

**MINUTES**  
**Town of Blowing Rock**  
**Board of Commissioners**  
**Regular Meeting- April 9, 2013**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, March 12, 2013 at 5:30 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, Parks & Recreation Director Jennifer Brown, and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:30 p.m. and welcomed everyone.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Phillips to approve the minutes for meetings held on March 5<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>, 2013 as written, seconded by Commissioner Klutz. Unanimously approved.

Mayor Lawrence advised the first item on the agenda Appalachian Place at Chestnut Ridge had been deferred to the May 14, 2013 meeting and that Sales Tax Reallocation would be added to the agenda as item #7.

**PUBLIC HEARINGS**

1. **CUP #2013-01 – Appalachian Place at Chestnut Ridge (Deferred to May 14, 2013 Meeting)**

**OLD BUSINESS**

1. **Friends of the Blue Ridge Parkway Anniversary Event (August 23-25, 2013)**

Per Council's request during their November 2012 meeting, Mr. Michael Keibelbeck was to return before Council to provide an update on the Friends of the Blue Ridge Parkway – High Country Chapter 25<sup>th</sup> Anniversary event to be held August 23-25, 2013.

Since approval of the event during the November meeting, numerous calls had been received from several merchants on Morris Street concerning the event and potential loss of access to Morris Street.

Mr. Keibelbeck began his update by saying that the importance of this event had increased substantially due to several Parkway programs being discontinued due to a lack of funding. Mr. Keibelbeck advised that all proceeds would be given to the Blue Ridge Parkway to help with their 2013 priority projects, such as the Price Lake Trail, Bass Lake heart pond, maintenance of camp grounds, etc. He stated their motto was to

“Promote, Protect, and Preserve the Blue Ridge Parkway for Future Generations to Come.”

According to Mr. Kebelbeck, the cost of the event would be approximately \$7,500 and fundraising efforts had exceeded that amount; and a press release regarding the event would be forthcoming, hopefully by the first of May.

Mr. Kebelbeck further stated that he was in the process of securing a wide variety of vendors for the event. Main Street would be closed from Sunset Drive down to Morris Street from midnight on Friday to midnight on Saturday. Vendors would be placed along one side of the street. The main stage for musical performances, etc. would be placed at Laurel Lane while a smaller stage would be placed in Memorial Park. Musical performances would begin at noon on Saturday, August 24<sup>th</sup> ending at 10:00 p.m. He also mentioned that Davant Field had been secured should there be an overflow of vendors. Tanger Outlet as well as Food Lion had given permission for the use of a portion of their parking lots for event parking and a shuttle/trolley would be available from those areas.

Mr. Kebelbeck spoke of various changes that had occurred since the approval of the event, such as the event being shortened. The festival would now be held on Saturday, as well as the Poker Run with staging for the Poker Run to begin at Appalachian Ski Mountain outside the town limits. He further explained the Poker Run would last approximately 6 hours with stops in Boone, Valle Crucis, Banner Elk, and Linville/Grandfather Mountain area with an anticipated fundraising of approximately \$30,000.00. He advised there would be a maximum cap of 500 registrants for the Poker Run event.

Mr. Kebelbeck reiterated once again the importance of the Blue Ridge Parkway to the area stating this area was one of the most traveled and visited sections along the Parkway. He also stressed the need for volunteers for the events. He then introduced Mr. Roy Jones, Facility Manager of the Highlands District.

Commissioner Phillips thanked Mr. Kebelbeck for his update. He agreed the Blue Ridge Parkway was a very important asset to the area and that he understood the event was for a very good cause; but he felt the Poker Run event was not appropriate for the Blowing Rock area. He continued to say that he too was a motorcyclist who had participated in Poker Runs such as this one and he was aware of the stereo-typing that motorcyclists received. He expressed concern with the lack of control of the number of potential motorcyclists who would be attending the event and the lack of parking and excessive noise this would create.

Commissioner Phillips inquired if the merchants located downtown had been approached regarding the event. Mr. Kebelbeck stated that he would be visiting merchants along Main Street after the press release went out.

