of the conditional use permit application with the setback waiver as requested.

Commissioner Tester voiced his concern regarding traffic flow. He asked if there would be adequate room for large vehicles associated with the gas company that adjoined the proposed property. Planning Director Rothrock stated there appeared to be adequate access.

Commissioner Tester also inquired if it made sense for the proposed project to put a sidewalk in with the planned highway widening. Planning Director Rothrock stated that it was consistent with what the town usually did. Commissioner Tester also asked about the setbacks and if they were measured with respect to the highway. Planning Director Rothrock stated the right-of-way for the highway was not changing on that side and should not interfere with this property.

Project Architect Bill Dixon approached Council stating that he had been before the various town boards regarding this same property several times, and this project, in his opinion, was the strongest use for this property that he had dealt with so far. He stated the United Community Bank would be a great asset to the town and turn a property that was an eye-sore into something much more attractive. He also stated that the proposed traffic configuration would accommodate the tractor trailer type vehicles.

Commissioner Tester inquired about the 4-foot extension that was to be added to the building and if it was primarily for aesthetics. Mr. Dixon stated the extension was a visual enhancement. Commissioner Tester asked why it had to be four feet. Mr. Dixon stated that it added depth to the building.

Commissioner Ball asked if the timbers that were to be used on the front of the building were of substantial size. Mr. Dixon stated they were comparable with the timbers used on a motel in the same area.

After receiving a motion from Commissioner Wiseman, seconded by Commissioner Klutz, and agreed upon by all members, the public hearing was closed. Mayor Pro-tem Lentz asked for further discussion, with no further discussion Mayor Pro-tem Lentz asked that Council vote on the following findings of fact:

1. **Will not material endanger the public health or safety. (Aye-all)**
2. **Will not substantially injure the value of adjoining or abutting property. (Aye-all)**
3. **Will be in harmony with the area in which it is to be located. (Aye-all)**
4. **Will be in general conformity with the Master Plan or other plan officially adopted by the Board. (Aye-Ball, Wiseman, Klutz No- Tester)**
5. **Will be in substantial conformity with the intent of the regulations contained in this Article. (Aye-Ball, Wiseman, Klutz No-Tester)**

A motion to approve CUP #2006-15 with the waiver request, was given by Commissioner Wiseman, seconded by Commissioner Ball. Commissioner Tester stated the reasoning behind his vote was that he felt it was setting precedence for other potential projects in that area. Commissioner Ball stated she agreed with Commissioner Tester to a certain extent, but since the building existed already the extension enhanced the looks of it tremendously. Commissioner Tester felt the architect could find another way without the 4-foot extension to enhance the building.

Commissioner Wiseman commended United Community Bank and Mr. Dixon for their work on the project, stating it would be a wonderful addition to the by-pass. Commissioner Tester said in spite of his objections he too felt they had done a fine job.

In favor of the motion were Ball, Wiseman, and Klutz. Against was Tester. Motion carried. **CUP #2006-15 United Community Bank Attached as Exhibit A**

Mayor Lawrence returned to the meeting at this time.

## **2. Code Amendment – Windmills (Ordinance #2006-11)**

Planning Director Rothrock stated in the month of December the Planning Board recommended approval of a draft ordinance that prohibits the use of windmills and wind energy devices in the Town's planning and zoning jurisdiction, stating they agreed that windmills and wind energy devices were not appropriate for Blowing Rock. They also expressed support for sustainable energy sources and its benefit to the environment. The Planning Board concurred that the wind energy ordinance could be further studied as wind energy technology continues to evolve.

A draft ordinance amendment to Section 16-149 of the Land Use Ordinance that would effectively prohibit the use of windmills, wind energy devices and associated towers in the Town's planning and zoning jurisdiction ( Town limits and ETJ) was presented to Council for their review and discussion.

Mr. Rothrock stated the town had discussed this issue back in October of 2004 and after further reviews and studies staff and planning board had come up with the draft ordinance. He also stated that he had received one letter regarding this amendment from O. Wayne Green asking that the town check with the town attorney with regard to the town having the ability to regulate with an ordinance such as this. Mr. Rothrock stated he had discussed this issue with Mr. Moseley and the Institute of Government and concluded the ordinance regulation was allowed.

Mr. Rothrock stated that Watauga County was the first county in North Carolina to establish an ordinance regulating the use of windmills and wind energy devices. Commissioner Tester stated that North Carolina General Statutes allowed tax credits for windmill devices and this would in effect be taking something away from the Town.

