

MINUTES

Town of Blowing Rock

Board of Commissioners

Regular Meeting – September 11, 2007

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, September 11, 2007 at 7:00 p.m. at the Town Hall Council Chambers. Attending were Mayor 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, Police Chief Eric Brown, Public Works Director Johnny Lentz, Emergency Services Director Kent Graham, Building Inspector Jesse Horner, 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 asked for a moment of silence in remembrance of the tragic 9-11 attack on the World Trade Centers in 2001.

APPROVAL OF MINUTES

Upon a motion received from Commissioner Wiseman, seconded by Commissioner Ball, the minutes for the regular meeting as well as the closed session meeting held on August 14, 2007 were approved as written. Unanimously approved.

PUBLIC HEARINGS

Sworn to speak during the public hearing were Planning Director Rothrock and applicant Wil Bailey.

1. **Holli's House of Biscuits – CUP #2007-08**

Planning Director Kevin Rothrock presented Council with a request from Mr. Wil Bailey for a conditional use permit to renovate the former Pearl China Restaurant into a new restaurant named Holli's House of Biscuits. The property has some nonconforming situations such as parking lot landscaping, sidewalk, and underground utilities that would be improved to more closely meet the Land Use Ordinance. The coin laundry located in the basement of the building would no longer be in operation.

Mr. Rothrock went over the site plan for the building as well as parking and storm water management. Landscaping and the proposed sidewalk were also discussed.

The following exterior changes were proposed:

- The existing exhaust fan on the front of the building would be screened from view and painted to match the building.
- The north, south, and east building elevations would be painted. The rear of the building would remain green to blend with the surround vegetation.
- New wall lighting would be installed.
- The existing deck would be stained but would not be used.
- The existing chimney would be repaired and repainted.

Other proposed changes were a new dumpster and screening, and ADA ramps and accessibility issues would be compatible with the NC Building Code.

During the August meeting of the Planning Board a recommendation to approve the conditional use permit with the following condition was made:

1. The existing propane tank was to be buried, painted or screened.

Commissioner Klutz inquired if the dumpster pad would be near the stream located close to the property. Planning Director Rothrock stated it was located approximately 30 feet from the stream to allow for direct delivery and pick up of the dumpster. Public Works Director Johnny Lentz stated the County Health Department required the dumpster pad to be tied directly into the Town sewer system.

Commissioner Klutz stated he was told 20 years ago about engineering problems with the building and wanted to know if those problems had been rectified. Mr. Rothrock stated he was not aware of those problems but an engineer had gone through the building prior to the applicant's lease and no structural problems were noted.

Commissioner Ball asked if the stairway was secure in case of fire in the building. Mr. Bailey stated additional work would be done to the staircase to make it as safe as possible even though it would not be in use at this time.

Commissioner Tester asked if the basement of the building would be utilized at all. Mr. Bailey informed Council the basement had been cleaned out and nothing would be stored there.

Mr. Bailey assured Council of improvements planned for the stairway on the building and also addressed the dumpster issue by stating he had contracted with GDS to change out the dumpster with a clean one so there would not be any washing of the dumpsters on site. He also stated a screen would be installed around the dumpster site. Mr. Rothrock advised that staff recommended the dumpster not be allowed up next to the building. Commissioner Klutz inquired again regarding the engineering problem. Mr. Bailey stated the engineer that looked at the building prior to his lease did not see any problems. Commissioner Klutz stated he would like to see something in writing regarding the correction of the problem. He also asked Town Building Inspector Jesse Horner if he had noticed anything wrong during his inspections of the property. Mr. Horner replied that he had not noticed anything unsafe in reference to the structure of the building.

With no further discussion, a motion was made by Commissioner Wiseman, seconded by Commissioner Ball to close the public hearing. Unanimously approved. Commissioner Wiseman made a motion to approve CUP #2007-08 as presented, seconded by Commissioner Lentz. Unanimously approved. **CUP #2007-08 Holli's House of Biscuits – Exhibit A**

OLD BUSINESS

Sworn to speak during the public hearing were Planning Director Rothrock and applicant Carlos Hernandez.

- 1. CUP #2005-11 Vincent Properties- Minor Amendment (The Rug Company)**

Planning Director Rothrock presented a request from Carlos Hernandez of the Rug Company for a minor amendment to CUP 2005-11 (Vincent Properties) to make exterior changes to the Rug Company building located at 999 Main Street.

With the approval of CUP 2005-11 in 2005, staff and Planning Board made reference to the needed improvements to the Rug Company building. Since the two buildings are joined through the construction association with the CUP application, a request for exterior changes beyond an administrative level could be approved through a minor CUP amendment from Council according to Section 16-64 of the Land Use Ordinance.

Mr. Rothrock stated that Mr. Hernandez was in the process of painting the exterior walls and replacing the awnings on the building. Mr. Hernandez also requested permission to apply cultured stone wainscoting along the front of the building to match the stone on the adjacent building. The application of the stone would protrude into the sidewalk area approximately 2-3 inches as the existing building is built on the property line. Mr. Rothrock stated the sidewalk in front of the building has minimal sidewalk width and at the narrowest point is 61.5 inches measured from the building wall to the edge of the sidewalk at the street.

