

**MINUTES**  
**Town of Blowing Rock**  
**Board of Commissioners**  
**Regular Meeting-September 11, 2012**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, September 11, 2012 at 5:30 p.m. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Dan Phillips, Tommy Klutz and Doug Matheson. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Police Chief Eric Brown, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Emergency Services Director Kent Graham, Parks & Recreation Director Jennifer Brown, Building Inspector Jesse Horner, Planning Intern Taylor Gupton and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:30 p.m. and asked everyone to take a moment to remember those who lost their lives on this date during the September 11, 2001 attack on the World Trade Center.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Phillips to approve the minutes as written for meetings held on August 7<sup>th</sup> and 14<sup>th</sup>, 2012, seconded by Commissioner Klutz. Unanimously approved.

**PUBLIC HEARING**

**1. Blue Ridge Vistas (Village Gate) – Annexation Petition (Ord. #2012-11)**

Planning Director Kevin Rothrock stated that on August 7, 2012 Blue Ridge Vistas Condominiums submitted a petition for voluntary annexation to Council for their consideration. The petition initiated satellite annexation of a 3.03 acre property located on Hwy 321 in Caldwell County. According to Mr. Rothrock, the property owners were in need of water service after the NCDOT purchased a right-of-way which included the private well that served the condos. Annexation would be required in order for water service to become available to the property.

Mr. Rothrock further explained that NCDOT had agreed to fund the engineering and installation of town water to the property if annexation was approved. According to Mr. Rothrock, in 2010, Council had agreed to allow this connection contingent on the annexation process and payment of all applicable fees.

The 31-unit building valued at \$2,655,000 and currently zoned as R-20 in Caldwell County, was proposing a change in zoning to General Business in order to be consistent with their current use. The draft ordinance would authorize the property owners to continue their vested right of short-term rental of the property which would be subject to occupancy taxes.

Mt. Rothrock stated the property boundaries were not contiguous with the Town limits of Blowing Rock and therefore, certain rules for satellite annexation had to be followed pursuant to N.C.G.S. 160A-58.1 (b). Mr. Rothrock stated the rules had been satisfied.

During the August 14, 2012 Council meeting, Council approved Resolutions 2012-16 and 2012-17 to initiate the satellite annexation process and set a date for public hearing.

Mr. Rothrock explained if approved, the annexation would become effective on June 30, 2013. A rezoning request would be forwarded to the Planning Board for review and recommendation and brought back before Council for final approval in the future.

Commissioner Phillips inquired as to why the zoning was changing on this property if annexation occurred. Mr. Rothrock explained the property was currently located within Caldwell County zoning jurisdiction and upon annexation into town, the property would be under town zoning. Commissioner Phillips also asked if short-term rental would be allowed. Mr. Rothrock stated that short-term rental would be allowed if the property was annexed. Town Manager Hildebran also stated if annexed, a fee of 3% would be paid to Blowing Rock as well as Caldwell County for a total of 6% occupancy fees. Commissioner Phillips asked what amount would be paid to the Tourism Development Authority (TDA). Mr. Hildebran advised that occupancy receipts were not public information and had not been disclosed. An attorney representing Blowing Rock Vistas commented that approximately 8-10 units currently utilized short-term rentals.

Commissioner Yount asked Town Attorney Moseley if everything looked sufficient to him regarding the annexation of the proposed property. Mr. Moseley responded that given the location of the property, everything looked fine from a legal perspective.

Commissioner Klutz asked if the property had a sufficient repair area should their sewer system fail. He also asked if the Town had plans to extend sewer to the area. Mr. Rothrock stated at this time, the Town did not have plans to extend sewer. Commissioner Klutz suggested the ordinance include verbiage should their sewer system fail, there would be no cost to the Town to extend sewer to the area; the condominium property would incur all costs.

Town Manager Hildebran further explained if this annexation were to be an involuntary annexation, the Town would be required to provide any town service to the area, but this was a voluntary annexation with only water service requested.

Town resident Don Hubble felt a more robust economic study needed to be completed before annexation of the property occurred. He felt the annexation would be too costly to the Town. Mayor Lawrence responded that with the annexation of the proposed property, the Town would not be incurring extra costs, because fire and police protection was already available, and after annexation tax revenue would be collected.