Commissioner Tester asked if Mr. Rothrock had a definition for wind energy device. Mr. Rothrock stated he did not have an official definition at this time. Commissioner Tester expressed if the Town was to have this ordinance, an official definition would be needed and after looking on the internet, he

had found that instead of a wind energy device, it was usually referred to as a wind energy generator. He felt the town should use the common technology in case it was ever challenged.

Commissioner Tester stated the reason for this ordinance amendment was very vague to him, that it seemed like the only reason the town did not want to allow these devices was for visual reasons only. Commissioner Wiseman stated she did not have a problem with the way it read at present time, because she felt the town's primary concern at this point was aesthetics.

Commissioner Tester stated he felt the town was putting up a shield against these devices because of visual impacts but he felt in the near future there would be wind capturing devices around that would not be that visible. He felt this type of technology would be very desirable to have. He also stated he felt this would be counter-productive in the long run. Commissioner Wiseman disagreed, stating the Land Use Ordinance was a living document that could be changed frequently and the way this ordinance was written with the statement "at this time we so desire to prohibit these devices" she felt the door would be open in the future for change due to technology. Ms. Wiseman asked Mr. Tester if he would feel more comfortable with wind energy generator instead of wind energy device. Mr. Tester stated either wording would be fine as long as an official definition was given.

Commissioner Tester asked if the town was against this for visual reasons only and he was very unclear as to what the Town wanted to accomplish.

Commissioner Klutz stated he was against this ordinance. He felt this was an ongoing problem and he hated to see the town zone themselves out of something that could potentially change everyone's lives.

Town resident Earl Horne stated a Town ordinance was already in place regulating towers and asked why not modify the existing ordinance to include windmill devices. Mr. Rothrock stated the existing ordinance was specifically written for cell phone towers, radio towers, etc. Mr. Horne asked if this ordinance could be modified to include wording for wind system devices. Mr. Rothrock stated that in his opinion, that would not be the best approach.

Mr. Rothrock asked if Council wished for this discussion to be tabled until later, so the ordinance could be rewritten to include better language and a definition. Town Attorney Allen Moseley inquired if Council was in agreement on what exactly they were trying to stop and if dimensions needed to be mentioned. Council was in agreement that wording to include dimensions would be needed.

Commissioner Lentz stated he felt land values in Blowing Rock would keep people from putting up windmill devices, because they could buy electricity cheaper.

Mr. Rothrock stated he could see the possibility of a device such as this at Glenmoore Subdivision because it was a good source of energy and the developer was interested in that type of energy source.

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

Commissioner Wiseman made a motion to adopt Ordinance #2006-11 and to incorporate a definition for wind energy device, seconded by Commissioner Ball. Aye-Wiseman & Ball. No-Lentz, Tester & Klutz. Motion failed.

Another motion was given by Commissioner Tester to send this ordinance back to the Planning Board for further review, and better define exactly what the town was trying to prohibit specifically plus include a definition. He also added the current moratorium should continue for at least a 3-month period until the Planning Board brought this issue back before Council. Commissioner Ball seconded the motion. Unanimously approved. **Draft Windmill Ordinance #2006-11 Attached as Exhibit B**

### **3. N.C. Park & Recreation Trust Fund – Grant Application ( Resolution #2007-01)**

Town Manager Scott Hildebran presented to Council for consideration, a resolution formally authorizing the filing of a grant application to the NC Park and Recreation Trust Fund stating the requested grant in the amount of \$500,000 would be used to construct a new swimming pool facility, bathhouse, public restrooms, picnic shelter and playground area. The Town would then provide 50% local match (or \$500,000). The local match would come from existing pool capital reserve funds and from future undesignated capital reserve funds.

Town Engineer Doug Chapman addressed the proposed project and presented a preliminary design and a cost estimate of the complex stating the design was similar to previous discussion since the adoption of the Parks & Recreation Master Plan. He also said it was originally thought the existing pool and bathhouse could be renovated, but with the age of the existing pool (approximately 50 years) it could fail at anytime.

Commissioner Tester asked if the total anticipated cost would get everything for the pool area that was included in the 2005 Parks & Recreation Master Plan. Mr. Chapman stated he felt that it would. He also discussed the project design. Commissioner Klutz asked if 10 or 15 years in the future, a structure

could be added to enclose the pool. Mr. Chapman stated it had been discussed but it would add a lot of cost to the project as well as a lot of maintenance. Town Manager Hildebran stated that 5 or so years ago the town considered an enclosed facility but due to structure costs and greatly increased operating costs, the idea was abandoned. Also, Watauga County and the Wellness Center both have indoor pools. Commissioner Klutz felt with the added population in the next 10 years, there would be a greater need for a sheltered pool. Mr. Hildebran also noted that Chetola Resort, as well as the Meadowbrook Inn had indoor pools available for use at a nominal fee. Jennifer Brown, Parks & Recreation Director stated that Blowing Rock's pool was only one of two outdoor pools in the County and this was a big draw for residents of Watauga County and surrounding counties.

