

DRAFT
MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting- December 10, 2013

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, December 10, 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, Doug Matheson and Jim Steele. Commissioner Tommy Klutz was absent. Others in attendance were Town Manager Scott Fogleman, 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, Emergency Services Director Kent Graham, Water Treatment Plant Director Tom McRary and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:05 p.m. and welcomed everyone.

APPROVAL OF MINUTES

A motion was made by Commissioner Steele to approve the minutes for the November 12, 2013 meeting, seconded by Commissioner Phillips. Unanimously approved.

OLD BUSINESS

None

SPECIAL RECOGNITION OF OUTGOING COUNCIL MEMBERS

Mayor Lawrence called Commissioner Steele forward and presented him with a plaque for his four years of service on Town Council and to express his appreciation for all the hard work that Mr. Steele had done while serving on the Board.

Commissioner Klutz was not present to receive a plaque for his 8 years of service on the Town Council.

RECESS

During the recess, the Oath of Office was administered to Mayor Lawrence by the Town Clerk. Mayor Lawrence then administered the Oath of Office to incumbent Commissioner Doug Matheson and newly elected Commissioners Sue Sweeting and Ray Pickett.

At this time the meeting was reconvened and Mayor Lawrence asked for Mayor Pro-tem nominations. Commissioner Matheson nominated Commissioner Yount for Mayor Pro-tem, seconded by Commissioner Sweeting. Unanimously approved.

PUBLIC HEARINGS

1. Extending the Period of Holiday and Decorative Lighting Allowed by the Land Use Ordinance

Planning Director Kevin Rothrock advised that the Retail Strategy Steering Committee had discussed an idea from the Chamber of Commerce to extend the period of holiday and decorative lighting allowed by the Land Use Ordinance. The current ordinance allows for the display of lighting from November 15 through January 15. Mr. Rothrock commented that traditionally, the lighting remained up through the end of the Winterfest activities. However, the Chamber was making a request to extend the lighting through the end of March to make winter months more festive and decorative.

Mr. Rothrock then reviewed the proposed changes to the ordinance stating that white lights would be allowed from January 15 through March 15 if approved.

Commissioner Phillips asked if this change applied to the downtown area only. Mr. Rothrock responded that it would also apply to private property.

Mayor Lawrence inquired if the lighting would be uniform and also expressed that he supported the change.

Commissioner Yount asked Chamber of Commerce President, John Aldridge for his input regarding the matter. Mr. Aldridge stated uniformity would be best and stated that the Chamber would speak with their retailers.

Commissioner Matheson also supported the ordinance change.

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

Commissioner Sweeting made a motion, seconded by Commissioner Phillips to approve the change to the sign ordinance to allow white lights through March 31st of each year. Unanimously approved. **Sign Ordinance Amendment (Ord. #2013-25 - Exhibit A)**

Planning Director Kevin Rothrock and property owner Jim Triplett were sworn to speak during the following item.

2. Conditional Use Permit 2013-04 Amendments to Pssghetti's Restaurant

Planning Director Rothrock presented Council from Blowing Rock Real Property, LLC for an amendment to Conditional Use Permit #2004-04 to subdivide the upper 2.7 acres from the 5.2 former Pssghetti's Restaurant property for a future residential home site. Mr. Rothrock stated the property was zoned GB General Business and R10S, Single-family and is located in the WS-IV-PA water supply watershed.

Planning Director Rothrock reviewed the site plan, stating the proposed amendment would divide the upper 2.7 acres from the 5.2 acre site. The upper section of the

property would be reserved for a future single-family home site. The lower section of the property would have sufficient land area to maintain the watershed impervious surface limitations consistent with the Land Use Ordinance and the CUP recorded for the property.

According to Planning Director Rothrock, the Planning Board recommended approval of the CUP amendment during their November meeting.

Planning Director Rothrock stated the proposed home site would be accessed through the current parking area for the restaurant. He also mentioned that valet parking would still be required for the restaurant due to the steepness of the parking lot.

Commissioner Sweeting had questions regarding the required parking spaces for the project. Planning Director Rothrock advised that 25 parking spaces were required and there were currently 28 spaces available.

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

A motion to approve the amendment to Conditional Use Permit #2013-04 as proposed was made by Commissioner Pickett, seconded by Commissioner Phillips. Unanimously approved. **Blowing Rock Real Property, LLC- Conditional Use Permit #2013-04 Amendments to Pssghetti's Restaurant – Exhibit A-1**

NEW BUSINESS

1. Approval to Begin Rezoning of Carter Property from Residential to General Business (Rz #2013-01)

Planning Director Rothrock presented Council with a request from Wesley and Angela Carter to rezone their property located a 114 Skyland View Drive from R-15, Single-family to GB General Business.

