

MINUTES
Town of Blowing Rock
Board of Commissioners
February 9, 2010

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, February 9, 2010 at 7:00 p.m. in the Town Hall Council Chambers located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phillip Pickett, Tommy Klutz, Doug Matheson and Jim Steele. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Police Chief Eric Brown, Public Works Director Mike Wilcox, Planning Director Kevin Rothrock, Parks & Recreation Director Jennifer Brown, and Town Clerk Sharon Greene. Finance Director Nicole Norman was absent.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 7:00 p.m. and welcomed everyone to the meeting.

Mayor Lawrence advised a FEMA Resolution would be added to the agenda under New Business Item #5.

APPROVAL OF MINUTES

Commissioner Pickett made a motion to approve minutes for the meeting held on January 12, 2010 and the 2010 Retreat held on January 17-19, 2010. The motion received a second from Commissioner Yount. Unanimously approved.

PUBLIC HEARINGS

1. Main Street Closure for Blue Ridge Heritage Day

Planning Director Kevin Rothrock presented Council with a request from The Chamber of Commerce in partnership with the Blowing Rock Historical Society and the Blowing Rock Art and History Museum to close Main Street from Sunset Drive to Chestnut Drive for Blue Ridge Heritage Day to be held on September 18, 2010. The proposed Blue Ridge Heritage Day event would be a planned town-wide celebration of the Blue Ridge Parkway's 75th Anniversary. According to Mr. Rothrock, Sunset Drive would remain open but any hospital traffic from Hwy. 221 would be routed through Park Avenue and Wallingford Street.

Mr. Rothrock gave a brief description of events and presented Council with maps showing the event stations in the downtown area. He advised the Chamber had supplied the following:

- A letter of request for street closure

- A preliminary event itinerary
- A copy of the letter sent to downtown businesses
- A list of notified businesses

Mr. Rothrock also mentioned that Planning and Parks and Recreation Staff were discussing the Event Logistics Plan with the Chamber and Special Events Committee to solve any potential problems that might arise during the next several months. Some of the coordination efforts included; garbage collection, street cleaning, street closure, additional police patrolling, parks and recreation staff involvement, and signage.

Town staff recommended that a progress update from the Chamber be given to Council in June and proof of liability insurance coverage with the Town named as an additional insured as well as a logistics plan. The Town would also be reimbursed for any related costs for Town services during the event. Mr. Rothrock stated the Chamber had agreed to these terms.

After several questions regarding the event, Ms. Rita Davis, Past President of the Chamber of Commerce approached Council to ask for their support and approval of the Blue Ridge Heritage Day event. She spoke regarding several plans during the event, such as a parade, games in Memorial Park, covered dish picnic at the Rotary pavilion at Davant Field, etc. Ms. Davis commented the Chamber felt this event would help stimulate the current and the future economic impact of the town.

Commissioner Yount inquired if this was the main event for the Blue Ridge Parkway's 75th Anniversary. Ms. Davis stated this was the main event for this area, but other areas along the Blue Ridge Parkway were also planning events such as Cumberland Knob in Virginia.

Mr. Kent Tarbutton, Chairman of the TDA Board stated they were pleased to support this event and thought that it was well planned and would benefit the Town.

With no further comments, Commissioner Klutz made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Pickett made a motion to approve the Blue Ridge Heritage Day Event which would include the closing of Main Street from Sunset Drive to Chestnut Drive, and with the stipulation that proof of liability insurance was received with the Town named as an additional insured, as well as a logistics plan and with the understanding that the Town would be reimbursed for any related costs. The motion received a second from Commissioner Klutz. Unanimously approved.

Mr. Charles Hardin, Executive Director of the Chamber of Commerce mentioned in lieu of not hearing from any merchants regarding the event, he had called several other towns that held similar events and had received positive responses from each location he had contacted.

2. Golf Cart Ordinance (#2010-02)

Planning Director Rothrock stated that in 2009 the NC General Assembly granted cities and towns the authority to regulate the use of golf carts. He presented Council with draft Ordinance #2010-02 for their review. The draft ordinance would allow golf carts on town streets with speed limits of 35 miles per hour or less and allow crossing of Hwy 321 at Possum Hollow, Sunset Drive, and Green Hill Road/The Rock Road. He also advised the draft ordinance mandated the following:

- Golf carts must be equipped with headlights, reflectors and other safety features
- May only be used during daylight hours
- Must be operated by a licensed driver
- May not be operated at speeds greater than 20 mph
- All passengers must be properly seated
- Violations subject offender to infraction and civil penalty of \$50.00

Mr. Rothrock commented after meeting with the Blowing Rock Country Club Manager Eric Davidson, he found there were approximately 60 club members who owned private carts for golf use with another 15 owning carts for personal use. Mr. Rothrock also advised that Mr. Davidson expressed the Country Club's desire to allow the use of the carts at night. Police Chief Eric Brown had safety concerns with carts being used after sunset.

Mr. Rothrock advised a copy of the draft ordinance had been forwarded to Mr. Jack Triolo of Mountain Top Golf, the largest supplier of golf carts in the High Country for his input.

