

**MINUTES**  
**Town of Blowing Rock**  
**Board of Commissioners**  
**Regular Meeting-January 8, 2013**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, January 8, 2013 at 5:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Dan Phillips, 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, Police Chief Eric Brown, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Emergency Services Director Kent Graham, Building Inspector Jesse Horner, 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 by Commissioner Steele to approve the minutes for the December 11, 2012 meeting, seconded by Commissioner Klutz. Unanimously approved.

**PUBLIC HEARINGS**

**1. Park – Annexation Petition (Ord #2013-01)**

Planning Director Kevin Rothrock presented a petition for voluntary satellite annexation to Council for their consideration of a 0.41 acre vacant tract located within the ETJ along Goforth Road just outside the Town limits.

Mr. Rothrock advised the applicant had submitted a petition annexation with the intention of constructing a house and connecting to Town water and sewer utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.

The applicant would be responsible for the costs of extending water and sewer service to their property and for the availability fees for any buildings connected to the system.

Since the boundaries of the property were not contiguous with the Town's corporate limits, the rules for satellite annexation would be followed pursuant to North Carolina General Statute 160A-58.1(b). Mr. Rothrock advised the applicant met all requirements for satellite annexation.

If approved, the annexation would become effective June 30, 2013.

With no further comments, Commissioner Yount made a motion to close the public hearing, seconded by Commissioner Phillips. Unanimously approved. Commissioner Matheson then made a motion to approve Park-Annexation Petition Ordinance #2013-

01 as presented. The motion was seconded by Commissioner Phillips. Unanimously approved. **Park-Annexation Petition Ordinance #2013- 01 – Exhibit A**

## **2. Town Code Amendment – Tours (Ord #2013-02)**

In October, the Planning Board was asked to develop standards for walking tours after the Town had received several inquiries from people interested in conducting walking tours downtown. Mr. Rothrock reviewed the guidelines and tour approval standards provided in the draft ordinance.

Mr. Rothrock then advised that staff had consulted with other North Carolina towns similar in size to Blowing Rock and had utilized the best practices used by those jurisdictions. According to Mr. Rothrock, the draft ordinance was as minimal as possible to provide basic guidelines to address potential problems and ensure public safety. He also commented that during their November meeting, the Planning Board had approved the draft ordinance.

Mr. Rothrock stated at this time there were no formal requests for walking tours, but staff felt it would be helpful to have guidelines in place. He also mentioned the ordinance was not intended to regulate walking tours conducted by nonprofit organizations such as the Historical Society, Blowing Rock Art and History Museum or schools.

Commissioner Klutz commented that he felt if people were paying to go on a walking tour, an amplifying device should be allowed so they could enjoy the tour fully and the draft ordinance did not allow amplifying devices.

Town Manager Hildebran commented that other towns had guidelines comparable to the draft ordinance.

Commissioner Matheson commented that he agreed with Commissioner Klutz regarding the audio device.

Commissioner Yount stated that he was in favor of the walking tours but to his knowledge there was no need for an ordinance at this time. Mayor Lawrence responded that he felt staff was trying to be pro-active.

Commissioner Klutz also mentioned that he was not in favor of charging \$50.00 for a permit in order to conduct a walking tour because he thought this was a service to the community. He also stated the liability insurance requirement should be reduced.

Audience member Ginny Stevens expressed that the Historical Society had tried to have free walking tours several years ago and it had proved to be very difficult because of the width of the sidewalks, no audio device, crowd control issues, and it was difficult to monitor. Ms. Stevens mentioned that she had spoken with the person who had come before Council several months ago asking about conducting walking tours mentioning the difficulties the Historical Society had encountered.

Audience member Mr. Jon Pirtle also commented that he thought the guidelines should be consistent whether the applicant was a nonprofit organization or for profit. He also spoke regarding the use of an audio device; saying that he had been on walking tours where everyone had earphones to cut down on any exterior noise.

After further discussion, Commissioner Phillips commented that he felt this issue should be tabled until further review because he did not like the idea of a bullhorn being used and he thought there would be issues with crowded sidewalks.