Planning Director Rothrock advised that Mr. & Mrs. Carter were requesting rezoning of the property in order to align the zoning with the best and highest use of the property given the close proximity to the widened Valley Boulevard and the associated new major intersection.

Mr. Rothrock stated that consistent with Land Use Ordinance Section 16-23.2.3, Council could choose to deny the rezoning petition or choose to set a date for a public hearing and if so, the Planning Board must consider the application for a recommendation prior to Council consideration. Mr. Rothrock then reviewed the potential scheduling dates as follows:

- Initial request before Town Council – December 10, 2013
- Review by Planning Board – December 19, 2013
- Public Hearing at Town Council – January 14, 2014

Commissioner Sweeting asked if the Planning Board had a vision of what Valley Blvd. should look like once the widening was complete. Mr. Rothrock stated a vision statement was included in the Town's Comprehensive Plan.

Commissioner Sweeting commented this request was a bit premature since there was no clear vision for Valley Boulevard once construction was complete. Therefore, Commissioner Sweeting made a motion to place the application on hold until the Town had a better vision of how they wanted Valley Boulevard to look after construction, seconded by Commissioner Philips. Unanimously approved.

2. Mayview Madness 5K and Kids 1 Mile Fun Run

Planning Director Rothrock presented a request from the Blue Ridge Conservancy to hold their 15th Annual Blowing Rock Mayview Madness 5K Run/Fun Run on Saturday, September 20, 2014. Mr. Rothrock reviewed the preferred route as well as the alternative route in the event that the Wonderland Trail slide construction wasn't completed.

Mr. Rothrock stated the Conservancy had coordinated activities for the event with the Parks & Recreation Department, Police Department and the Fire Department.

He also mentioned there would be approximately 360 participants, making it the largest 5K Run and 3rd largest run in the High Country.

Commissioner Sweeting expressed her concerns with parking and restroom accommodations for an event of this size.

Town resident Charles Hardin also asked that the event volunteers pick up the trash left along the streets.

Commissioner Phillips also wanted to know if there were other scheduled events on this date. Mr. Rothrock responded there were no other events to his knowledge.

Council reiterated that no bullhorns or loud music should be permitted during the event.

Commissioner Phillips made a motion to approve the Mayview Madness 5K Road Race/Fun Run; however, no bullhorns or loud music would be allowed. Also, parking bathroom accommodations, and litter pick-up, should be arranged by coordinators of the event, seconded by Commissioner Sweeting. Unanimously approved.

3. Approval of Offer for Sale 1.134-Acre on Hidden Waters Drive

Planning Director Rothrock presented a resolution to Council for their consideration declaring a 1.134-acre parcel between Laurel Park and Hidden Waters Street to be surplus and authorizing the sale through the upset bid process.

Mr. Rothrock explained that the Town had received an offer to purchase the parcel from Mr. Ernest Williams, Jr. Mr. Williams planned to sell his adjacent property and had found

the property in question was owned by the Town even though he had been paying the taxes for several years. Mr. Rothrock further explained that Mr. Williams' home located at 237 Hidden Waters Street was approximately two (2) feet from the western boundary of the property. He also expressed the property was severely sloped and that at least one fourth of the property was within the pavement of Laurel Park Rd. Mr. Rothrock stated that it would be very difficult for any structure to be built on the property in order to meet applicable setbacks and that any value placed on the subject property would be mostly related to being combined with Mr. Williams' property. He also advised that public sewer was not available to the property and a functional septic system could not be placed on it as well.

According to Mr. Rothrock, Mr. Williams had offered to purchase the property for \$3,000 and had submitted a bid deposit of \$300. NC General Statute 160A-269 authorizes the sale of the property via the upset bid process which would begin once an offer to purchase had been received. Once Council accepts the offer, the upset bid process would commence. Mr. Rothrock further explained the upset bid process.

If no qualifying bid was received after the public notice and ten-day period, the \$3,000 offer received would be accepted and the process of conveying the property would begin. The NC General Statutes also authorizes Council to reject any and all offers at any time.

Commissioner Sweeting voiced her concerns regarding Laurel Park Road being located on the subject property. Commissioner Matheson stated the Town probably had prescriptive rights and asked Town Attorney Moseley for guidance.

Commissioner Sweeting asked if public sewer was available in that area and if not, would selling the property affect the Town's ability to install sewer to the area in the future.