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

Commissioner Klutz then made a motion for approval of the Blue Ridge Vistas (Village Gate) Annexation Petition - Ordinance #2012-11 with the addition of verbiage stating the applicant would incur all costs should they need to connect to the Town's sewer system in the future. The motion was seconded by Commissioner Matheson. Unanimously approved. **Blue Ridge Vistas (Village Gate) Annexation Petition - Ordinance #2012-11 – Exhibit A**

## **OLD BUSINESS**

### **1. Update – Town Comprehensive Plan Process (Survey)**

Planning Director Rothrock explained that the survey was well underway with post cards being mailed out several weeks prior. He stated the deadline had been extended from September 15<sup>th</sup> to the end of September for respondents to complete and return their surveys.

Mr. Rothrock advised that a survey link had been placed on the Town's website and thus far, 380 surveys had been completed online and 41 surveys had been mailed directly to the property owners.

Council urged everyone to please complete their survey if they had not already done so.

### **2. Update – US 321 Retaining Walls**

Planning Director Rothrock stated that NCDOT was willing to work with the town while they made a decision regarding the retaining wall design during the 321 widening process, but in order to move along with the project a decision needed to be made no later than Friday, September 21<sup>st</sup>. NCDOT also agreed the Town had retaining wall selection options.

A power point presentation was given showing available options and several samples of retaining walls. Commissioner Klutz questioned if the walls would be capped with real stone. Mr. Rothrock stated that due to maintenance costs to the Town he did not think real stone would be used. Commissioner Klutz stated that he liked the chiseled cap look shown in the example.

While viewing the examples, Bobby Ball stated she had viewed retaining walls where color bleeding had occurred and she did not think anyone wanted that to happen to the retaining walls in this project. Planning Director Rothrock stated the walls would be finished and bleeding should not occur.

Town resident and member of the Blowing Rock Country Club, Mr. Don Hubble mentioned that the Country Club had not yet made a decision regarding the retaining wall located on their property. Ms. Ball stated that she felt the retaining walls located near the Country Club wall should be made from the same material.

After further discussion, Commissioner Klutz made a motion for approval of the Vista Dry-stack example with chiseled capping, seconded by Commissioner Phillips, unanimously approved.

Ms. Ball stated that while she was a member of Council, a representative of NCDOT had told her that the NCDOT wanted to work with the Town during this project, but any court costs incurred from battling with the Concerned Citizens group would be taken from money spent on the project. Ms. Ball stated that she then realized the road was going to be widened and there was no stopping the project, so the Concerned Citizens had backed away at that point. Ms. Ball continued to state that NCDOT owed the citizens of Blowing Rock the best road possible because this was something that the citizens would have to look at for the rest of their lives.

Commissioner Klutz then stated that he would like for NCDOT to expand the retaining wall footers from 12 inches to 18 inches so that if in the future Council decided to install real stone over the stamped concrete that could be accomplished. Mayor Lawrence asked Planning Director Rothrock to relay that request to the NCDOT.

## **NEW BUSINESS**

### **1. Downtown Streetscape (Phase III) – Addition**

Town Manager Hildebran advised that Council had approved Phase III of the Downtown Streetscape during a prior meeting and had awarded the bid to Mountain Crest, LLC in the amount of \$52,975.00. This phase of the Streetscape Plan included new sidewalks, curb & gutter, paving, concrete pavers, utilities, and related appurtenances located on the East Side of Main Street. He also advised the project was approximately 95% complete.

Based on the poor condition of the adjoining sidewalk adjacent to Storie Street, town staff requested a quote from Mountain Crest, LLC to extend the streetscape improvements for an additional 48 linear feet to the south side of Windwood Antiques. Mountain Crest, LLC then submitted a quote in the amount of \$11,220.00 for the addition.

With no further comments, Commissioner Phillips made a motion to award the bid of \$11,220.00 to Mountain Crest, LLC as presented, seconded by Commissioner Klutz. Unanimously approved.

### **2. Watauga County FY 2012 CDBG Scattered Site Housing Program**

Town Manager Hildebran presented a Local Government Participation Certificate Statement asking for the Town of Blowing Rock's participation in the FY 2012 Watauga County Scattered Housing Program to Council for consideration.

Mr. Hildebran stated that Watauga County had become eligible to apply for up to \$225,000 in funding from the N.C. Department of Commerce to provide housing repair assistance to low income homeowners in the county. Mr. Hildebran advised that Watauga County had requested the Town's participation in the program as well.

If Council decides to participate, Planning Director Kevin Rothrock had agreed to serve as a staff representative on the Watauga County Housing Advisory/Selection Committee.