Commissioner Phillips made a motion to close the public hearing, seconded by Commissioner Klutz. Unanimously approved. A motion to table the item until further review was made by Commissioner Phillips, seconded by Commissioner Klutz. Unanimously approved.

### **3. Land Use Code Amendment – Subdivision Standards (Ord #2013-03)**

Planning Director Rothrock advised after reviewing the recent completion of a subdivision road that was approved several years ago, the Town Engineer and staff had noticed there was an inadequate right-of-way at the cul-de-sac. The right-of-way was too narrow to accommodate all utilities and to make necessary public improvements. The road according to Mr. Rothrock was built to town standards, but the as-built plans revealed very little right-of-way outside of the pavement.

Over the past two months the Planning Board had reviewed street right-of-way width for minor and local streets, and the cul-de-sac right-of-way and minimum pavement areas. They had then recommended increasing the minimum street right-of-way from 30 feet to 35 feet in width and the cul-de-sac right-of-way from 30 feet to 40 feet. The recommendation also included an increase in pavement radius in cul-de-sacs from 30 feet to 35 feet.

Mr. Rothrock went on to say with the additional street right-of-way this would reduce the size of developable lot area from current standards and the Planning Board was recommending reducing the street setback in all R-15 zoning districts from 40 feet to 30 feet. A setback reduction would also benefit other existing lots in R-15 where other homes were built less than the 40-foot setback and topography is an issue.

Mayor Lawrence stated he felt the recommended changes to the ordinance were an improvement.

Commissioner Steele made a motion to close the public hearing, seconded by Commissioner Klutz. Unanimously approved. Commissioner Klutz made a motion for approval of Ordinance #2013-03 as written, seconded by Commissioner Matheson. Unanimously approved. **Land Use Code Amendment –Subdivision Standards (Ord #2013-03) – Exhibit B**

Commissioner Klutz asked EMS Director Kent Graham about the existing cul-de-sacs in Town where fire trucks might have an access problem. Mr. Graham stated there were some challenging areas in town. Commissioner Klutz asked that Mr. Graham compile a list of the areas for Council's review. Mr. Rothrock responded that a list could be made, but it would be difficult to do anything about the problem without purchasing additional right-of-ways. Mr. Graham commented that his department would compile a list in the near future for Council.

#### **4. Town Code Amendment – Taxicabs (Ord #2013-04)**

Planning Director Kevin Rothrock advised the Town had received a recent request from an individual interested in providing a taxi cab service in Blowing Rock. After reviewing the current taxi cab regulations in the Town Code, staff had found some minor changes that were needed to remain consistent with the NC General Statutes.

Mr. Rothrock stated the draft ordinance provided the following updates:

- Operator permits are non-transferrable
- Applicant/driver must be a citizen of the U.S.
- Habitual violators of traffic laws are disqualified
- All vehicles must display signs during operation

If the amendments were approved by Council, Mr. Rothrock stated an application would possibly be forthcoming in the next few weeks from a business desiring to provide taxi cab/shuttle service in town.

Commissioner Phillips asked if an actual shuttle would be used or a taxi cab. Mr. Rothrock responded the person interested in starting the business would be using a suburban.

Audience member Jon Pirtle had questions regarding vehicle restrictions such as age of the vehicle, height, size, etc, in addition to who would be doing the background checks on the driver of the vehicle. Mr. Rothrock advised that all vehicles would be inspected. Town Manager Hildebran stated that the standard procedure used by the Police Department would be utilized regarding the background checks.

Commissioner Phillips had questions regarding the size of the vehicle that could be used and the maximum number of passengers. Mr. Rothrock stated according to the ordinance, there was a limit of nine passengers that could be transported at any given time in reference to a taxi cab business. He also expressed that a 15-passenger van could not be used for this purpose.

Audience member David Rogers asked if digital signage would be allowed. Mr. Rothrock stated that signage needed to be addressed and would be added to the ordinance in the future.

Commissioner Steele inquired if the taxi cab business had to originate in Blowing Rock or could the business be located elsewhere. Mr. Rothrock explained that the business did not have to originate in town, but in order to do business in Blowing Rock, a business license would be needed and proof of insurance, etc. Town Manager Hildebran advised that many taxi cab businesses were now cell phone operated and actual offices were no longer needed.