Town Attorney Moseley suggested that verbage be added to the resolution regarding road right-of-way and reserving the right to install utilities if needed.

Commissioner Sweeting also expressed the offer of \$3,000 was low. Commissioner Matheson stated the bid could potentially be increased during the bid process.

Commissioner Pickett made a motion to approve Resolution #2013-21 adding the stipulations regarding road right-of-way and reserving the right to install utilities as discussed by Town Attorney Moseley. Commissioner Sweeting seconded the motion. Unanimously approved. **Resolution #2013-21 – Exhibit B**

4. Letter of Support for the Middle Fork Greenway

Parks and Recreation Director Jennifer Brown stated that High Country Pathways, Inc. was planning and developing greenways and trails throughout the High Country. In 2010, they completed a plan for the Middle Fork Greenway project that would connect Blowing Rock with Boone which was proposed to follow the Middle Fork of the New

River. The trail would serve pedestrians, joggers, walkers, bicyclists, the physically-challenged and other non-motorized users.

The project would also support the Town's Parks and Recreation Master Plan which included the Middle Fork Greenway as a potential linear park that would "connect existing recreational facilities, facilitate public right-of-ways, and meet public demand for recreational opportunities."

Ms. Brown stated a resolution had been adopted during the April 12, 2011 Council meeting in support of this project. Since that time, a Master Plan had been developed. High Country Pathways, Inc, was requesting an updated letter of support to be utilized for grant and funding opportunities.

Commissioner Sweeting made a motion to approve the "Letter of Support" for the Middle Fork Greenway project, seconded by Commissioner Pickett. Unanimously approved. **Letter of Support of the Middle Fork Greenway – Exhibit C**

5. Support of Watauga County Library for a Grant to Bring StoryWalk to Blowing Rock

Parks and Recreation Director Jennifer Brown advised that Watauga County Library was in the process of applying for a grant that would fund the installation of permanent StoryWalk signs to be placed at different community locations. She explained that StoryWalk was a children's book that was taken apart, laminated, and then placed in a covered see-through stand and as people walk along the path, they can stop to enjoy the story.

Ms. Brown stated the library was inquiring if the Town would be interested in placing a StoryWalk in one of the Town's parks and if so, could a letter of support be sent stating such. There would be no direct financial participation in the project from the Town. Ms. Brown also mentioned they had received support and interest from the Tot Lot in Boone, the Greenway Trail, and the Valle Crucis Park.

Commissioner Sweeting asked which park they were interested in displaying the StoryWalk. Ms. Brown responded that they were interested in Memorial Park. Commissioner Matheson mentioned that he had read information about this project and found that it had been well received.

Commissioner Matheson made a motion to approve a "Letter of Support" to the Watauga County Library in support of StoryWalk, seconded by Commissioner Sweeting. Unanimously approved. **StoryWalk in Blowing Rock Letter of Support – Exhibit D**

6. Donation Recognition for LED Lights to be Used on Downtown Light Poles January Through March & Purchase of New Park Bench and Plaque (Ord.#2013-24)

Ms. Brown advised that her department had received two donations recently; one in the amount of \$1,000 to be used toward the purchase of a park bench and plaque to be

placed in Memorial Park from the Jeffrey Eckert family. Another donation had been received in the amount of \$2,500 from the Bowling Rock Chamber of Commerce to purchase white LED lights to be wrapped around Town light poles after the Christmas decorations were taken down and remain up until the middle of March.

Ms. Brown stated that staff recommended that Council recognize each of these revenue sources as donation revenue in the General Fund and appropriate it towards the expenditure of each of the respective items within the Parks and Recreation budget as presented in Budget Amendment Ordinance #2013-24.

A motion was made by Commissioner Phillips, seconded by Commissioner Pickett to approve Budget Amendment Ordinance #2013-24 as presented. Unanimously approved. **Budget Amendment Ordinance #2013-24 – Exhibit E**

7. Ensemble Stage Request to Consider Former Blowing Rock Fire Station Building as Future Home

Town Manager Fogleman introduced Gary Smith, the Artistic Director of Ensemble Stage who had made a request for the Town to work with them regarding the use of the old Blowing Rock Fire Station as a new home for the Ensemble Stage.

Mr. Smith advised that the Ensemble Stage would like to further investigate the use of the old Fire Station for the relocation of Ensemble Stage due to various reasons. Commissioner Phillips inquired as to why this group wanted to relocate. Mr. Smith explained that Blowing Rock School owned the auditorium where they were currently located and there were several scheduling conflicts. He further stated that Blowing Rock School's need for the auditorium was first priority and that there were problems preparing for Ensemble Stage programs. He also mentioned improvements to the auditorium were needed and patronage growth also contributed to the need for a different location.