Mr. Triolo approached Council with several suggestions and comments regarding the draft ordinance. He suggested that signage be installed at all entrances to town to alert motorists of golf cart use. He also voiced concerns that he had in reference to the terrain, fog, etc. Mr. Triolo mentioned that Peach Tree City, Georgia had approximately 9,000 golf carts in use and that he thought it might be helpful for the Town to review that city's ordinance before adopting the proposed ordinance.

Commissioner Pickett asked Town Attorney Moseley if the Town would be held liable for any mishaps involving golf carts. Mr. Moseley stated according to the ordinance the town would not be liable, but there was always the possibility of the town being sued.

Commissioner Klutz inquired how the Town would know if golf carts had liability insurance coverage. Mr. Rothrock stated the police department would be performing annual inspections.

Mr. Dan Page also came before Council to discuss the proposed golf cart ordinance. Mr. Page mentioned that he owned a golf cart and thanked Council for addressing this issue. Mr. Page voiced his support of the proposed ordinance except for Item N under Standards of Operation which prohibited golf carts on town roadways after sunset. Mr. Page asked Council to further review this item because golf carts had been in use in

Blowing Rock for many years and he was not aware of any accidents happening during the day or night. Mr. Page mentioned that bicycles were not restricted in this manner and it was his opinion that golf carts should not be restricted.

Mayor Lawrence commended Mr. Rothrock on the outstanding job he had done on the proposed ordinance.

Upon a motion from Commissioner Klutz, seconded by Commissioner Pickett, the public hearing was closed for comments.

Commissioner Pickett suggested the fee for failing to abide by the ordinance be a minimum of \$30.00. Commissioner Pickett also felt a better definition of golf cart was needed and stated he could not vote to adopt the ordinance as it was currently. He suggested that this matter be tabled until the March meeting. Commissioner Yount concurred with Commissioner Pickett. Commissioner Steele agreed that more information was needed before adopting the propose ordinance. Commissioner Klutz commented the fee for failure to comply with the ordinance should be at least \$50.00. Council's consensus was to amend the ordinance to allow use of golf carts for 30 minutes after sunset.

Commissioner Pickett made a motion to table the Golf Cart Ordinance #2010-12 until the following month. He suggested that town staff call each Council member to discuss issues they had with the proposed ordinance. Commissioner Yount seconded the motion. Unanimously approved.

3. Fire Code Update Ordinance (#2010-03)

Planning Director Rothrock presented updates to the Town Fire Code due to Emergency Services Director Kent Graham being out of town. He advised the original need for the revision of Chapter 12 was in reference to the adoption of current North Carolina Fire Codes for enforcement purposes. He mentioned the majority of modifications were simply to update documentation with the current procedures of the Emergency Services Department.

Mr. Rothrock also stated that pursuant to Sections B 12-22 and 12-23, a civil penalty of \$50.00 would be charged for the obstruction of fire hydrants, fire lanes or accesses, etc.

Commissioner Steele had questions regarding Section 12-12 (B) in reference to inspections of all occupancies with the exception of one and two-family dwellings and town homes. Commissioner Matheson commented these inspections were done annually by the Town's Fire Marshal Aaron Miller.

With no further discussion, Commissioner Klutz made a motion to close the public hearing, seconded by Commissioner Matheson. Unanimously approved.

A motion to adopt Ordinance #2010-03 as written was made by Commissioner Yount, seconded by Commissioner Pickett. Unanimously approved.

Fire Code Update Ordinance #2010-03 – Exhibit A

NEW BUSINESS

1. Rumble 5K Road Race (April 24, 2010)

Town Manager Hildebran presented Council with a request for authorization to hold the 1st Annual Rumble Road Race on Saturday, April 24, 2010 which would be sponsored by the youth of Rumble Memorial Presbyterian Church. Mr. Hildebran stated the race was similar to the Mayview Madness Road Race also held annually. He advised the church would coordinate with the Police Department regarding traffic control and that a certificate of insurance would also be provided.

Commissioner Pickett made a motion to approve the request subject to the Town receiving a certificate of liability insurance, seconded by Commissioner Yount. Unanimously approved.

2010 Rumble 5K Road Race Map – Exhibit B

2. Appointments to Volunteer Board and Commissions

Based upon discussions during the 2010 Retreat and follow-up with prospective members, the proposed appointments are as follows:

- **Planning Board (Appointments Effective March 2010 meeting)**
Debbie di Santi, reappoint to a three-year term ending 2013
David Laughter, appoint to a three-year term ending 2013
Ray Pickett, appoint to a three-year term ending 2013
- **Board of Adjustment (Appointments Effective March 2010 meeting)**
Mark Klein, reappoint to a three-year term ending 2013
Annie Whatley, reappoint to a three-year term ending 2013
David Harwood, reappoint to a three-year term ending 2013 (alternate)
- **ABC Board (Appointments Effective July 2010)**
Robert “Bob” Miller, reappoint to a three-year term ending 2013
- **TDA Board (Appointments Effective March 2010)**
Kent Tarbutton, reappoint to a three-year term ending 2013 (lodging)
Rob Dyer, reappoint to a three-year term ending 2013 (Business/Tourism-Related)
Kent Tarbutton, reappoint as Chairperson for a one-year term

According to Town Manager Hildebran, all prospective members had accepted their appointments.