Commissioner Steele also asked who would address any complaints that might arise. Mr. Hildebran stated the police department would accept complaints. Mr. Rothrock also mentioned that their permits could be revoked if needed. Commissioner Steele asked Town Attorney Moseley if the six guidelines in the draft ordinance were sufficient. Town Attorney Allen Moseley stated this was not a question that he could answer, since it was not a matter of legality, but rather at Council's discretion. Commissioner Steele stated the demand would determine the supply and it was possible the business could grow to exceed one vehicle/driver. Commissioner Steele expressed his concern if the Town would be responsible for the actions of the taxi cab business. Mr. Hildebran stated the taxi cab business would be a franchise. David Rogers then asked if current taxi cab businesses would be subject to the ordinance. Mr. Hildebran stated the ordinance would apply to other taxi cab businesses if they operated in Blowing Rock.

Audience member Alice Roess asked if the ordinance pertained to motorized vehicles for hire only. Mr. Hildebran stated the town already had an existing ordinance and was only modifying it to meet state statutes and this ordinance modification only pertained to motorized vehicles only.

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

A motion was made by Commissioner Matheson for approval of the Town Code amendment regarding taxicabs as presented, seconded by Commissioner Steele. Unanimously approved. **Town Code Amendment-Taxicabs – (Ord #2013-04) – Exhibit C**

## **NEW BUSINESS**

### **1. Glen Burney Trail – Blue Ridge Conservancy Adopt-a-Trail Initiative**

Town Manager Hildebran stated that Parks & Recreation Director Jennifer Brown had received a request from the ASU Blue Ridge Conservancy for an adopt-a-trail initiative for the Glen Burney Trail to provide light trail maintenance.

Mr. Hildebran advised that light maintenance of the trail would involve lopping, trimming, raking, picking up litter, and clearing light debris. Materials and tools would be provided by Blue Ridge Conservancy. In order to receive help with funding, they would be applying for a North Carolina Adopt-a-Trail grant and extra points would be given if Council approved their request.

Commissioner Klutz asked if the trail was in good shape at the present time. Ms. Brown responded that it was and currently her employees maintained the trail once a month unless extra work was needed.

Commissioner Matheson asked if the Blue Ridge Conservancy had their own insurance and would not be covered under the Town's. Mr. Hildebran advised the conservancy carried their own insurance.

Commissioner Klutz made a motion to approve the request as presented, seconded by Commissioner Phillips. Unanimously approved.

## **2. Law Enforcement Memorial Run – Road Race**

Planning Director Kevin Rothrock presented a request from Ms. Emily Greer to hold a Law Enforcement Memorial Run on Saturday, June 8, 2013 in honor of Deputy William Mast, Jr. Proceeds from the event would go to support Deputy Mast's widow and son.

Mr. Rothrock reviewed the logistics for the event and stated traffic control would be coordinated with the Police Department as well as the Emergency Services Department.

Commissioner Phillips made a motion to approve the request as presented, seconded by Commissioner Klutz. Unanimously approved.

## **3. Resolution Opposing Legislative Taking of a Municipal Water System (Res #2013-01)**

Town Manager Hildebran presented Resolution #2013-01 to Council for their consideration. He stated the resolution opposed legislation that forced the transfer of any municipal water system to another entity. According to Mr. Hildebran, the City of Asheville had requested other municipal governments to consider adopting such a resolution due to the negative impact by the precedent set, if the NC General Assembly were to transfer the utility assets of one local government to another to the detriment of taxpayers and ratepayers. The North Carolina League of Municipalities (NCLM) also encouraged consideration of the resolution as a NCLM Core Principle states *"with regard to enterprise services, municipalities must be free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangement."*

Mr. Hildebran then gave a brief history regarding the forced involuntary transfer of a water system. He advised that all towns/cities were being advised to adopt a resolution such as the one presented opposing this action.

Commissioner Klutz asked if this had anything to do with the interconnection between Blowing Rock and Boone. Mr. Hildebran stated to his knowledge, it did not.

