

## **MINUTES**

### **Town of Blowing Rock**

### **Board of Commissioners**

**June 12, 2007**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, June 12, 2007 at 7:00 p.m. at the Town Hall Council Chambers. Attending were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman 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 Eric Brown, Finance Director Margaret Pierce, Building Inspector Jesse Horner, Parks & Recreation Director Jennifer Brown, EMS Paramedic Chip Suddreth, Planning & Zoning Intern Patrick Heavner, and Town Clerk Sharon Greene.

### **CALL TO ORDER**

Mayor Lawrence called the meeting to order at 7:05 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 May 9, 21, 22, 24, and 29, 2007 were approved as written. Unanimously approved.

### **PUBLIC HEARINGS**

#### **1. FY 2007-2008 Budget (Ordinance #2007-04)**

Mayor Lawrence opened the public hearing on the FY 2007-2008 Budget.

Town Manager Scott Hildebran presented Council with FY 2007-2008 Budget for their approval. Mr. Hildebran briefly discussed several aspects of the budget such as the property tax rate remaining at \$0.028 per \$100 of the property value. He also stated the budget included a 5.0% base rate adjustment on water/sewer rates, an increase in water/sewer availability fees for new residential connections (\$600 per bedroom to \$750 per bedroom each for water and sewer), and a new method of calculating zoning permit fees and building permit fees for new residential and commercial construction—going from an estimated cost of new construction method to square footage fee for new construction. Mr. Hildebran advised that all other Town fees and charges would remain the same in FY 2007-2008.

Mr. Hildebran thanked the Town Staff for their hard work in the budget preparation.

With no public comment, Commissioner Wiseman made a motion to close the public hearing, seconded by Commissioner Ball. Unanimously approved.

A motion to approve the FY 2007-2008 Budget was made by Commissioner Wiseman, seconded by Commissioner Klutz. Unanimously approved. **Ordinance #2007-04 Exhibit A**

## **2. CUP #2007-05 Dr. Adam Hill Dentistry**

Sworn to speak during the public hearing were Planning Director Kevin Rothrock, Project Engineer Michael Trew, and Dr. Adam Hill.

Planning Director Kevin Rothrock presented a request from Dr. Adam Hill for a conditional use permit to renovate and convert an existing single-family residence to a new dentist office.

Mr. Rothrock stated the footprint of the existing home would remain the same with most of the improvements being to the interior of the structure. He also advised the septic system for the home was inadequate at the present time and the applicant would be required to connect to town sewer with an easement through the Food Lion parking lot.

Mr. Rothrock advised that a storm water detention pond would be constructed on the lower side of the building to account for the impervious run-off.

Mr. Rothrock also advised that a portion of the creek behind the building would be piped to accommodate the proposed parking lot and the Army Corps approval had been obtained for the in-stream work.

The Planning Board recommended approval of the conditional use permit during their meeting held on May 17, 2007.

With no further discussion, a motion to close the public hearing was made by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved.

A motion to approve CUP #2007-05 was made by Commissioner Tester, seconded by Commissioner Lentz. Commissioner Wiseman asked if Commissioner Tester would consider amending his motion to include the words "if needed" to 2 (a) in the CUP. Commissioner Tester agreed to this change, seconded by Commissioner Lentz. Unanimously approved. **CUP #2007-05 Exhibit B**

### **3. Newspaper/Magazine Rack Placement in the CBD (Ordinance #2007-05)**

Planning Director Rothrock presented Council with Ordinance #2006-05 for their approval, stating that over the past several months, the Planning Board had studied the placement of news and magazine racks within the Central Business District due to several complaints from concerned citizens regarding the uncontrolled proliferation of these racks in the downtown area. Mr. Rothrock also advised the 2004 Comprehensive Plan suggested that the regulation of excessive obstructions on public sidewalks be reviewed. Mr. Rothrock pointed out that several communities in North Carolina had addressed this issue recently.