Commissioner Ball suggested the planter in front of the building be relocated closer to Wachovia in order to make additional room along that area. Commissioner Tester inquired about ADA requirements. Mr. Rothrock advised that he was not aware of the ADA requirements and asked Town Building Inspector Jesse Horner to elaborate on this question. Mr. Horner referred to the accessibility code that he followed by saying a 40-inch sidewalk was required and possibly a larger area such as 5 feet in front of doorways was required, and typically the sidewalk was 5 feet in width. Moving the light pole in that area was also discussed in order to provide better sidewalk accessibility.

Commissioner Lentz addressed his concerns with allowing the applicant to extend past the lot line. He asked if the town would be giving up their sidewalk property and would this be a non-conforming use. Commissioner Lentz asked Town Attorney Allen Moseley for his advice regarding this. Mr. Moseley stated if the Town allowed this, they would in fact be accepting the encroachment onto town property and language should be added to the permit explaining this.

Commissioner Lentz stated the encroachment wasn't necessarily a bad thing since the exterior of the building would be improved, but if allowed this would possibly be setting precedence for others.

Commissioner Wiseman questioned Town Engineer Doug Chapman regarding the required sidewalk width. Mr. Chapman stated normally the required width was 5 feet in order for a wheelchair to be able to turn around.

After further discussion, a motion was given by Commissioner Tester to approve the CUP subject to the following:

- That the addition be within ADA requirements
- The Town receive an as-built survey specifying if the addition is on Town property or private property and if it is on town property, language be added to the permit stating it is on town property and the applicant has received an easement from the Town.
- The light pole be moved from that area to provide for improved sidewalk access

The motion received a second from Commissioner Wiseman. Commissioner Klutz inquired since the sidewalk presently did not meet ADA requirements, why couldn't the town allow the addition and redo the sidewalk. Public Works Director Lentz stated this would require asking N.C.D.O.T for an encroachment agreement.

Commissioner Wiseman asked if Mr. Tester would change the wording in his motion from "town" property to "public" property, Mr. Tester amended his motion to reflect this change. Unanimously approved. **CUP 2005-11 Vincent Properties (minor amendment) – Exhibit B**

2. Edgewood Cottage Restoration Project – Update

Mrs. Ginny Stevens, Chairperson of the Edgewood Cottage Restoration Project approached Council with an update on the status of Edgewood Cottage.

Mrs. Stevens stated the contract between the Town and the Blowing Rock Historical Society had expired on September 1, 2007 and an extension would be needed. Mrs. Stevens stated a tremendous showing had been accomplished regarding the restoration of the cottage, and despite their best laid plans, extended permit delays and other problems had put the project behind. At this time, Mrs. Stevens showed Council some of the wood that would be used in the cottage and stated they anticipated the exterior to be finished by mid-December of this year. This would include planning the original lumber to remove the green paint presently and reapplying it as the exterior board and batten finish, completing the roofing with cedar shingles, and installing doors and windows. Also the basic grading would be done, the rock columns repaired as well as adding two more columns.

Mrs. Stevens advised once the structure was enclosed, the interior walls, floors, chimney, bathroom and pantry area, plus electrical and plumbing would be completed by early summer of 2008. The final landscaping would be completed by July 4th and a major grand opening celebration was planned.

Mrs. Stevens thanked Council for their patience and asked for their approval of the extended time-frame. Council thanked Mrs. Stevens for the update and authorized an extension on the project until July 2008.

3. Storm Water Master Plan – Update

Town Engineer Doug Chapman updated Council on the progress of the Storm Water Master Plan since the work session held the previous month (August). Mr. Chapman stated they had focused their efforts in several areas as they completed the plan. The areas would include improvement in the downtown area, inlet improvements in various areas, and solutions to issues in the Laurel Park area.

Mr. Chapman advised that McGill Associates evaluations indicate the main storm drain pipes downtown are sufficient to carry most storm events. The most urgent issue in the area is capturing the water near the sources therefore identifying several projects to install additional inlets and piping in the area. Another issue is improving inlet conditions allowing runoff to flow into the drainage system.

He also advised there were many challenges of addressing the runoff in the Laurel Park area, such as narrow streets, homes too close to the existing streets, and lack of storm drains piping and inlets. He stated it was not practical to rebuild these streets to meet current standards, so they were working on identifying workable solutions to improve current conditions in the area.

Mr. Chapman stated a draft would be ready for staff's review by the last week in September and the final plan would be presented during the October Council meeting for consideration.

NEW BUSINESS

1. Mayview Madness – 5K Road Race (November 10, 2007)

Town Manager Hildebran presented a request from the High Country Conservancy to hold their 8th Annual Blowing Rock Mayview Madness 5K Run on Saturday, November 10, 2007.

Mr. Hildebran stated the 3-mile run would begin at 8:00 am at Blowing Rock School, continue up to the Mayview area and end at Memorial Park. He also advised the High Country Conservancy would coordinate with the Police Department on traffic control.