Mr. Smith explained there were several aspects regarding the proposal that needed to be investigated before a final decision was made.

Commissioner Yount inquired if the building could still be a multi-purpose facility. Mr. Smith stated this could be further discussed with Council, Town Manager Fogleman and Parks & Recreation Director Brown.

Commissioner Matheson commended Ensemble Stage for everything they do for the community and for the school.

Commissioner Sweeting asked if the architectural review would be any cost to the Town. Mr. Smith stated it would not. Audience member John Aldridge advised that an area architect had offered his services at no cost.

Mayor Lawrence stated it would be great to maximize the use of the building.

Commissioner Sweeting made a motion to allow Ensemble Stage to further investigate the feasibility of making the Old Fire Station building located on Park Avenue as the new home for Ensemble Stage, seconded by Commissioner Phillips. Unanimously approved.

8. Approval of Revenue Enhancement and Expenditure Reduction Exploration Project

Town Manager Fogleman presented Council with an agreement for their consideration outlining services offered by Robert S. Segal, CPA PA. He advised the proposed services would include a selected review of specific Town expenditures and revenue streams, analyzing what opportunities may exist for expense reduction and revenue enhancement.

According to Town Manager Fogleman, the fee structure for these services would be based on a percentage of the findings (contingency fee based). He further explained the Town would not pay for any proposals resulting from the study that were not implemented. If implemented, the percentage charge would be 50% of the increase in revenue or decrease in expenditures resulting from the study with a cap of \$30,000 per recommendation, with a maximum of 3 years.

Town Manager Fogleman advised that typical areas resulting in revenue enhancement and expense savings include the following: electric franchise tax, utility revenues and solid waste revenues and expense.

Commissioner Matheson asked Mr. Fogleman if this program had been implemented in other places that he had been employed. Mr. Fogleman stated that it had and proved to be beneficial.

Commissioner Matheson made a motion to accept the agreement as presented, seconded by Commissioner Pickett. Unanimously approved. **Robert S Segal, CPA PA Agreement – Exhibit F**

SPEAKERS FROM THE FLOOR

Ms. Chelsea Garrett representing the Concerned Citizens of Blowing Rock spoke regarding the potential placement of a cell tower at the Green Hill Water Tank site owned by the Town of Blowing Rock. Ms. Garrett stated that residents in that area had strong reservations regarding placement of a cell tower and she was in possession of a petition with 208 names of people who were not in favor. She also stated if a tower was placed on the water tank, it would be visible from the Blue Ridge Parkway. Ms. Garrett continued to review the reasons a cell tower should not be placed in that area. Ms. Garrett urged the Town to consider all other possible sites for a cell tower.

Commissioner Phillips asked Town Manager Fogleman what the current status was regarding this issue. Town Manager Fogleman stated the Town was only in the preliminary stages of finding a suitable location for a tower to improve public safety communications coverage and nothing was scheduled to come before Council at the

present time. Commissioner Phillips asked that staff consider every option for potential sites. Mr. Fogleman stated that other sites are being investigated and he felt that professional assistance may be needed regarding this matter.

Commissioner Pickett also agreed that more facts were needed before a decision could be made.

Town resident Lee Dunston also spoke regarding the placement of a cell tower on Green Hill. Mr. Dunston stated that although he didn't reside on Green Hill, he had lived on South Main Street for approximately 13 years. Mr. Dunston stated it would be totally inappropriate to place a cell tower on Green Hill and asked that other options be reviewed.

DEPARTMENTAL REPORTS

Town Manager Fogleman stated that FEMA had approved the repair projects on Wonderland Trail and Quail Hollow Road for qualifying expenditure reimbursement.

ADJOURN

There being no further business to discuss the meeting adjourned at 7:00 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (12-10-13)

- Sign Ordinance Amendment (Ord. #2013-25 - Exhibit A)
- Blowing Rock Real Property, LLC- Conditional Use Permit # 2013-04 Amendments to Pssghetti's Restaurant – Exhibit A-1
- Resolution #2013-21 – Exhibit B
- Letter of Support of the Middle Fork Greenway – Exhibit C
- StoryWalk in Blowing Rock Letter of Support – Exhibit D
- Budget Amendment Ordinance #2013-24 – Exhibit E
- Robert S Segal, CPA PA Agreement – Exhibit F

ORDINANCE NO. 2013-25**AN ORDINANCE TO AMEND THE SIGN ORDINANCE REGULATIONS
REGARDING HOLIDAY LIGHTING**

WHEREAS, the Blowing Rock Land Use Ordinance contains standards limiting display of string lights within the Town's jurisdiction; and

WHEREAS, the sign ordinance allows strings of lights during the traditional holiday period from November 15th to the following January 15th; and

WHEREAS, the Planning Board and Blowing Rock Town Council recommend some ordinance flexibility and desire to extend the period of display of string lighting from November 15 through the following March 31st.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Section 16-17.3 of the Blowing Rock Land Use Ordinance is hereby amended and will read as follows:

"Section 16-17.3 Restrictions and Prohibitions. The signs listed herein shall be prohibited regardless of zoning district.