A subcommittee was formed to evaluate existing sidewalk conditions and opportunities for safe placement of news racks and magazine racks and the committee had reviewed ordinances from Raleigh, Chapel Hill, Wilmington and Salisbury and a recommendation was made by the subcommittee to regulate placement and design of the news/magazines racks on public sidewalks. Also, according to the subcommittee, only one location was appropriate for the racks, along the building wall between Wachovia Bank and Vincent Properties. They advised that other locations may be available in the future. Mr. Rothrock conveyed the location chosen by the subcommittee was the only location that met the clearance guidelines. It was also recommended that the news/magazine racks be uniform in color (black).

The subcommittee also recommended that placement and design of the racks on private property in the Central Business District be regulated by the Town.

Commissioner Tester asked why the color black was chosen for the racks. Mr. Rothrock stated that benches along the sidewalks, trashcans and lamp posts were black and the subcommittee felt the racks should be the same.

Commissioner Klutz asked if anyone had thought about the evolution of these racks and why they were located where they were. He felt that citizens needed several places (at least four) to get their newspapers not just one location.

Mr. Rothrock stated the number of racks had grown, becoming a safety issue, since there was not adequate room on the sidewalks for pedestrians. Commissioner Lentz agreed this was a safety issue and felt things had gotten out of hand and Main Street should be cleaned up. Commissioner Klutz agreed the racks needed to be more organized. Commissioner Wiseman felt this was a liability issue for the town since the racks were located on town property. She also agreed that Main Street needed to be cleaned up and felt that people could go inside establishments to get magazines or newspapers.

Commissioner Tester stated that TDA funding might be available for the modular units being discussed, and to better serve the tourist, newspaper racks should be placed inside motels.

Resident Ginny Stevens voiced her opinion regarding the issue, stating she felt it was a good idea to have one or two central locations to get these publications and that Main Street needed to be rid of so many news/magazine racks.

Commissioner Lentz felt the racks should be located on town property so the town could have some control over the situation. He felt the Pictorial Museum might be an appropriate area for the racks.

Council asked if Planning Board member Sue Sweeting would like to address the matter. Ms. Sweeting acknowledged that she was a member of the subcommittee that reviewed this, and it had become a safety issue and also did not meet A.D.A. guidelines. She also stated the subcommittee had chosen the color black since the garbage containers and lamp posts on Main Street were black.

Commissioner Wiseman felt *The Blowing Rocket* should have priority over other publications since it was part of the Town. Mr. Rothrock stated the local newspaper was among the list of top priority publications that would be allowed.

After further discussion, a motion was made by Commissioner Tester to close the public hearing, seconded by Commissioner Ball. Unanimously approved. Commissioner Tester continued with a motion for staff and Planning Board to re-write the ordinance and that the only acceptable place for the news/magazine racks on public or private property be provided by the Town of Blowing Rock. Commissioner Ball seconded the motion. Tester, Ball, Lentz & Wiseman voted in favor of the motion. Commissioner Klutz was against the motion. Motion carried.

## **OLD BUSINESS**

### **1. Code Amendment - Wind Mills (Ordinance #2006-11)**

During the May 8, 2007 meeting, Council voted not to approve the draft ordinance to regulate wind energy systems recommended by the Planning Board. Instead, Council requested that an ordinance be drafted prohibiting wind energy systems in Blowing Rock for their review during the June meeting. Mr. Rothrock presented Ordinance #2006-11 stating wind energy systems would not be allowed in the Town of Blowing Rock at this time and reconsider as technology advances are made.

