

SPECIAL BOARD MEETING of March 24, 2008, with Mayor Don Mullen and Comms. Amy Patterson, Hank Ross, John Dotson, Larry Rogers, and Dennis DeWolf present.

Also present were Griffin Bell, Ginger Slaughter, Pat Taylor, Thomas Craig, Linda Clark, Ricky Bryson, Mike Bryson, Richard Betz, Joe Cooley, Josh Ward, Geoff Slade, Eric NeSmith, Allan Shultz, Charles Simmerson, Jerry Moore, Jimmy Strahan, Ellen Westnedge, Bill & Nell Martin, Tom Clark, Janet Avery, and others.

I. Call to Order.

The Mayor called the Special Board Meeting to order at 7:00 p.m. and stated that the purpose of the meeting was to discuss Land Use Priorities, as well as Outdoor Display of Merchandise and Restaurant Parking, with members of the Planning Board. Both Boards gathered around the table together.

II. Business.

1. The Mayor said that before the joint meeting began, there were two items of Town Board business to discuss. Charles Simmerson was present on behalf of Towne Place, a multi-family development approved pursuant to a Conditional Use Re-Zoning on the Werder property on February 15, 2006. As discussed at the previous meeting, the sidewalk approved for the project was under construction, and questions had been raised about parking along the south side of Hickory Street used for the Town Ball Park. Mr. Simmerson submitted a drawing showing five parallel parking spaces between US-64 and the driveway to the development, with a sidewalk behind the spaces, which he had agreed to install instead of the curb-and-gutter and sidewalk in the original approved plan; the rhododendron screening would be maintained.

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO APPROVE THE AMENDMENT OF THE CONDITIONAL USE RE-ZONING PURSUANT TO THE PLAN.

The Mayor pointed out that no second was required for small boards like the Board of Commissioners when taking action.

MOVED BY COMM. ROSS, SECONDED BY COMM. DOTSON, AND UNANIMOUSLY CARRIED TO KEEP THE PROCEDURE FOR MAKING SECONDS AS IT IS.

2. Comms. Patterson and Rogers had reviewed the proposed changes to the Performing Arts Center parking lot with the Town Engineer, as discussed at the previous meeting. Comm. Rogers said he liked the plan; it would provide both street parking, PAC parking, and a small rain garden extension, and the cost would be between \$15,000 and \$18,000, most of the working being done by Town crews.

MOVED BY COMM. ROGERS, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO APPROVE THE PROJECT.

3. The Mayor said that the Board had received many public comments at the March 12 meeting questioning the adoption of an amendment of the Zoning Ordinance on February 6 prohibiting outdoor display of merchandise except for produce, firewood, fertilizers, and garden plants, and had agreed to discuss it with the Planning Board. Both Boards then engaged in a wide-ranging discussion on the issue. Ricky Bryson said he had no problem with such displays on private property. Pat Taylor agreed, provided merchandise did not block sidewalk; he said it was in the tradition of arts and crafts displays. Mike Bryson asked about the gravel being stored at his business, and thought that items such as birdhouses looked attractive. Comm. Dotson asked if the Town should permit everything, if it should accommodate the lowest common denominator. Comm. Patterson asked how the Town could regulate good taste. Griffin Bell suggested that the Appearance Commission be given the authority to approve outdoor display on a case-by-case basis. Ginger Slaughter pointed out that sidewalks were narrow in the downtown area and not suited for

outdoor display. Comm. Rogers thought that merchants needed to make money to pay taxes in order to keep the Town alive. Mayor Mullen said he did not see why displays on private sidewalks, such as in front of Scudders or Dutchmans, could not be allowed. Comm. Ross said that he had done some research that found that most municipalities did not prohibit merchandise, but many regulated display; he thought that neither Board had come up with an amendment that satisfied all of the concerns. Thomas Craig asked why an amendment could not be drafted that would identify what is not permitted, rather than what is permitted. The Mayor suggested going back to the drawing board. Planning Director Joe Cooley said that whatever was drafted needed to be enforceable.