16-17.3.13 Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, edges of walls, trees, or other landscaping. This prohibition shall not apply to traditional holiday lighting allowed during the period from November 15 through the following January 15, nor shall it apply to decorative white lighting allowed from January 15 through March 31."

Section 2. Section 16-17.8 of the Blowing Rock Land Use Ordinance is hereby amended and will read as follows:

"Section 16-17.8 Signs Permitted in All Zoning Districts. The following signs are allowed in all zoning districts, subject to the standards outlined in this section and elsewhere in this Article, and do not require a permit, unless otherwise provided.

16-17.8.1 Decorations temporarily displayed in conjunction with traditional holidays or annual civic events. Strings of lights may be used for outline lighting or tree decoration during the period from November 15 through the following January 15. Strings of decorative white lights are permitted from January 15 through March 31. Decorations shall contain no commercial message or graphics."

Section 3. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the 10th day of December, 2013

ATTEST: Sharon H. Greene
Sharon H. Greene, Town Clerk

J.B. Lawrence
J.B. Lawrence, Mayor

NORTH CAROLINA

WATAUGA COUNTY

**MAJOR AMENDMENT TO
TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
Blowing Rock Real Property, LLC – former Pssghetti's Restaurant
CUP No. 2013-04**

On the date listed below the Board of Commissioners of the Town of Blowing Rock met and held a public hearing to consider the following application:

Applicant: Jim Triplett for BR Real Property, LLC

Project Name: Blowing Rock Real Property – former Pssghetti's Restaurant

Property Location: 7179 Valley Blvd (Hwy 321)

Tax Parcel Nos.: 2818-21-3379-000

Property Owners of Record: Blowing Rock Real Property, LLC

Proposed Use of Property: Restaurant and single-family lot

Current Zoning Classification of Property: GB, General Business

Meeting Date: December 10, 2013

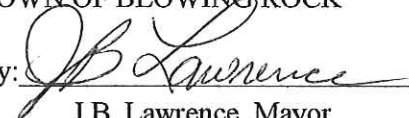
Having heard all of the evidence and arguments presented at the above-referenced hearing, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant is hereby authorized to subdivide the upper 2.7 acres of property from the subject property for a future single-family home site. The access shall be provided through the upper parking lot or through an alternative off-site property if available.
2. The Town shall not be responsible for providing legal access to the upper part of the subdivided property. Any access shall meet the minimum driveway standards for single-family purposes required by Article 20 of the Land Use Ordinance; more specifically, the maximum driveway slope shall not exceed 20% grade.
3. The Administrator shall approve the minor subdivision plat consistent with the provisions of the Land Use Code.
4. Any utilities on the site shall be installed at the Applicant's expense and shall be underground utilities installed in accordance with the Land Use Code. Materials shall be subject to approval by the Town Engineer and the Director of Public Works. No building shall be constructed over any part of any utility easement.

5. Based on the size of the restaurant building, this project requires 25 parking spaces. Twenty-five (25) spaces are provided. Minimum parking space dimensions (other than handicapped spaces) shall be 9 feet by 19 feet. All parking areas on the plans shall have painted lines.
6. Due to the steepness of the upper parking lot access, valet parking shall be required while the restaurant is in operation.
7. Exterior lighting for all the driveways, parking area, and sidewalk shall use the same coach-style lights that have been selected as the lighting standard for the Town (available from Blue Ridge Electric). The resulting diffused or otherwise visible light on adjacent properties shall not be more than one foot-candle at the common lot line separating the properties.
8. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
9. Prior to the commencement of any earth disturbing activities or the issuance of any building permit, the Applicant shall provide the Town Attorney with a title opinion on the subject property that there are no easements, right-of-ways, restrictions, or any other matters of record that would prevent the Applicant from completing the project as proposed.
10. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and cessation of all business operations.
11. In the event it is determined by the Town that the Applicant is in violation of its erosion control plan or any other condition of this Permit, thereby causing the Town to employ the Town Engineer to review and inspect the project, the Applicant shall be obligated to pay the Town Engineer for all time associated with his work on the project.
12. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect. All conditions of the original conditional use permit shall remain in effect, except as amended herein. Both conditional use permit amendments (No. 2006-09) approved on April 11, 2006 and June 13, 2006 are hereby voided due to no construction activity.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit amendment, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: 
 J.B. Lawrence, Mayor