Also, according to Mr. Hildebran, the High Country Council of Governments would administer the program and the Town had previously participated in 2009 and in 2006.

Commissioner Klutz made a motion to participate in the Watauga County FY 2012 CDBG Scattered Housing Program, seconded by Commissioner Matheson. Unanimously approved. **Watauga County FY 2012-2012 CDGB Scattered Housing Program Municipality Certification – Exhibit B**

## **2. Budget Amendment (Ordinance #2012-12)**

Budget Amendment Ordinance #2012-12 for FY 2012-2013 was presented to Council for their approval. The amendment consisted of appropriation of funds as follows: Section 1 (General Capital Fund) from funds dedicated from the Emergency Services Building Project Reserve as well as Parking Reserve-Other towards the debt service of the two structures as approved in the FY 2012-2013 Budget Ordinance. According to Mr. Hildebran, the appropriation was performed as advised by auditors.

Commissioner Klutz made a motion to approve Budget Amendment Ordinance #2012-12 as presented, seconded by Commissioner Phillips. Unanimously approved. **Budget Amendment (Ord #2012-12) – Exhibit C**

## **SPEAKERS FROM THE FLOOR**

Ms. Stacy Merrell came before Council to discuss a proposed business venture regarding downtown historic walking tours. After speaking with the Planning and Inspections Department, Ms. Merrell stated it was suggested that she present her idea to Council since there were no set guidelines for this type of business. Town Manager Hildebran stated there were several towns that had successful tours such as this and he felt that it was a good idea but guidelines were needed.

It was the consensus of Council to present this request to the Planning Board at their next meeting. Mayor Lawrence thanked Ms. Merrell for her presentation and wished her luck.

## **DEPARTMENT UPDATES**

Mr. Hildebran updated Council on the success of the last auction of Town equipment on GovDeals.com. He informed Council the auction went better than anticipated.

He also mentioned that work would begin on the repaving of Main Street the next day with work on the A.D.A. ramps.

Mr. Hildebran thanked the Parks & Recreation staff on a successful season at the Robbins Pool at Broyhill Park that was now closed for the season.

Mr. Hildebran also extended his appreciation to all public safety personnel for their services performed each day.

Commissioner Phillips inquired as to why the registration numbers were down in the Kinder-Soccer program. Parks & Recreation Director Jennifer Brown explained there were several other programs comparable to this one offered in the County which had had an effect on Blowing Rock's program. She also continued to explain that sometimes there were cycles in which the children outgrew the age requirements causing a lapse in enrollment.

Commissioner Phillips then asked if the Parks & Recreation Department planned to adjust their expenses to off-set the lower registration numbers. Ms. Brown's response was that expenses would be adjusted including less staff, t-shirts, etc.

Commissioner Klutz questioned Town Engineer Doug Chapman regarding the need for a surge relief valve on the interconnect line between Boone and Blowing Rock. Commissioner Klutz stated he did not feel the Town should spend any more money on the project. Mr. Chapman explained the reasoning for the surge relief valve and that a valve had been shut off at the vault located near Tweetsie that was affecting the situation. Commissioner Phillips wanted to know when this could be resolved. Mr. Hildebran stated a resolution would be made within a 30-day period. Commissioner Klutz stated once again that he did not want any more money spent on the project. Town Engineer Chapman stated the cost would be minimal to fix the problem. Mayor Lawrence along with Commissioner Yount stated the situation had to be repaired.

Commissioner Matheson offered congratulations to Town Manager Hildebran for being selected Town Manager of the Year recently at the High Country Council of Government's Annual Banquet. Town Manager Hildebran extended his appreciation to all town staff.

In closing, Parks & Recreation Director Brown asked Council for a final decision regarding the time for the Christmas Parade. She asked if Council had decided to leave the time at 2:00 p.m. because there had been discussion about holding the parade in the morning instead of the afternoon. It was the consensus of Council to leave the Christmas Parade scheduled on Saturday, November 24, 2012 at 2:00 p.m.

**ADJORNMENT**

There being no further business to discuss, the meeting was adjourned at 6:55 p.m.

**MAYOR** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
**J.B. Lawrence** **Sharon Greene, Town Clerk**

**ATTACHMENTS (09-11-12)**

Blue Ridge Vistas (Village Gate) Annexation Petition - Ordinance #2012-11 – Exhibit A  
Watauga County FY 2012-2012 CDGB Scattered Housing Program Municipality  
Certification – Exhibit B  
Budget Amendment (Ord #2012-12) – Exhibit C