Commissioner Phillips also asked Mr. Kebelbeck if he had checked to see if there were any weddings planned in town during this time or other conflicting events. Mr. Kebelbeck stated before the event was scheduled, he had checked if there were any Art in the Park events scheduled, ASU ballgames, etc. and the only event scheduled was a Rotarian auction which would be held on Saturday, August 24<sup>th</sup> at the American Legion and as a Rotarian, he felt the events would complement one another.

Commissioner Phillips questioned the layout of the vendors on Main Street. Mr. Kebelbeck explained that one side of the street would be utilized and EMS Director Kent Graham would be aiding with the layout for safety purposes.

Commissioner Phillips then inquired if alcohol would be served to the Poker Run participants. Mr. Kebelbeck responded he was not aware of any alcohol being served and that Appalachian Ski Mountain planned to host a barbeque buffet for the entrants and no alcohol would be served.

Commissioner Phillips articulated that he had reviewed the survey that had been sent to area residents and 96 percent of the responders had expressed their concern with noise pollution in Blowing Rock. He reiterated once again that he didn't think the Poker Run event was appropriate for Blowing Rock.

Commissioner Klutz expressed his wish for Mr. Kebelbeck to speak with area merchants regarding the event and for him to approach local vendors about participating. Commissioner Klutz stated that he thought the event would enhance businesses along Main Street. However, he did have some concerns with potential noise created when additional motorcycles were added to the number that came through town each day currently.

Commissioner Klutz advised that he would like the noise ordinance to be followed in regard to the motorcycle noise. Town Manager Hildebran responded that all motorcycles required inspection by NCDMV annually and had to comply with State laws. He also advised that it was very difficult for officers to enforce motorcycle noise.

Commissioner Steele commented, after speaking with several people in town, there was significant concern with the noise and traffic congestion that would accompany the event. He further stated that he wanted to show support for the event, but he wasn't sure Blowing Rock was the place to hold an annual event such as this one. Mr. Kebelbeck responded that Banner Elk or Boone would welcome the event. Mr. Kebelbeck also mentioned that several Poker Runs were held around Boone between the months of May through October and that some were advertised and some were not with possibly 80 to 100 riders in attendance.

Mayor Lawrence called for action if there were no further comments. Commissioner Phillips stated he would like to make a motion. Commissioner Yount stated that he understood that Council was to receive an update only and asked Town Attorney Moseley if a motion was allowed. Mr. Moseley stated that it depended on the motion.

Town Attorney Moseley advised if Commissioner Phillips wanted to make a motion to reconsider a vote taken at a prior meeting, it would not be appropriate according to the Town Ordinance. Mr. Moseley also stated if Commissioner Phillips wanted to rescind action taken during a prior meeting, Council should have received prior notice of his intent before the meeting according to Roberts Rules of Order, and a two-thirds majority vote would be needed.

Commissioner Phillips clarified that it was his intent to make a motion disallowing the closure of Main Street during the event, but since he was not present during the November meeting, he was unclear how to make the motion. Mr. Moseley responded that essentially that would be rescinding a significant portion of prior action taken during a previous meeting. Mr. Moseley advised there was nothing in the Town Ordinance pertaining to rescinding previous action made by Council. Attorney Moseley stated the Town Ordinance however did speak regarding reconsideration of a motion and the appropriate time to change a motion was during the meeting in which the motion was made, by a member of the prevailing side.

Mr. Moseley advised that Council could choose to waive the notice notification if they wished. Also, according to Roberts Rules of Order, a majority of two-thirds would be needed from Council to rescind prior action. Commissioner Phillips stated that was what he wished to do but he was unclear as to how to word the motion.

Mr. Keibelbeck stated that before he had made a presentation before Council and received approval, he had spoken with each member of Council individually to ask their opinion of the event and all members had spoken favorably. Commissioner Phillips disagreed with Mr. Keibelbeck's statement.

Commissioner Steele then made a motion that he would like for all people affected by the event along Main Street to be surveyed by Mr. Keibelbeck and the results brought back before Council at their next meeting. Council could then vote to rescind prior action taken if they chose to. Commissioner Phillips seconded the motion. Town Attorney Moseley asked for clarification regarding Commissioner Steele's motion, stating that he understood Mr. Steele only wanted to make a motion regarding the closing of Main Street then come back before Council with the stipulation to change.