MOVED BY COMM. ROGERS, SECONDED BY COMM. ROSS, TO PERMIT OUTDOOR DISPLAY OF MERCHANDISE ON PRIVATE PROPERTY. Comm. Ross suggested adding language drafted by the Planning Director which regulated the outdoor display, and Comm. Rogers agreed. The motion did not carry; Comms. Rogers and Ross voted "aye," and Comms. Patterson, Dotson, and DeWolf voted "nay."

Ricky Bryson asked where he could go for relief; he intended to display lawn mowers on the front porch of his business as he had for more than 30 years, and he wondered if the Town would enforce the prohibition. Comm. Dotson thought the Board should deal specifically with merchandise in the ETJ area.

MOVED BY COMM. DOTSON, SECONDED BY COMM. PATTERSON, AND CARRIED, THAT BUSINESSES IN THE B-5 DISTRICT BE EXEMPTED FROM THE PROVISION PROHIBITING OUTDOOR DISPLAY OF MERCHANDISE. Comms. Dotson, Patterson, and Rogers voted "aye," and Comms. Ross and DeWolf voted "nay."

MOVED BY COMM. ROSS, SECONDED BY COMM. ROGERS, AND UNANIMOUSLY CARRIED TO SEND THE ISSUE BACK TO THE PLANNING BOARD FOR REVIEW.

MOVED BY COMM. DOTSON, SECONDED BY COMM. PATTERSON, AND CARRIED, TO SET A PUBLIC HEARING FOR APRIL 16 TO CONSIDER AMENDING THE ZONING ORDINANCE TO EXEMPT BUSINESSES IN THE B-5 DISTRICT FROM THE PROVISION PROHIBITING OUTDOOR DISPLAY OF MERCHANDISE. Comms. Dotson, Patterson, and Rogers voted "aye," and Comms. Ross and DeWolf voted "nay."

4. The Board then engaged in another wide-ranging discussion on the issue of parking for restaurants. The Planning Director explained that the Planning Board had taken a broad look at the issue, initially referred to it by the Town Board, in a version they had recommended. The Land Use Committee subsequently met and focused more on parking for restaurants specifically and only adjacent parking pending completion of a parking study. Pat Taylor expressed concern over the need for better communication and clarification of the roles of the Land Use Committee and Planning Board in making recommendations. Mr. Cooley said he saw the former as a sounding board for recommendations to staff; the time urgency in this case had pushed the process along a little faster than usual. Comm. Ross agreed; he felt the Committee should be meeting with the Planning Director prior to Planning Board review rather than after. Griffin Bell said he did not think it was a good idea to rush to judgement because of one business. Mr. Cooley agreed, but pointed out that it was common to provide some credit for public parking in mixed use areas. He thought that setting a cap of 12 spaces, or 36 seats in the case of restaurants, could limit the concern of "building creep" raised by the Land Use Committee and provide a reasonable solution for now. The Mayor suggested that the parking requirement be set at one space per four seats, rather than three. Comm. Patterson suggested that employees could park off-site, and also that an amendment apply only to existing restaurants or buildings. After some additional discussion, Mr. Cooley distributed copies of a rough draft of an amendment which he recommended adopting, providing for credit for parking within 300 feet of a business, dual use of parking spaces, and a cap of 12 spaces, applicable in the B-2 and B-3 districts.

MOVED BY COMM. ROSS, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO ADOPT THE RECOMMENDATION OF THE PLANNING DIRECTOR, AND TO SET A PUBLIC HEARING FOR APRIL 16 TO CONSIDER AMENDING THE ZONING ORDINANCE ACCORDINGLY.

5. The Mayor suggested deferring discussion of Land Use Priorities until another time because of the late hour.

Comm. DeWolf expressed his appreciation for the deliberations of the Planning Board and said he hoped they could

continue to communicate.

III. MOVED BY COMM. ROGERS TO ADJOURN.

There being no further business to come before the Board, the meeting was declared by the Mayor to be adjourned at 9:15 p.m.

Richard Betz, Town Clerk