

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-July 12, 2011

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, July 12, 2011 at 5:00 p.m. The meeting took place in the Town Council Chambers at Town Hall 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 in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Mike Wilcox, Police Chief Eric Brown, Building Inspector Jesse Horner, Finance Director Nicole Norman, Parks & Recreation Director Jennifer Brown, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed everyone.

APPROVAL OF MINUTES

A motion was made to approve the minutes for meetings held on June 14th and 30th, 2011 by Commissioner Pickett, seconded by Commissioner Klutz. Unanimously approved.

PUBLIC HEARINGS

1. Amendments to Land Use Ordinance – Definitions (Ordinance #2011-12)

Planning Director Kevin Rothrock presented the draft revisions to the definitions found in the Land Use Ordinance to Council for their review. As stated by Mr. Rothrock, the draft combined all definitions found throughout the ordinance and lists them as: 16-2.2, General Definitions; 16-2.3, Adult Establishments Definitions; 16-2.4, Flood Plain Definitions; 16-2.5, Watershed Definitions. He advised that extensive work was required in the definition changes to eliminate redundancy and align the definitions consistent with similar codes and with NC General Statutes.

Commissioner Yount inquired if Town Attorney Moseley and Town Manager Hildebran had reviewed the revisions. Both Mr. Moseley and Mr. Hildebran stated they had reviewed the revisions.

A motion to close the public hearing was made by Commissioner Pickett, seconded by Commissioner Klutz. Unanimously approved.

Commissioner Matheson then made a motion to approve Ordinance #2011-12 as presented. The motion received a second from Commissioner Klutz. Unanimously approved. **Amendments to Land Use Ordinance-Definitions (Ordinance #2011-12) – Exhibit A**

2. Amendments to Land Use Ordinance – Design Standards (Ordinance #2011-13)

Draft Ordinance #2011-13 was presented to Council for review by Planning Director Rothrock. He advised the draft ordinance modified the commercial design standards. Some changes included in the draft were to include the Town Center with the Central Business text so the standards would be consistent with both districts. The draft ordinance also shifted the current design guidelines to standards rather than suggestions. Mr. Rothrock commented that changing “should” to “shall” in many instances would put the Town in a better legal position to enforce the design standards.

Mr. Rothrock stated the Planning Board had recommended adding an in-lieu of sidewalk fund similar to the in-lieu of parking fund as long as the NC General Statutes provided the Town with the authority to set up such a program. After consulting with Town Attorney Moseley, Mr. Rothrock advised that staff had taken that language from the draft ordinance for discussion at a later date, if needed.

Mr. Rothrock stated the revisions made would help clarify and clean up the Land Use Code regarding design standards in addition to giving the Town more legal stability.

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

Commissioner Steele made a motion to approve Ordinance #2011-13 as presented, seconded by Commissioner Matheson. Unanimously approved. **Amendments to Land Use Ordinance - Design Standards (Ordinance #2011-13) – Exhibit B**

3. Valet Parking Standards (Ordinance #2011-14)

Planning Director Rothrock advised that during the June 30, 2011 Council meeting, staff was asked to establish standards and procedures for valet parking services. Mr. Rothrock stated the draft language provided the following:

- Definitions
- Standards for permits and business license
- Insurance
- Location of valet service area including:
 - vehicle storage limitations
 - traffic flow
 - signage
 - solicitation/flyers
- Violations, enforcement, and appeals

Commissioner Pickett commented that he had read the guidelines that were established and commended staff on their work.

Mr. Dan Phillips stated that he felt the standards and procedures needed to be more specific regarding enforcement issues, temporary suspension, and implied liability for

his company should an accident happen. Mr. Phillips shared concerns that he had with pedestrians crossing at the corner of Southmarke and Storie Street. Mr. Phillips stated he had witnessed pedestrians almost being hit by cars that were not involved with his valet business and he was concerned there may be some implied liability issues for his company.

Commissioner Yount remarked that during the June 30th meeting he had stated that management was to blame for issues discussed regarding the valet service request. Commissioner Yount stated that he wished to commend Town Manager Hildebran for the way he had handled the situation taking responsibility for any possible mistakes made.

Commissioner Yount questioned the suspension of the valet business on parade days for 2 hours prior and 1 hour after. He stated that he would be inclined to utilize the valet service on those days especially if he was running late and was looking for a place to park. Commissioner Yount also questioned Section 8-44.04(B) regarding modification and revocation. He thought the statement was too broad. Planning Director Rothrock responded that Council could choose to omit this statement, but in other ordinance examples he had seen, this statement had been included. He also stated that he understood that Mr. Phillips originally did not plan to operate his valet service on parade days.