Mayor Lawrence asked for a timeline from Commissioner Steele. Commissioner Steele stated he would like this to take place at the next Council meeting in May. Audience members voiced that Council should ask them now since several merchants were present. Commissioner Steele stated that he wanted everyone affected by the closing of Main Street to be surveyed.

Mr. Keibelbeck spoke of his frustration regarding this matter, stating he had received approval from Council during their November meeting to hold the event, Poker Run, etc. and had moved forward with his plans. Fundraisers, vendors, and volunteers had been obtained, etc. and he was having a problem with Council appearing as if they wanted to make changes at this late date. Commissioner Klutz stated "it was not his intent to

change the way he had voted during the November meeting, and that he felt the same now as he did then". Commissioner Matheson agreed with Commissioner Klutz.

Commissioner Steele responded that it seemed the 2010 event had been successful, but now he was learning otherwise and he wanted to find out if this was correct.

Mayor Lawrence called for a vote on Commissioner Steele's motion. In favor: Steele and Phillips. Against: Klutz, Matheson, and Yount. Motion failed.

## **NEW BUSINESS**

### **1. Paul McArthur – Rickshaw Permit**

Planning Director Kevin Rothrock presented a request from Mr. Paul McArthur to operate a rickshaw business in downtown Blowing Rock. The business would utilize motor-assisted pedal-powered rickshaws capable of carrying up to 3 passengers. The business would operate from Rumble Church down to Chetola Resort while also providing service from the parking decks and side streets such as Sunset Drive and Morris Street.

Mr. Rothrock reviewed pertinent details of the proposed business. He also introduced Mr. McArthur in the event that Council had further questions regarding the proposal. Mr. McArthur stated this type of business operated in several areas such as Charlotte and Charleston, SC, etc. and that rickshaws were a fun mode of transportation that utilized green energy. He also stated that he had been in the insurance business for many years in Charlotte and he understood all the safety aspects that he would need to deal with. He also stated that he planned to charge a fee of approximately \$3.00 per person and that he did not have an operational headquarters as of yet.

Commissioner Phillips voiced his concern with this type business adding to the traffic congestion downtown. He also had questions regarding where the rickshaw would be pulling off to pick up customers.

Commissioner Phillips voiced his concern with the speed in which the rickshaws would be going. He commented that he was supportive of a new business coming to town; however, he was unsure if Blowing Rock was ready for a rickshaw business.

Audience member Ginny Stevens commented that she wasn't sure this was the ideal time to try this type of business downtown.

Motel owner Deborah McDowell spoke in favor of the business, by stating that she thought a rickshaw would add to Blowing Rock's charm and that visitors would enjoy it.

Business owner Rob Dyer also spoke in favor of the business.

After some discussion, Commissioner Steele made a motion to allow Mr. McArthur to hold a demonstration for Council at a later date, seconded by Commissioner Phillips. In favor: Steele, Phillips, & Matheson. Against: Yount and Klutz. Motion Carried.

At this time Mayor Lawrence called for a short recess.

Upon return, Planning Director Rothrock presented the following request.

## **2. Resolution Declaring the Intention to Consider the Closing of Jamie Fort Road (Res #2013-06)**

A Resolution of Intent to close Jamie Fort Road at the entrance to Samaritan's Purse from Hwy 321 to the first parking area was presented to Council for their consideration. Mr. Rothrock explained when the building was first constructed the applicant had requested the Town accept maintenance of the access road from Hwy 321 to the parking area for snow removal purposes. With the recent purchase of the property by Samaritan's Purse, a request had been received to remove this street from public maintenance and return it to private driveway status. If approved, a security gate would be installed in the proposed area. According to NC General Statutes, the Town is required to formally close the street and remove it from the Powell Bill listing. A public hearing and news publication notice for a period of four (4) consecutive weeks was also required. Pending approval, a public hearing would be held on May 14, 2013.