A motion to approve the appointments as presented was made by Commissioner Steele, seconded by Commissioner Pickett. Unanimously approved.

3. Tax Collectors 2009-10 Delinquent Report & Advertisement of Tax Liens Order

As required by North Carolina General Statutes 105-369 the 2009-10 Delinquent Report of unpaid taxes as of February 4, 2010 was given to Council for their review. Council also received the Advertisement of Tax Liens Order from the Tax Collector to authorize advertisement of unpaid taxes in the Blowing Rocket on March 18, 2010.

Commissioner Pickett made a motion to accept the Tax Collector's 2009-10 Delinquent Report and Advertisement of Tax Liens Order as presented. The motion received a second from Commission Steele. Unanimously approved.

Tax Collectors 2009-10 Delinquent Report & Advertisement of Tax Liens Order – Exhibit C

4. Capital Project Ordinance Amendment Ordinance (#2010-04)

Town Manager Hildebran presented Council with Ordinance #2010-04 for their approval. The Project Ordinance was to amend Project Ordinance #2008-12 which was based on the initial water interconnection project estimate. Included in the amendment were proposed budget amounts based on actual project bidding and final funding commitments from a State Low Interest Loan (ARRA), an ARC Grant, and North Carolina Rural Center Grants (via Boone and Watauga County) for the Blowing Rock/Boone water interconnection project. Mr. Hildebran stated that four years ago the water interconnection project was estimated to cost approximately \$4 million to accomplish. Since then project bids have been received around \$3.6 million. As a result of actual costs coming in lower than anticipated, amounts granted by the ARC and NC Rural Center (via Watauga County & Boone) has been reduced. However, it has also been officially announced that Blowing Rock will receive ARRA funds through the forgiveness of both interest on the State low interest loan as well as 50% of the principal amount of the loan itself. This results in the Town saving approximately \$1.6 million on the project.

Commissioner Yount commended Town Manager Hildebran on his involvement in getting grant funding for the Blowing Rock/Boone water interconnection project. Commissioner Steele made a motion to send letters thanking Representatives Cullie Tarleton and Steve Goss and McGill Associates for their help with the project, seconded by Commissioner Pickett. Unanimously approved. Commissioner Yount then made a motion to approve Project Ordinance #2010-04 as written, seconded by Commissioner Pickett. Unanimously approved.

Capital Project Ordinance #2010-04 – Exhibit D

5. FEMA Designation of Applicant's Agent Resolution (#2010-02) and Disaster Relief Agreement

Town Manager Hildebran presented Resolution #2010-02 and an agreement required by the Federal Emergency Management Authority (FEMA) and the State of North

Carolina for the processing of reimbursements to the Town for expenses associated with the recent ice/snow storms.

Mr. Hildebran advised that town staff attended a meeting with the State and FEMA officials related to obtaining reimbursements for expenditures related to the recent ice storms. Based on a federal declaration, the Town qualified for relief funds from FEMA and the State. In order to receive these reimbursements, the Town was required to designate an agent to act on its behalf in matters related to the expenditure and receipt of disaster relief funds. The Town was also required to execute a State Disaster Assistance Agreement.

According to Mr. Hildebran, a final total of expenses were not yet available, but an estimated cost was approximately \$190,000; FEMA would cover 75% of those costs, and the State of NC would cover the remaining 25%.

Mr. Hildebran recommended approval of the Applicant's Agent Resolution and State Disaster Agreement.

Commissioner Pickett made a motion for approval of both documents as presented, seconded by Commissioner Klutz. Unanimously approved.

Applicant's Agent Resolution (#2010-02) and State Disaster Agreement – Exhibit E & F

SPEAKERS FROM THE FLOOR

None

DEPARTMENTAL REPORTS

Town Manager Hildebran gave an update in reference to snow removal and the salting of town roadways. He advised as of February 9, 2010, the Town had spent approximately \$55,250 (double the amount spent in FY 2008-09) excluding employee overtime pay, on snow removal efforts.

He also extended his appreciation to all town departments/employees who had worked diligently during the snow/ice storms.

Mr. Hildebran advised that Caldwell County had postponed property revaluations until 2013 and would do revaluations every eight years thereafter.

Commissioner Klutz mentioned that he would like for the Town to utilize local contractors while obtaining contracts for the storm debris clean up. Mr. Hildebran stated the Town would follow the laws that governed this issue.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:12 p.m.

MAYOR: _____
J.B. Lawrence

ATTEST: _____
Sharon Greene, Town Clerk

ATTACHMENTS (02-08-10)

Fire Code Update Ordinance #2010-03 – Exhibit A

2010 Rumble 5K Road Race Map – Exhibit B

Tax Collectors 2009-10 Delinquent Report & Advertisement Order – Exhibit C

Capital Project Ordinance # 2010-04 – Exhibit D

Applicants Agent Resolution (#2010 -02) & State Disaster Agreement – Exhibits E & F