ATTEST: 
 Sharon H. Greene, Town Clerk

(CORPORATE SEAL)

RESOLUTION #2013-21**A RESOLUTION TO DECLARE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BLOWING ROCK TO BE SURPLUS PROPERTY AND AUTHORIZE SALE OF SUCH PROPERTY THROUGH THE UPSET BID PROCEDURE**

WHEREAS, the Town of Blowing Rock is the owner of a certain tract of real property consisting of approximately 0.134 acres, located between Laurel Park Road and Hidden Waters Street, further identified as Watauga County PIN 2807-85-6836-000; and

WHEREAS, the tract is non-conforming and virtually undevelopable remnant property, with very little, if any value for Town purposes; and

WHEREAS, the Blowing Rock Town Council believes that it is in the best interests of the Town and its citizens to sell the said tract of land;

WHEREAS, NC General Statutes 160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town received an offer to purchase the property described above, in the amount of \$3,000.00, from Ernest C. Williams, Jr. and submitted the required 5 percent (5%) deposit on his offer; and

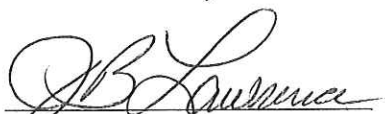
WHEREAS, the Blowing Rock Town Council purposes to accept the offer of \$3,000 or any higher, upsetting offer, subject to the upset bid procedure;

NOW, THEREFORE, the Blowing Rock Town Council resolves that:

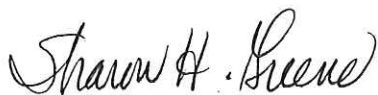
1. The Town Council acknowledges receipt of the offer to purchase said tract for the sum of \$3,000.00 and further acknowledges receipt of the deposit from the offeror of the sum of \$300.00, representing at least 5% of his bid as required by the procedures of NCGS Chapter 160A.
2. The Blowing Rock Town Council authorizes the sale of the property described above through the upset bid procedure of NC General Statute 160A-269.
3. The Town Manager shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the Town Manager within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Town Manager shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the Town Manager shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.

6. A qualifying higher bid is one that raises the existing offer by not less than 10% of the first \$1,000 of that offer and 5% of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of 5% of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.
8. The subject surplus real property (PIN 2807-85-6836-000), once conveyed, shall be combined with Mr. Ernest C. Williams, Jr.'s adjacent properties (PINs 2807-85-4870-000 and 2807-85-5854-000) to eliminate the nonconforming rear setback at his residence.
9. The Town will reserve a right-of-way across the paved portion of the subject surplus real property that lies along Laurel Park Drive for ingress and egress. In addition, the Town will also reserve a utility easement along the Western boundary of Laurel Park Drive for existing and future water and sewer utilities.
10. Based on no title work being completed on the subject property, the property will be conveyed without warranties.
11. The terms of the final sale are that – The buyer must pay with cash, cashier's check or certified check at the time of closing.
12. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
13. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate Town officials are authorized to execute the instruments necessary to convey the property.
14. This resolution shall be effective upon adoption.

This the 10th day of December, 2013.


J.B. Lawrence

ATTEST:


Sharon H. Greene

Blowing Rock Parks & Recreation**Memo**

To: Mayor JB Lawrence & Town Council
CC: Scott Fogleman
From: Parks & Recreation Director Jennifer Brown
Date: November 27, 2013
Re: Middle Fork Greenway Project

High Country Pathways, Inc. is an organization that is planning and developing greenways and trails throughout the High Country. In 2010 they completed a plan for the Middle Fork Greenway project that would connect the Town of Blowing Rock with Boone and the trail is proposed to follow the Middle Fork of the New River. This trail will serve pedestrians, joggers, walkers, bicyclists, the physically-challenged and other non-motorized users.

This project is also in support of our Parks and Recreation Master Plan which lists the Middle Fork Greenway as a potential linear park that would "connect existing recreational facilities, facilitate public right-of-ways, and meet public demand" for recreational opportunities.

The preceding Town Council on April 12, 2011 adopted a resolution in support of this project. Since then a Master Plan has been developed which is attached for your review. The High Country Pathways, Inc. organization has requested an updated letter of support to be utilized for grant and funding opportunities.



