

## **MINUTES**

### **Town of Blowing Rock**

### **Board of Commissioners**

**July 10, 2007**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, July 10, 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, Finance Director Margaret Pierce, Building Inspector Jesse Horner, Parks & Recreation Director Jennifer Brown, EMS Director Kent Graham, Planning & Zoning Intern Patrick Heavner, 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**

Commissioner Lentz made a motion to approve the minutes for meetings held on June 7, and June 19, 2007, seconded by Commissioner Ball. Commissioner Wiseman stated a sentence was missing on Page 2 of the June 19, 2007 minutes. After receiving a revised copy of Page 2, which included the missing sentence, Council unanimously approved the minutes as written.

#### **PUBLIC HEARINGS**

Sworn to speak during the public hearing were Planning Director Kevin Rothrock and Telecom Site Management, Inc. representative David Amory.

#### **1. CUP #2007-02 – Sprint Stealth Antenna**

Council received a request for a conditional use permit from Telecom Site Management to locate three (3) Sprint/Nextel commercial telecommunications systems antennas on the roof of Blowing Rock Hospital. Planning Director explained the antennas would be hidden by three separate 7-foot high hidden chimney panels. He also advised the equipment building or enclosure would be built on the back side of the hospital with matching brick.

Mr. Rothrock stated the Planning Board had recommended the approval of the conditional use permit during their June 21, 2007 meeting with the following conditions:

1. That the antennas be enclosed on all four sides with brick panels to match the hospital building and satisfactory to Town staff based on a review of the proposed material.
2. That the equipment enclosure consists of a brick wall matching the building and is of sufficient height to screen the equipment.
3. That the antenna frequencies not interfere with hospital activities and services.

Commissioner Lentz asked if three antennas were needed. Mr. Amory advised all three were needed to provide coverage to the area. Commissioner Klutz expressed his concern in reference to noise from fans located in the equipment enclosure. Mr. Amory stated the fans would create minimal noise. After a brief discussion regarding the dimension of the chimneys and their location, a motion to close the public hearing was made by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved. A motion to approve CUP # 2007-02 as submitted was given by Commissioner Wiseman, seconded by Commissioner Ball. Unanimously approved. **CUP #2007-02 Sprint Alternative Cellular Tower Structure – Exhibit A**

## **2. Tree and Landscape Revisions (Ordinance #2007-03)**

Planning Director Rothrock presented Council with a draft revision to the tree preservation and landscaping standards in the Land Use Ordinance for their review. He advised that after 4 years of study and public meetings, as well as consultation with Blowing Rock Appearance Advisory Commission and Garden Club members, landscape professionals, code officials with other municipalities, and local citizens, the draft revisions were complete. He also extended his gratitude to everyone that assisted in the process. Mr. Rothrock advised all revisions would be within (a) Article II – Basic Definitions and Interpretations; (b) Article XVIII(B) – Commercial Design and Appearance Standards; (c) Article XIX – Screening and Trees; and (d) Appendix E – Screening and Trees.

Commissioner Ball thanked everyone that helped with the revision process.

Commissioner Tester had questions regarding who would evaluate the health of the trees and make the final decision in the cutting of trees. Mr. Rothrock stated several arborists were available to consult regarding the health of trees but town staff would ultimately make the final decision.

Mayor Lawrence verbalized his belief that the Town should not interfere with the single-family property owner's rights. Mayor Lawrence felt that property owners should be able to cut trees on their property if they chose regardless of the health of the trees. Commissioner Klutz acknowledged that he was in agreement with Mayor Lawrence, stating that property owners should be able to do what they wanted on their property and their rights should not be infringed upon.

Commissioner Ball suggested that everyone review Section 16-316.01 of the Land Use Ordinance that pertained to Tree Credits. Mr. Rothrock gave a brief explanation of the Tree Credit process.

Mayor Lawrence again reiterated that in his opinion, this was a property rights issue. Commissioner Lentz asked about liability issues should a tree fall on someone's home, and felt this might cause problems for the town. Commissioner Klutz declared the fines for cutting trees were excessive and people should not be penalized for cutting trees on their property. Mr. Rothrock stated that revisions to the land use ordinance were needed especially regarding commercial property, but Council could decide whether to modify the revisions being made to single-family property if they desired. Commissioner Wiseman also agreed the penalties were severe.

Mayor Lawrence asked if anyone in the audience would like to speak regarding this issue. Mr. James Craig, a resident in the ETJ district voiced his opposition to the revisions pertaining to the single-family areas.

Mr. Albert Coffey approached Council and expressed disappointment that many of the suggestions given in letters to the Town addressing the tree ordinance were not taken into consideration. He felt the draft revisions would not accomplish in the long term what the Town wished to accomplish. Mr. Coffey stated that larger trees were subject to decay becoming a liability and safety issue. He also felt the suggested penalties were excessive. Mr. Coffey advised he had no objection to the revisions being made to other sections of the ordinance, but felt continued work was needed on the land use ordinance revisions and asked Council to use their heads not their emotions while voting and making the necessary amendments to the ordinance.

Commissioner Wiseman made a motion to continue the public hearing at the next regular meeting held in August in order to give staff more time to further study the proposed revisions. Commissioner Ball seconded the motion. Unanimously approved.