A motion to approve the event was given by Commissioner Lentz, seconded by Commissioner Ball. Unanimously approved.

2. Prohibit Tractor Trailer Trucks – Ransom Street

Planning Director Rothrock stated the Town was still receiving complaints from residents of Ransom Street regarding tractor trailer trucks traveling on Ransom Street.

Mr. Rothrock stated if Council chose to pursue this issue, a draft ordinance could be presented to the Planning Board at their September meeting and a draft ordinance to amend the Town Code could possibly be available for Council at their October meeting.

A motion was given by Commissioner Wiseman, seconded by Commissioner Ball to send this issue to the Planning Board for further review. Unanimously approved.

3. Reschedule October 9, 2007 Town Board Regular Meeting Date

Due to various conflicts with the October 9, 2007 regular Town Council meeting date, a recommendation to reschedule the meeting for October 2, 2007 at 7:00 p.m. was given presented to Council for their approval.

Commissioner Ball advised she was unable to attend the meeting on October 2, 2007. Commissioner Lentz made a motion to reschedule the regular meeting from October 9, 2007 to October 2, 2007, at 7:00 p.m. seconded by Commissioner Wiseman. Unanimously approved.

SPEAKERS FROM THE FLOOR

Mrs. Jean Baskins of 155 Yadkin Drive approached Council with her concerns regarding dogs not being allowed in the town parks. Mrs. Baskins asked Council to rethink their decision regarding this issue. She stated no ordinance regarding this was in effect but signs prohibiting dogs had been installed and she was told the town was fining people for having dogs in the park. She felt this was unfair and stated at a recent event in the park she was approached by a police officer asking her to remove her dog from the park. Mrs. Baskins advised she took her pet to the car and returned to find other dogs being allowed. She felt that she had been treated unfairly but was aware that police officers could not be in the park constantly enforcing this rule. Mrs. Baskin felt dogs should be welcome and their owners responsible for cleaning up after them. She also thought the town should provide bags for this purpose. She asked that Council review this issue further.

Commissioner Lentz stated this had been a topic of concern discussed many years ago regarding dogs in the park area. He advised an ordinance had not been adopted, but it was part of the Parks and Recreation policies to prohibit dogs in the parks. Commissioner Lentz felt the safety of the children playing in the park was very important and dogs could cause problems.

Also speaking on the subject was Mr. David Baskins of 155 Yadkin Drive. Mr. Baskins reiterated his wife's comments regarding dogs in town parks. He felt the town should allow dogs and dog owners should be given the tools to correct problems that might occur. He was also aware that it was not feasible for police officers to enforce this rule each day. Mr. Baskins requested that Council contemplate allowing dogs in the park.

Mayor Lawrence thanked Mr. and Mrs. Baskins for their comments. He mentioned dogs in Davant Field and that he had received calls regarding this.

Town Manager Hildebran stated in the 5 years he had been Town Manager he was not aware of any fines being given to people and the Town had received complaints from parents whose children had been frightened by dogs in the park.

Parks and Recreation Director Jennifer Brown stated her concern was for the children and their safety and that on occasion, she had observed dogs fighting with one another and frightening the children. Mrs. Brown stated the park area was geared for children and the Town should not have to be responsible for children being bitten by dogs while playing in the park.

Mr. Baskins stated he realized accidents happened and that was a part of life, but this issue should be addressed with consistency and fairness.

Commissioner Klutz stated that dogs had been prohibited for years and he had made the original signs that were put up in the park areas. He stated if the rules are there, they must consistency be enforced.

Police Chief Brown stated a police officer could not be in the park at all times and apologized to Mr. and Mrs. Baskins if they believed they had received unfair treatment.

Commissioner Wiseman suggested this issue be further discussed at a future Council work session.

Town Manager Hildebran asked for Public Works Director Johnny Lentz to update everyone on the serious drought conditions. Mr. Lentz stated the town lake was 5 ½ feet below normal, another foot less than last week at this time. Mr. Lentz felt the letters sent out to residents and businesses regarding the water restrictions had helped with the situation. Mr. Lentz stated the Town would continue to monitor the need to enter into Stage III Restrictions.

Town Manager Hildebran also advised 2007 tax bills would be mailed out in the next few days. He also spoke of complaints he had received regarding motorcycle noise in town and advised a State Highway Patrol check point had been scheduled to make sure motorcycles had mufflers on them.

At the conclusion of the regular agenda, a motion to enter into executive session per NC General Statutes 143.318.11(a)(3) to consult with the Town Attorney regarding a pending legal matter was made by Commissioner Lentz, seconded by Commissioner Wiseman. Unanimously approved.

At 9:20 p.m. Council resumed their regular meeting and with no further business to discuss the meeting was adjourned.

J.B. Lawrence **Mayor** _____

Attest: _____

Sharon Greene, Town Clerk

Attachments

1. Hollis House of Biscuits-CUP #2007-08
2. Vincent Properties-Minor Amendment – CUP #2005-11