Commissioner Klutz remarked that staff had done an excellent job with the guidelines.

Commissioner Yount also asked about the use of sandwich board signs. He asked Mr. Rothrock if everyone was allowed to use them or were they prohibited. Mr. Rothrock stated they were allowed during special events such as the Farmers Market, Concerts in the Park, Art in the Park, and other non-profits. He stated however, they were not allowed on public sidewalks. Mr. Rothrock explained something was needed to identify where parking was available for the valet service.

After further discussion, it was the consensus of Council that 30 minutes prior to the parade and 30 minutes following a parade would be adequate time to cease the operation of a valet service.

In regard to Section 8-44.04(B) *Modification and revocation*, Mr. Rothrock stated that Council could strike that statement from the ordinance if they wished to. Town Attorney Moseley suggested the statement remain and language be added that stated the Town could revoke or modify a permit if it was determined to be detrimental to the health and safety of the public. Council agreed with Mr. Moseley.

According to Mr. Moseley, the language in this ordinance would not add any liability to Mr. Phillips' company should a pedestrian be struck by a vehicle being driven by someone other than a valet attendant.

Mayor Lawrence called for any public comments. Ms. Regina Pelsmaeker asked for clarification regarding Mr. Phillips' use of public parking. Mayor Lawrence responded that Mr. Phillips was not charging for the use of public parking, but rather charging for the service of parking the car for the customer in a space that would have been used anyway. Ms. Pelsmaeker also had questions regarding parking enforcement. Mr. Rothrock stated that cars being parked by the valet service would be subject to parking citations if they parked illegally. He also clarified the valet service would have the use of all public parking with the exception of Main Street.

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

Commissioner Steele then made a motion to send the recommended changes to the draft ordinance back to the Planning Board. Mayor Lawrence advised that Commissioner Steele could choose to include the adoption of the draft ordinance with the recommended changes in his motion if he wished. Commissioner Steele amended his motion for approval of Ordinance #2011-14 with the following changes: modifications to Section 8-44.4(B) *Modification and revocation*, to include that a license/permit could be revoked by the Town at any time if it impacted the health, safety, or general welfare of the public. Section 8-44.4(C) *Temporary Suspension* from "2 hours prior to and 1 hour after scheduled parade events and other street closings" to "30 minutes prior and 30 after parade events", depending on the street in which the business is located.

Commissioner Steele clarified his motion by stating the valet service would cease operation if the street in which their business was located was closed, instead of 30 minutes prior and 30 minutes after closing of the street. His motion was seconded by Commissioner Klutz. Unanimously approved. **Valet Parking Standards (Ordinance #2011-14) – Exhibit C**

NEW BUSINESS

1. High County Half Marathon – Boone to Blowing Rock (August 27, 2011)

Town Manager Hildebran presented a request from High Country Triple Crown and Zap Fitness to hold the inaugural High Country Half Marathon on Saturday, August 27, 2011. Proceeds from the event would go to support Girls on the Run of the High Country. Mr. Hildebran advised the 13.1 mile run would begin at 8:00 a.m. at ASU Kidd-Brewer Stadium in Boone and conclude at the Blowing Rock Equestrian Preserve.

Mr. Hildebran also mentioned that High Country Triple Crown would be coordinating with the Police Department and Emergency Services Department on traffic control for the event.

With no further comment, Commissioner Pickett made a motion to approve the request as presented, seconded by Commissioner Klutz. Unanimously approved. **High Country Half Marathon – Exhibit D**

2. Blowing Rock/Boone Water Interconnection – Close-out Change Order

Mr. Hildebran stated that in November 2009, Town Council authorized the execution of a contract with Ronny Turner Construction, Inc. for \$2,998,196 to construct the Blowing Rock/Boone Water Interconnection Project.

He further advised that Council had approved two contract adjustments which had increased the contract by \$60,141. As stated during the adjustments, and as recognized in the Fiscal Year budgets through the reduction of interconnect fees from \$5/mo to the current \$2/mo, the project encountered less rock excavation than expected and realized other savings which resulted in a reduction of the overall contract amount.

After receiving final quantities, a close-out change order to reduce the contract amount with Ronny Turner Construction, Inc. by \$737,452.25 resulting in a final contract amount of \$2,320,884.75 was presented.