## **OLD BUSINESS**

## 1. Demolition bids – Structure @ 120 Yonahlossee Road

Pursuant to the Demolition Order (Ordinance #2007-09) approved by Council on June 19, 2007, Town Manager Hildebran presented the following bids for the demolition of property located at 120 Yonahlossee Road:

	<u>Demolition Costs</u>	<u>Salvageable Material</u> <u>Cost</u>	<u>Total</u>
D.H. GRIFFIN WRECKING CO. INC	\$11,500.00	\$300.00	\$11,200.00
E. LUKE GREENE, CO. INC	\$12,500.00	N/A	\$12,500.00
BLOWING ROCK RENOVATORS	\$13,015.00	\$450.00	\$12,565.00
EBCO BUILDERS, INC.	\$14,452.50	\$100.00	\$14,353.50

Commissioner Klutz asked if the Town was required to accept the lowest bid, because he felt a local company should be used. Mr. Hildebran advised North Carolina General Statute states that towns accept the lowest responsible bidder. He then advised the lowest bid was received from D.H. Griffin Wrecking Co., Inc., and that they were the third largest wrecking company in the nation.

Mayor Lawrence asked if interest on the demolition money (\$11,200.00) could be added as an assessment to the property owner. Town Attorney Moseley acknowledged that interest could be charged and treated as a lien on the property.

A motion to accept the lowest bid of \$11,200.00 from D.H. Griffin Wrecking Co. Inc. was given by Commissioner Wiseman, seconded by Commissioner Ball. In favor of the motion were Commissioners Wiseman, Ball, Lentz & Tester. Against the motion was Commissioner Klutz. Motion carried.

## NEW BUSINESS

### 1. Art in the Park – 2008 Dates

Charles Hardin Executive Director of the Blowing Rock Chamber of Commerce submitted a proposed list of potential dates for the 2008 Art in the Park to Council for their approval. Dates given were May 17, June 14, July 19, August 16, September 13, and October 4, 2008.

Commissioner Lentz asked if these dates conflicted with other events, such as family weekend at ASU. Mr. Hardin stated that family weekend at ASU would be on the same weekend as the "Mitford Days" event.

Commissioner Wiseman advised that vendor parking continued to be a problem, especially those who parked at Broyhill Park. She stated this caused problems with weddings and other events that were scheduled in the area. She requested that Mr. Hardin search for other avenues regarding parking.

A motion to approve Art in the Park 2008 Dates was given by Commissioner Ball, seconded by Commissioner Lentz. Unanimously approved. **Art in the Park – 2008 Dates Exhibit B**

## **2. Settlement of 2006 Property Taxes/Charge of 2007 Property Tax Collection**

As required by N.C.G.S. 105-373, the annual report of the 2006 property taxes charges was submitted to Council by the Tax Collector for their review. Also pursuant, to G.S. 105-321(b), an Order of the Town Board for the Collection of Fiscal Year 2007-08 Property Taxes is required in order for the Tax Collector to begin the 2007 tax collection process.

After reviewing the Annual Settlement Report, Commissioner Wiseman made a motion to accept the report as submitted, seconded by Commissioner Ball. An Order of Collection authorizing the Tax Collector to begin collection of 2007 taxes was also included in the motion. Unanimously approved. **Settlement of 2006 Property Taxes/Charge of 2007 Property Tax Collection Exhibit C & D**

## **3. U.S. 221 Truck-Activated Beacons – Resolution of Support (Resolution #2007-10)**

Pursuant to a request from State Representative Cullie Tarleton, Town Manager Hildebran submitted Resolution #2007-10 in Support of Funding for Truck-Activated Beacons for U.S. 221 in Blowing Rock and Linville for Council's consideration. Mr. Hildebran stated the town had received several complaints regarding truck traffic along U.S. 221 and truck-activated beacons would make motorist more aware of the safety hazards along this route.

Council had several questions regarding the appearance of the beacons and where they would be placed and decided more information would be needed before passing Resolution #2007-10 and agreed to consider the resolution at a later date.

#### **4. Approval of Agreement with GovDeals to Provide On-Line Auction Services**

Town Manager Hildebran advised that effective August 2001, N.C.G.S. 160A-270 allowed public agencies to conduct electronic auctions for the sale of real or personal property. He stated the use of public electronic auction services was another tool to create a broader level of exposure and to gain the maximum revenues on the sale of Town surplus property.

Mr. Hildebran stated that GovDeals provided state-of-the art on-line auction services to more than 175 city and county government clients in North Carolina and over 1,000 government clients nationwide.

Mr. Hildebran presented Council with an agreement contract with GovDeals to provide public on-line electronic auction to sell surplus town personal property for their consideration.

With no further discussion, a motion to approve the GovDeals contract was given by Commissioner Tester, seconded by Commissioner Ball. Unanimously approved. **GovDeals Seller Agreement – Exhibit E**

#### **Speakers from the Floor**

None

#### **Departmental Reports**

A brief update on the progress of the new Emergency Services Building located on Valley Blvd. was given by Emergency Services Director Kent Graham.

#### **Adjournment**

With no further business to discuss, the meeting adjourned at 8:15 p.m.

Mayor \_\_\_\_\_

**J.B. Lawrence**

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

**Sharon Greene, Town Clerk**