Commissioner Tester asked if there were sufficient funds for the proposed facility. Town Manager Hildebran stated the funds were growing at this time, with \$125,000 of the \$500,000 already set aside as well as other un-appropriated funds.

Area resident, Carol Horne inquired if during the construction process would the community be without a pool facility for a complete season. Mr. Chapman stated that it was hard to say but very probable. He also said it would probably be the year 2008 because they would not hear about the grant until May or June of 2007.

Commissioner Wiseman made a motion to approve Resolution #2007-01 as submitted, seconded by Commissioner Klutz. Unanimously approved. **Resolution #2007-01 Robbins Pool Grant Applications-NC Park & Recreation Trust Fund and Cost Estimate Attached as Exhibit C**

## **New Business**

### **1. Surplus – Equipment (Resolution #2007-02)**

Town Manager Hildebran presented Resolution #2007-02 for adoption by Council authorizing an appropriate Town Official to dispose of personal property valued at less than \$5,000 through use of informal procedures to obtain fair market value on the following items:

- 1990 Nissan Fork Life 555230 w/3 phase Charger – 384CS11435
- Western Spreader w/ Briggs & Stratton Engine-5604
- Western Spreader w/ Tecumseh Engine-5620
- 4-Good Year Eagle RSA Tires-15" P22570R15

A motion to accept Resolution #2007-02 was given by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved. **Resolution #2007-02 Declaring Surplus Property & Authorizing Disposal Attached as Exhibit D**

Town Manager also presented Council with a Proclamation proclaiming February 27, 2007 as Spay Day USA. A motion to accept the proclamation was made by Commissioner Lentz, seconded by Commissioner Ball. Unanimously approved. **Proclamation Spay Day USA Attached as Exhibit D**

### **Speakers from the Floor**

Mrs. Carol Horne a resident of 316 Clark Street approached Council with her request for more sidewalks along area streets, in particular Ransom Street. She felt this street was used frequently by walkers possibly going to the pharmacy, restaurants etc.

Mayor Lawrence thanked Mrs. Horne for bringing this to their attention. He felt this street was a top priority particularly from Church Street down to Sunset Drive. Town Manager Hildebran stated that McGill Associates were studying the County Alternative Transportation Plan which included sidewalks for Ransom Street and Morris Street to Chestnut. He also stated the cost would not be cheap.

Commissioner Lentz mentioned several years ago Ransom Street was the first street planned for sidewalks when Ransom Street Apartments were built, because a sidewalk was installed with that particular project.

Commissioner Wiseman inquired if the Town would have to purchase right-of-way easements from property owners. Town Manager Hildebran stated that 51 percent of residents located on the street would need to agree on a sidewalk and that most towns assessed the property owners for one-half of the cost with the town paying for the rest.

Commissioner Klutz stated one of his neighbors on Ransom Street said a sidewalk was promised many years ago, possibly since 1959. He also stated that he had observed hundreds of people walking along Ransom Street for recreational purposes, students walking to school, etc. Commissioner Lentz advised that residents along Ransom Street should get together and agree to the right-of-way easements for the sidewalk. Commissioner Klutz stated he felt most of the residents were in favor of a sidewalk.

### **Departmental Reports**



Town Manager Hildebran wished Parks & Recreation Director Jennifer Brown a happy birthday and extended his sympathy to Town Engineer Doug Chapman on the recent loss of his father. He also expressed early birthday wishes to Commissioner Wiseman.

## **Adjournment**

With no further business to discuss, Mayor Lawrence adjourned the meeting at 8:00 p.m.

**MAYOR** \_\_\_\_\_

**J.B. Lawrence**

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

**Sharon H. Greene, CMC**

## **ATTACHMENTS:**

- **CUP #2006-15 United Community Bank (Exhibit A) Resolution #2007-01**
- **Draft Windmill Ordinance (Exhibit B)**
- **Robbins Pool Grant Application & Cost Estimate (Exhibit C)**
- **Resolution #2007-02 Surplus Property (Exhibit D)**
- **Proclamation Spay Day USA (Exhibit E)**