Commissioner Klutz made a motion to approve the Close-out Change Order as presented, seconded by Commissioner Matheson. Unanimously approved. **Blowing Rock/Boone Water Interconnection – Close-out Change Order – Exhibit E**

3. Settlement of 2010 Property Taxes/Charge of 2011 Property Tax Collection

Pursuant to NCGS 105-375(a)(1), Council was presented with the Tax Collectors 2010-11 Settlement Report for approval. In addition to the report, an Order of the Town Board for the Collection of Fiscal Year 2011-12 Property Taxes was also presented for consideration.

With no further discussion, a motion was made by Commissioner Pickett, seconded by Commissioner Klutz to approve the Settlement of 2010 Property Tax Report and Charge of 2011 Property Tax Collection as presented. Unanimously approved. **Settlement of 2010 Property Taxes/Charge of 2011 Property Tax Collection – Exhibit F**

SPEAKERS FROM THE FLOOR

Mr. Egerton van den Berg of 186 Jensen Drive approached Council regarding his concerns with the proposed renovations and additions to the Blowing Rock Horse Show Grounds. Mr. van den Berg stated according to the plans, a ridge top would be destroyed and he had been unaware of the proposed renovations and additions. He asked that Council be more pro-active regarding environmental concerns in projects such as this. He stated after speaking with his attorney, he had found that the Town could have more regulatory authority if they chose. Mr. van den Berg stated he would prefer the Town deal with the environmental issues in the future.

Commissioner Klutz asked Planning Director Rothrock if proper notification had been sent to adjoining property owners regarding this project. Mr. Rothrock responded the Town was not required to send notification to adjoining property owners. Mr. Rothrock further explained notification was required only in the case of a conditional use permit. He stated the stable addition required a zoning permit which did not require notification to adjoining property owners.

Mr. van den Berg stated if a home was being built next door to him there would be design standards but with the addition of stables there were none. He urged Council to consider changing the Land Use Codes.

Mayor Lawrence thanked Mr. van den Berg for his comments.

Next, Mr. Ron Oberle wished to publicly thank and express his appreciation to Chief Brown and Detective Angel Mahaffy of the Police Department. He commented that during a recent robbery, Detective Mahaffy had solved the case in a very expedient and professional manner.

DEPARTMENTAL REPORTS

Town Manager Hildebran commended Parks & Recreation Director Jennifer Brown on the great job her department had done during the July 4th festivities and commented the event saw record attendance.

Commissioner Matheson inquired about the deadline date for the Wallingford/Globe Road sewer project. He asked if the contract could be cancelled due to the postponement of the project for the past seven weeks. Town Engineer Doug Chapman stated the deadline date for the project was in September and a daily penalty would be charged if the project was not completed on time. Town Manager Hildebran stated he had spoken with the company and they had received their encroachment agreement from the NCDOT and would be starting the project in the next few days.

Commissioner Klutz mentioned a pothole that needed to be fixed on Sunset Drive and repairs that were needed at Davant Field.

Mayor Lawrence also mentioned that several side ditches were hazardously deep. Commissioner Klutz mentioned that the side ditches along Possum Hollow Road were deep also. Public Works Director Mike Wilcox stated his department was waiting for the appropriate time to fill these areas with riprap then pave them. Town Manager Hildebran also reminded Council that Possum Hollow Road was on the street paving schedule for this fiscal year and that ditch improvements would be included in this project. Commissioner Yount requested that Mr. Wilcox identify the problem areas and make the needed repairs.

Commissioner Steele asked about the zoning permit issued for the Horse Show Grounds and the requirements for public notices. Commissioner Klutz stated he would have preferred that the property owners be notified by the Town regarding the addition of stables at the Horse Show Grounds. Mr. Rothrock stated the Town could not pick and choose who to notify, but assured Council that he would follow the notification requirements of the Land Use Ordinance.

At 5:50 p.m. Council entered into Closed Session pursuant to NC General Statutes 143.318.11 to confer with the Town Attorney.

Council reentered their regular meeting at 6:05 p.m.

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:06 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (07-12-11)

- Amendments to Land Use Ordinance-Definitions (Ordinance #2011-12) – Exhibit A
- Amendments to Land Use Ordinance - Design Standards (Ordinance #2011-13) – Exhibit B
- Valet Parking Standards (Ordinance #2011-14) – Exhibit C
- High Country Half Marathon – Exhibit D
- Blowing Rock/Boone Water Interconnection – Close-out Change Order – Exhibit E
- Settlement of 2010 Property Taxes/Charge of 2011 Property Tax Collection – Exhibit F