Without further discussion, a motion was made by Commissioner Tester to approve ordinance #2006-11 prohibiting wind energy systems within the Town of Blowing Rock's planning and zoning jurisdiction, seconded by Commissioner Wiseman. Unanimously approved. **Ordinance #2006-11 Exhibit C**

### **2. Gideon Ridge Area Annexation (Ordinances #2007-06 & #2007-07)**

Planning Director Kevin Rothrock presented Council with two ordinances for the possible annexation of two areas in Gideon Ridge, this being part of an on-going process required for the annexation. He advised on February 13, 2007, Council initiated procedures by adopting the Service Report which describes the Town's plans for extending and financing municipal services such as police, fire, street maintenance, etc. He also advised the following items had been completed as required:

- Notification was mailed to property owners on February 20, 2007, in accordance with state statute.
- Notification for the public informational meeting and public hearing was published in the *Blowing Rocket* on March 22<sup>nd</sup> and March 29<sup>th</sup> 2007.
- A public information meeting on each area was held on April 5, 2007.
- A follow-up letter to the public informational meeting was written and mailed to affected property owners on April 20, 2007.
- A public hearing on each area was held on May 8, 2007.

He also advised following the public hearings being held presently, Council could annex these two areas effective June 30, 2008, upon which the corporate limits of the Town of Blowing Rock would be extended.

Mr. Rothrock stated that North Carolina State Law (General Statute 160A-48) establishes standards that each area must meet in order for that area to qualify for a Town-initiated annexation. The standards require the following:

1. Both annexation areas are contiguous with the Town's corporate limits.
2. Over one-eighth (12.5%) of the total boundary of each area coincides with the existing town limits.
3. Neither area is within the boundary of an incorporated municipality.
4. The proposed town limit boundaries resulting from this annexation utilize property lines and/or streets.
5. The areas are developed for urban purposes. Area 1 is entirely commercial and Area 2 is at least 66.7% (60% required) developed for urban purposes (commercial and residential).
6. Neither area is within an existing water or sewer district.

A Resolution of Consideration was adopted on August 6, 2006, less than one year before the Resolution of Intent was proposed for adoption, making the effective date of annexation June 30, 2008, which must be between 1 year and 400 days from the date of the adoption of the annexation ordinance (June 12, 2007).

Upon a motion from Commissioner Wiseman, seconded by Commissioner Lentz, Ordinance 2007-06 and 2007-07 were adopted as presented. Unanimously approved. **Ordinance 2007-06 and 2007-07 Exhibits D & E**

## **NEW BUSINESS**

### **1. Land Use Code Consultant Selection**

During the Council Retreat held in January of 2007, Council decided the Land Use Code needed to be evaluated for consistency and clarity. A proposal from Mr. Michael Egan, Attorney-at-Law was presented by Mr. Rothrock for Council's approval. Mr. Rothrock advised after speaking with and receiving proposals several private planning organizations and individuals that work with local governments on code restructuring, staff recommended the services of Michael Egan. Mr. Rothrock advised Mr. Egan had worked for the City of Hendersonville as a staff attorney, facilitator, and counsel to the Historic Preservation Commission and their Board of Adjustment with over 30 years of legal experience, much of it in land use and environmental law. Mr. Rothrock stated if Council approved the selection of Mr. Egan he would work closely with staff to assist in clarifying and modernizing the Land Use Code.

After reviewing Mr. Egan's credentials, Commissioner Lentz made a motion to accept Mr. Egan's contract as presented, seconded by Commissioner Wiseman. Unanimously approved. **Michael Egan Contract Letter Exhibit F**

## 2. **2007 N.C. Clean Water Act – Resolution of Support (Resolution #2007-08)**

Council received a resolution in support of a state bond for funding of the N.C. Clean Water Act for their review. Town Manager Hildebran stated the leading policy organization for North Carolina was requesting local government entities to support a \$500 million state bond referendum to finance needed improvements to water and sewer systems. He also advised that North Carolinians had previously approved \$800 million in bonds for water and sewer infrastructure in 1998 and according to a Rural Center Analysis, those funds financed 1,103 improvement projects in 97 counties.

Mr. Hildebran advised that North Carolina House Bill 127 and Senate Bill 208 have been introduced this session authorizing a public referendum to approve \$500 million in clean water bonds and appropriating an additional \$50 million over the next two years to fund urgent water and sewer construction projects.