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

To: High Country Pathways, Inc.
PO Box 253
Boone, NC 28607

From: Scott Fogleman, Town Manager

Date: December 11, 2013

Re: Town of Blowing Rock Supports the Middle Fork Greenway Project

The Town of Blowing Rock Town Council has reviewed the plans for the proposed greenway and is very supportive of the effort. The Council is prepared to assist you in your efforts in any manner that is appropriate.

The Town of Blowing Rock believes that the greenway project will be a major benefit to the residents of the Town and to the residents of the rest of Watauga County as well as to the visitors to our area. Non-motorized recreational and transportation opportunities are an important part of our lives in the High Country.

We will work with you regarding the use of property owned by the Town and any reviews and approvals that may be necessary. Of course, the granting of easements and approvals will be subject to the review and conditions necessary or appropriate under Federal and State laws and procedures as well as local ordinances.

We certainly support any type of related grant application that may serve to bring this project to fruition. On April 12, 2011 the Blowing Rock Town Council adopted a resolution in support of this project. The new Blowing Rock Town Council also recently officially endorsed the project unanimously at its regular Council meeting on December 10, 2013. See the attached staff report.

We look forward to working with you on this project. Please feel free to contact me with any questions you may have via email at manager@townofblowingrock.com or by phone at (828) 295-5200.

Sincerely,

Scott Fogleman
Town of Blowing Rock
Town Manager



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, NC 28605

Watauga County Library
PO Box 253
Boone, NC 28607

December 11, 2013

Re: Blowing Rock Support of the StoryWalk

Gentlemen:

The Town of Blowing Rock Town Council has reviewed the plans for the proposed StoryWalk and is very supportive of the effort. The Town will assist you in your efforts in any manner that is appropriate.

We believe that the StoryWalk project will be a major benefit to the residents of the Town as well as to the visitors to our area. Educational opportunities that can be utilized outside are an important part of our lives in the High Country.

We will work with you regarding the use of property owned by the Town and any reviews and approvals that may be necessary.

We look forward to working with you on this project.

Sincerely,

Scott Fogleman
Town Manager

2013-2014 Fiscal Year
Budget Amendment Ordinance 2013-24

Be it ordained by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2014:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-4260-500	Capital Outlay: Public Buildings	\$ 15,500	\$ -	\$ 2,500	\$ 18,000
10-80-6100-015	Maint./Repair Park: Parks & Rec.	\$ 6,000	\$ -	\$ 1,000	\$ 7,000
			<u>\$ -</u>	<u>\$ 3,500</u>	

This will result in a net increase of \$3,500 in the appropriations of the General Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-358	Donations	\$ 7,500	\$ -	\$ 3,500	\$ 11,000
			<u>\$ -</u>	<u>\$ 3,500</u>	

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Board of Commissioners and to the Finance Officer for their implementation.

Adopted this 10th day of December, 2013.

Attested by:

Sharon Greene
Sharon Greene, Town Clerk

JB Lawrence
JB Lawrence, Mayor



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

TO: Mayor Lawrence and Members of the Town Council
FROM: Scott Fogleman, Town Manager
SUBJECT: Expense Reduction & Revenue Enhancement Agreement (Robert S. Segal, CPA PA)
DATE: December 10, 2013

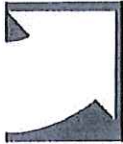
Attached please find a letter of agreement for your consideration outlining services offered by Robert S. Segal, CPA PA. The proposed services would include a selected review of specific Town expenditures and revenue streams, analyzing what opportunities may exist for expense reduction and revenue enhancement.

The fee structure for these services would be based on a percentage of the findings (contingency fee based). The General Assembly has made rulings disallowing contingency fee audits for the following areas, so they will not be included in this process: property tax, privilege licenses and occupancy tax. Under this proposed agreement the Town would not pay for any proposals resulting from the study that are not implemented. Once proposals are made for expense reduction and/or revenue enhancements they will be presented for council consideration. If implemented, the percentage charged will be 50% of the increase in revenue or decrease in expenditures resulting from the study with a cap of \$30,000 per recommendation, with a maximum of 2 years.

Typical areas resulting in revenue enhancement and expense savings include the following: electric franchise tax, utility revenues and solid waste revenues and expense.

Robert S. Segal, CAP PA has conducted similar services for surrounding communities such as Watauga County, Caldwell County, Ashe County, Wilkes County, West Jefferson and Weaverville, as well as 73 of the 100 NC Counties and approximately 150 NC Municipalities.