Commissioner Matheson asked if it would be feasible for the Town to remove the street from the Powell Bill listing and discontinue maintenance and snow removal. Town Manager Hildebran stated that it would be in the best interest of the Town.

Audience member Ginny Stevens inquired if anyone had spoken with the Jamie Fort family regarding this request.

After further discussion, Commissioner Matheson made a motion for approval of Resolution #2013-06 requesting that Mr. Franklin Graham speak with the Jamie Fort family regarding the potential closure, seconded by Commissioner Phillips. Unanimously approved. **Resolution Declaring the Intention to Consider the Closing of Jamie Fort Road (Res #2013-06) – Exhibit A**

## **3. Surplus Equipment (Res #2013-07)**

Town Manager Hildebran presented Resolution #2013-07 declaring surplus equipment with disposal authorization. Pursuant to N.C.G.S. 160A-270 (c), Council is authorized to sell personal property by electronic auction upon adoption of a resolution authorizing an appropriate town official to dispose of the property by public auction. If Resolution #2013-07 was approved, Town Manager Hildebran or his designee would sell the property via electronic auction on [www.GovDeals.com](http://www.GovDeals.com). The items to be sold were:

- 3 desk printers – HP PSC1210 Color (Printer, scanner, copier), HP Business Inkjet 1200 Color, HP Deskjet 3845
- Form Feed Printer – Okidata Pacemark 3410
- Asphalt Spreader w/2-axle 8x10 trailer – Power Box T-450
- Roll-off Dumpster (6 bins) – 22 ½ "Length, 7 ¾ "Width, 5.0" Height Waste
- Ariens Push Mower

- 5 Student Wooden Desk w/Hutch
- 1 Wooden Office Desk
- Color TV – 32” RCA
- Color TV w/built-in VHS Player – 19” Sylvania
- Diesel Generator – White Engines, 6-cylinder, 100Kw (Serial # AD106386JJJ)

Commissioner Yount made a motion for approval of Resolution #2013-07 as presented, seconded by Commissioner Klutz. Unanimously approved. **Surplus Equipment (Res #2013-07) – Exhibit B**

#### **4. Electronic Payments Agreement**

Town Manager Hildebran stated that in August of 2006, Council had approved the use of an online credit card and electronic check vendor Official Payments Corp. for processing online payments of Utility and Tax Customers.

At that time, no annual fee was incurred by the Town to utilize this service, only a user fee was charged. Recently the Town was made aware of an annual fee of \$1,000.00 that will begin to be charged by the present company. According to Mr. Hildebran, Town staff had investigated other potential vendors who offered similar services in an effort to heighten convenience and information availability to customers, in addition to limiting expense to the Town and users of the service.

Upon evaluation of other vendors, Paymentus was preferred as a replacement for Official Payments Corp. There would be no cost increase to customers and no cost would be incurred by the Town.

Town Manager Hildebran also advised the original contract between the Town and Paymentus if approved had been amended from a 5-year contract to a 3-year contract. Commissioner Phillips made a motion to approve the Electronic Payments Agreement as presented, seconded by Commissioner Klutz. Unanimously approved. **Paymentus Electronic Payments Agreement – Exhibit C**

#### **5. Budget Amendment (Ord #2013-05)**

Budget Amendment Ordinance #2013-05 for fiscal year 2012-2013 was presented by Town Manager Hildebran to Council for their consideration.

Mr. Hildebran explained that Section 1 (General Capital Fund) was to close out the Robbins Pool, BRAHM Parking Facility and Storm Water Projects-capital items/projects as per the FY 2011-2012 Audit.

Section 2 (Water/Sewer Fund) was to allocate annual Clearwell Tank Maintenance funds for FY 2012-2013 from Capital Reserve funds.

Section 3 (Water/Sewer Capital Fund) would complete the allocation of Clearwell Tank Maintenance funds for 2012-2013 from Capital Reserve funds.

With no further discussion, Commissioner Klutz made a motion to approve Budget Amendment Ordinance #2013-05 as presented, seconded by Commissioner Matheson. Unanimously approved. **Budget Amendment (Ord #2013-05) – Exhibit D**

#### **6. Resolution to Support the NC Park and Recreation Trust Fund (Res #2013-08)**

Town Manager Hildebran presented to Council Resolution #2013-08 requesting the North Carolina General Assembly maintain the dedicated revenues generated by the seventy-five cents deed stamp tax for the Parks and Recreation Trust Fund.