Commissioner Tester, seconded by Commissioner Ball made a motion to accept Resolution #2007-08 as presented. Unanimously approved. **Resolution 2007-08 Exhibit G**

The water shortage situation due to the on-going drought was discussed briefly, with Mr. Hildebran stating the Town was presently under voluntary water conservation, but a Stage II Water Shortage Advisory would be needed soon.

A motion to move forward with the Stage II water advisory was given by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved.

## 3. **Budget Amendment (Ordinance #2007-08)**

Town Manager Hildebran presented budget amendments for year-end adjustments to Council for their approval for fiscal year 2006-2007. Mr. Hildebran explained Section One addressed the General Fund and the following allocation of funds received: TDA for Occupancy Tax funds received above budget, donation from Winterfest, interest income, etc. These revenues are to appropriate funds for a Big Belly Color Compactor, Planning Department vehicle replacement, additional paving, and July Fourth Festival 2007 which occurs in this budget year. Section Two addressed the General Capital Projects Fund and recognizes additional revenues received from Winterfest for Parks & Recreation Capital Projects and the transfer from General Fund for the trees and sidewalk funds, Section Three being

Water/Sewer Fund allocations from Administration to Field Operations for additional meter repairs and replacement and Section Four, the Water/Sewer Capital Projects Fund to remove the grant for the infiltration and inflow study.

Mr. Hildebran inquired if Council had questions regarding the budget amendments. Commissioner Lentz questioned the vehicle replacement for the Planning Department. Mr. Hildebran advised that staff had located a 2002 Dodge Ram truck with approximately 59,000 miles as a replacement for the Subaru they currently had. Commissioner Lentz stated that the purchase a new truck might be more feasible because of the longer life expectancy and having a warranty on the vehicle. Commissioner Klutz also felt a newer vehicle would get better gas mileage than an older truck. Commissioner Lentz stated he would like for the Town to accept bids for a new vehicle in the new budget year. Town Manager Hildebran said an amendment would be needed to the FY 2006-2007 budget to remove the amount appropriated for the vehicle.

Commissioner Lentz made a motion to approve the budget amendments as presented, seconded by Commissioner Klutz. Unanimously approved. **2006-2007 Fiscal Year Budget Ordinance Amendment 2007-08 Exhibit H**

#### **4. High Country Host Visitor Center – Resolution of Support (Resolution #2007-09)**

Town Manager Hildebran presented Resolution #2007-09 to Council for their approval. He advised of tentative plans to close the visitor center located in Boone in 2009 due to the opening of a new center in Wilkes County and lack of NCDOT funding. Mr. Hildebran stated he had received a call from Representative Cullie Tarleton requesting support from the Town regarding this issue.

Commissioner Wiseman made a motion to accept Resolution #2007-09 in support of continued funding for the High Country Host Visitor's Center, seconded by Commissioner Klutz. Unanimously approved. **Resolution #2007-09 Exhibit I**

#### **Other**

Mr. Hildebran gave an update regarding the \$500,000 PARTF Grant to be used towards the Grover Robbin's Pool Complex, stating that he would continue pursuing additional funds from other areas.

Mr. Hildebran also advised the pouring of concrete in Memorial Park near the Gazebo was planned for week following the July 4<sup>th</sup> holiday.

#### **Speaker from the Floor**



Mr. Frank Thomas of 507 Mayview Manor Court, asked to speak regarding the Blowing Rock Community Library. Mr. Thomas stated in his opinion the library was not adequate for the residents of Blowing Rock. He stated the Watauga County Library was a wonderful asset, but the residents of Blowing Rock should not have to drive the distance in order to utilize it. Mr. Thomas felt the residents of Blowing Rock deserved a more updated facility.

Mayor Lawrence thanked Mr. Thomas for sharing his concerns.

### **Adjourn**

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

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

**J.B. Lawrence**

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

**Sharon Greene, Town Clerk**