Commissioner Steele inquired if this was a present priority. Mr. Hildebran answered that it was because he felt that legislation would be introduced by the end of the month.

Commissioner Yount made a motion to accept the resolution in opposition of the legislative taking of a municipal water system. Commissioner Klutz seconded the motion. Unanimously approved. **Resolution Opposing Legislative Taking of a Municipal Water System (Res #2013-01) – Exhibit D**

**4. Resolution to Support 2012-2015 State Funding for Clean Water MTF (Res #2013-02)**

Town Manager Hildebran presented Resolution #2013-02 in support of the NC Clean Water Management Trust Fund and encouraging the Governor and the General Assembly to consider an increase in recurring funding for the 2013-2015 Biennial Budget for Council's review and consideration.

Mr. Hildebran advised that North Carolina's Clean Water Management Trust Fund (CWMTF) was established by the General Assembly in 1996. CWMTF received a direct appropriation from the General Assembly in order to issue grants to local governments, state agencies and conservation non-profits to help finance projects that specifically address water pollution problems. The 21-member, independent, CWMTF Board of Trustees had full responsibility over the allocation of moneys from the Fund.

CWMTF funds projects that (1) enhance or restore degraded waters, (2) protect unpolluted waters, and/or (3) contribute toward a network of riparian buffers and greenways for environmental, educational, and recreational benefits.

Mr. Hildebran advised that the Town of Blowing Rock had been a recipient of CWMTF funds in the past ten years.

Commissioner Steele mentioned that he and Mr. Hildebran would be attending a League of Municipalities meeting in Raleigh in the next couple weeks and it might be best to wait until more information was received. Mr. Hildebran advised this request was not from the League of Municipalities, it was from CWMTF, which was a non-partisan group. However, Council could choose to wait until the next meeting if they wished. It was the consensus of Council to table this issue until the February meeting.

**5. Tax Refund (Ref #2011-04)**

Mr. Hildebran presented Tax Refund #2011-04 to Council for approval. He stated that Tax Collector Greene had reviewed the refund with Watauga County and was satisfied that the refund met all statutory requirements pursuant to N.C.G.S. 105-381(b).

The refund for \$273.84 to Ms. Gretchen Piasecny was due to fifty percent of the property being located outside the Town of Blowing Rock's corporate limits. In 2011, the full amount had been billed incorrectly.

Commissioner Phillips made a motion to approve Tax Refund #2011-04 as presented, seconded by Commissioner Klutz. Unanimously approved. **Tax Refund (Ref #2011-04) – Exhibit E**

**SPEAKERS FROM THE FLOOR**

None

**DEPARTMENTAL REPORTS**

Town Manager Hildebran updated Council on the following items:

- Asked Council to look at the lampposts located in the park, because this was the type of lighting proposed along Hwy 321
- Salt bins were almost complete at the Public Works facility on Cone Road
- WWTP improvements almost completed
- Upcoming 2013 Retreat/January 20-22
- Town reservoir/China Creek property land exchange completed

Council then inquired about a matter on Ransom Street between two property owners. Mr. Rothrock stated a letter regarding a decision had been sent and if appealed, the matter would come before Council in the future.

Commissioner Steele asked why fencing grievances came before Council instead of the Board of Adjustment. He suggested that Council review this matter further and possibly make a change to the ordinance. Mayor Lawrence stated that Council put the ordinance into affect and this matter could be discussed at a later date if needed.

**ADJOURN**

There being no further business, to discuss, the meeting was adjourned at 6:40 p.m.

**MAYOR** \_\_\_\_\_  
**J.B. Lawrence**

**ATTEST** \_\_\_\_\_  
**Sharon Greene, Town Clerk**

**ATTACHMENTS** (01-08-13)

- Park-Annexation Petition Ordinance #2013- 01 – Exhibit A
- Land Use Code Amendment –Subdivision Standards (Ord #2013-03) – Exhibit B
- Town Code Amendment-Taxicabs – (Ord #2013-04) – Exhibit C
- Resolution Opposing Legislative Taking of a Municipal Water System (Res #2013-01) – Exhibit D
- Tax Refund (Ref #2011-04) – Exhibit E