The attached documentation will provide a list of further clients of their as well as details of their work.



ROBERT S. SEGAL, CPA PA

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE
SUITE 206
HIGH POINT, NC 27265
336-886-2100
FAX 336-886-2101
www.segalcpa.com

LETTER OF AGREEMENT

Robert S. Segal, CPA, PA (SEGAL) and Town of Blowing Rock (CLIENT) hereby enter into this Letter of Agreement whereby SEGAL shall serve as a consultant to CLIENT to examine and analyze the following listed expenses/revenues of CLIENT and to make recommendations to achieve savings, credits, refunds or additional revenues, hereafter referred to as funds, in these areas:

Any and all revenues and expenses

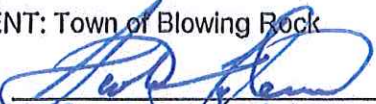
SEGAL will furnish CLIENT with a written report as to recommendations that may be made in the above areas. CLIENT will then determine which (if any) of these recommendations CLIENT wishes to implement. SEGAL will then assist in the implementation of these recommendations to achieve the funds. Future savings and revenues are computed on a per unit basis.

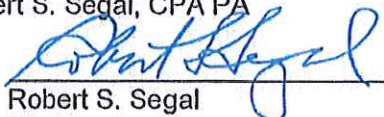
CLIENT agrees to pay SEGAL on each recommendation for funds which is implemented, a fee equal to fifty (50) cents of every dollar saved, credited, refunded or additional revenues during the 24 month period immediately following full implementation of the recommendation with a maximum fee of \$30,000 per each recommendation. However if it is mutually agreed, the maximum fee may be waived. This fee will be paid quarterly following the date of full implementation of the particular recommendation.

SEGAL AGREES TO MAINTAIN IN STRICT CONFIDENCE ALL INFORMATION RECEIVED FROM CLIENT CONCERNING ITS REVENUES, EXPENSES AND METHODS OF DOING BUSINESS. FURTHERMORE, SEGAL ACTS AS A CONSULTANT ONLY AND DOES NOT RECEIVE ANY COMMISSIONS OR REMUNERATION OF ANY KIND FROM ANY VENDORS OR SERVICE PROVIDERS.

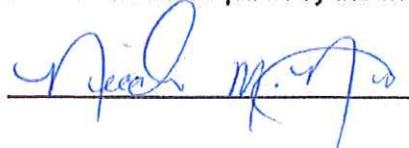
The persons signing below are authorized to do so on behalf of their respective organizations.

This Letter of Agreement shall be binding upon the parties hereto, their heirs, successors and assigns. This Letter of Agreement is entered into effective as of 30TH day of DECEMBER, 2013.

CLIENT: Town of Blowing Rock
By: 
 SCOTT FOGELMAN
Title: TOWN MANAGER

Robert S. Segal, CPA PA
By: 
 Robert S. Segal
Title: President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date: 12/30/2013  Finance Officer



ROBERT S. SEGAL, CPA PA

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE
SUITE 206
HIGH POINT, NC 27265
336-886-2100
FAX 336-886-2101
www.segalcpa.com

In order for Segal CPA to successfully complete the engagement, the Town of Blowing Rock may need to supply any or all of the following documents, preferably in Microsoft Excel format (do not print of these reports):

Check register for the period from today to July 1, 2011

Privilege licenses sold for 2013, 2012 and 2011 including the name of the business, address, phone number, type of license, gross receipts and license amount. (one excel line per license)

Occupancy taxes paid by month for each facility including name, address, phone number, gross receipts and tax paid for 2013, 2012 and 2011

Copy of the 2013 tax scroll (Town should have received a tax scroll from both Watauga and Caldwell counties on a CD which we can copy onto our hard drive)

A utility report showing each account number, meter number, account name and address, and all rate codes for that account

Copy of the comparison of water pumped versus water sold for the prior three year or longer



ROBERT S. SEGAL, CPA PA
EXPENSE REDUCTION & REVENUE ENHANCEMENT

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The following is a partial list of Segal CPA clients in northwest North Carolina:

Counties: Watauga
Caldwell
Alleghany
Ashe
Avery
Wilkes
73 of the 100 NC counties

Municipalities: West Jefferson
Woodfin
Weaverville
Approximately 150 NC municipalities

Schools: Watauga
Caldwell
32 of the 115 NC school districts

Other clients:

Carolina Beach
Topsail Beach
Kure Beach
Carolina Shores
Fair Bluff
Edenton
Raleigh
Cary
Wilmington
Durham
Yadkin County
Stokes County
Guilford County
Davidson County
Iredell County
Davie County