Mr. Hildebran explained the dedicated funding source for PARTF was removed in the Governor's proposed budget. This proposal would impact the ability to fund local government PARTF grants this year and in the future. The resolution intended to encourage the General Assembly to restore the dedicated funding source in order to maintain dedicated funding for PARTF now as well as into the future.

According to Mr. Hildebran, the Watauga County Board of Commissioners had adopted a similar resolution at their meeting held on April 2, 2013. The North Carolina Recreation & Park Association (NCRPA) had also requested the Town consideration the resolution as well.

Commissioner Steele made a motion for approval of Resolution #2013-08 as written, seconded by Commissioner Matheson. Unanimously approved. **Resolution to Support the NC Park and Recreation Trust Fund (Res #2013-08) – Exhibit E**

#### **7. North Carolina Sales Tax Reallocation Resolution**

Town Manager Hildebran presented Council with a resolution of support for the Watauga County Board of Commissioners to adopt and pass a resolution altering the distribution of sales tax revenues between Watauga County and the municipalities, there in from a *per capita* method to an *ad valorem* method.

Mr. Hildebran explained, per the resolution, that the Town of Blowing Rock would be willing to commit to Watauga County, upon the reallocation of sales tax revenues to an *ad valorem* method, to provide as part of its budgetary process, an amount equal to sixty percent (60%) of the increase in gross revenues received by the Town over and above the amount which would have otherwise been realized under the *per capita* method.

Mayor Lawrence read the resolution aloud to those present. Commissioner Phillips asked for further clarification. Mr. Hildebran explained the intended process should the resolution be approved. Mayor Lawrence stated that essentially the Town would receive approximately \$200,000+ additional sales tax revenue for one year, but this was not a permanent change.



Mr. Hildebran also expressed that the Towns of Seven Devils and Beech Mountain were in favor of the change and would be adopting a resolution also. Commissioner Phillips made a motion to approve the resolution as presented, seconded by Commissioner Steele. Unanimously approved. **North Carolina Sales Tax Reallocation Resolution – Exhibit F**

### **SPEAKERS FROM THE FLOOR**

Ms. Kimberly McDonald Hartley, representing the Blowing Rock Community Foundation requested permission from Council to hold a Sunset Stroll Event on September 6, 2013. The event would assist with scholarship funds presented by the Foundation to local high school students who were planning to continue their education. Ms. Hartley stated the Foundation had given approximately \$394,000 to local students since the year 1985.

Commissioner Matheson made a motion for approval of the Sunset Stroll Event, seconded by Commissioner Klutz. Unanimously approved.

### **DEPARTMENTAL UPDATES**

Mr. Hildebran updated everyone on the following items:

- Annual Community Spring Clean-up to be held on Saturday, April 20<sup>th</sup> beginning at 9:30 a.m., lunch would be served and t-shirts given to participants.
- The annual Town Spring Clean-up week would be held May 13<sup>th</sup>-17<sup>th</sup>.
- Watauga Economic Development Commissioner Summit would be held Wednesday, April 17<sup>th</sup> at BRAHM.
- He wished Mayor Lawrence success with his upcoming surgery.

It was also the consensus of Council to meet with NCDOT regarding an update on the Hwy 321 Widening Project.

### **ADJOURN**

With no further business to discuss, the meeting was adjourned at 7:35 p.m.

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

### **ATTACHMENTS** (04-09-13)

Resolution Declaring the Intention to Consider the Closing of Jamie Fort Road (Res #2013-06) – Exhibit A

Surplus Equipment (Res #2013-07) – Exhibit B

Paymentus Electronic Payments Agreement – Exhibit C

Budget Amendment (Ord #2013-05) – Exhibit D

Resolution to Support the NC Park and Recreation Trust Fund (Res #2013-08) – Exhibit E

North Carolina Sales Tax Reallocation Resolution – Exhibit F

