

## **Minutes**

### **Blowing Rock Board of Commissioners**

**Tuesday, November 11, 2003**

The Mayor and Board of Commissioners for the Town of Blowing Rock met in regular session on Tuesday, November 11, 2003 at 7:00 p.m. Present were Mayor J. B. Lawrence, Commissioners Barbara Ball, Terry Lentz, Keith Tester, Rita Wiseman, and David Wray. Also present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Marion Rothrock and Town Clerk Barbara Beach. Other staff members attending were Police Chief Owen Tolbert, Planning Director Kevin Rothrock, Building Inspector John Warren, Interim Recreation Director Jamie Saitta, and Director of Public Works Johnny Lentz.

#### **Call to Order and Approval of Minutes**

Mr. Lawrence called the meeting to order and welcomed the assembly, noting a special word of appreciation for veterans who were attending the meeting. Council reviewed the minutes of the meetings held on October 7, October 14, and October 28, 2003. Mr. Tester observed that he was present at the October 7 meeting, and asked that the minutes be changed to reflect that. He moved that the minutes of all the meetings be approved with the correction to the October 7 meeting. Mrs. Ball seconded the motion, and all members of Council voted in favor of the motion.

#### **Presentations**

##### **1. Presentation of Plaque to Glenn Coffey Family**

Mayor Lawrence presented a plaque of appreciation to Ms. Pat Moser and Mr. Albert Coffey of the Glenn Coffey family in appreciation of 53 years of service to the business community and the Town. Mr. Coffey owned and operated the Blue Ridge Motel for 53 years prior to his death earlier in the year.

##### **2. Audit for FY 2002-2003**

Mr. Bill Combs, CPA, was present to discuss the audit for the fiscal year 2002-2003. Mr. Combs reviewed the highlights of the audit report. In response to a question from Mayor Lawrence about the sufficiency of the town's fund balance, he explained that the Local Government Commission recommends that towns of similar size to Blowing Rock maintain a fund balance of 71% of the prior year expenditures. Blowing Rock's fund balance is approximately 30% of prior year expenditures, so he recommended that additional monies should be appropriated to this line. Mr. Combs praised the work of Town Hall staff in maintaining good financial records and accounting controls. He advised the Council that the tax collection rate remained near 98%, among the highest in the state.

November 11, 2003

Page two

#### **Public Hearings**

##### **1. CUP No. 2003-006 DPE Investments**

Mayor Lawrence opened a public hearing to review a request from Mr. Douglas Ehmann of DPE Investments for a conditional use permit for the construction of town homes on the former New River Inn property located on north Highway 321. The proposal includes construction of 24 two and three bedroom town homes with garage access for each facing the road. The following persons were sworn to speak by the Town Clerk: Doug Ehmann, Kevin Rothrock, Mark Stevens, and Marion Rothrock.

Kevin Rothrock provided a staff report on the proposal. Council members questioned whether the State will allow the project to proceed because of the water moratorium. Marion Rothrock stated that the Town could serve any part of the project that currently has water service. Mr. Tester asked if a map has been prepared showing the footprints of the proposed buildings overlaid on the existing buildings so that a determination can be made concerning water service. Mr. Ehmann replied that this has been done for Phase I of the project, but not for the total project. Mr. Lentz asked what the roof pitch is for the project. Mr. Ehmann responded that he did not know, and the architect was not present. Mr. Lentz also inquired whether Mr. Ehmann had reviewed the Town design standards. Mr. Lentz elaborated further, stating that he could not vote for the project because only garage doors are visible from the street, and that is not very pleasing to the eye.

Mr. Wray moved that the public hearing be closed. Mrs. Ball seconded the motion, and all members voted in the affirmative. Mr. Tester made motion that the request not be approved because the water supply issues are not resolved and that the developer and the architect need to meet with Mr. Rothrock to review design standards. Ms. Wiseman seconded the motion, and it was approved unanimously.

## **2. CUP No. 2003-007 – Chetola Manor House**

Kent Tarbutton of Chetola Resort and Kevin Rothrock were sworn to speak in the public hearing on this application for a conditional use permit. Mr. Tarbutton's proposal would renovate the existing Manor House and add eight guestrooms to be used as a bed and breakfast. Mr. Rothrock introduced the application by reviewing the staff report for the assembly. After hearing the report, Mr. Lentz moved that the public hearing be closed. Mr. Wray seconded the motion, and all members voted in favor.

Ms Wiseman made motion that the request for Conditional Use Permit 2003-07 be approved as submitted. Mr. Wray seconded the motion, and all Council members voted for approval.

*CUP No. 2003-007 Attached as Exhibit A*

November 11, 2003

Page three

## **1. Noise Ordinance – Amendment No. 2003-14**

Mayor Lawrence opened a public hearing to receive public comment concerning an amendment to the noise ordinance. Mr. Rothrock advised the Council that the Planning Board and the Noise Ordinance Subcommittee recommends a more detailed ordinance with more costly penalties for violations. The proposed amendment would provide for a penalty of \$100 for the first offense, \$250 for the second, and \$500 for third and subsequent violations. The proposed regulation clarifies definitions contained in the ordinance. The Planning Board also strongly recommends that signs be placed at the entrances to Town advising that "Vehicle Noise Laws Strictly Enforced."

Wayne Green stated his opinion that the proposal is too subjective, and there will be problems enforcing it. Marty McCurry complained about the noise from a business near his home, and advocated the incremental increase in fines that is contained in the proposal. Ron Tharpe stated that he was impressed with the research that was performed by the subcommittee members. Linda Jerger is pleased with the draft, but requested that Council mandate quiet hours beginning at 10:00 p.m. instead of 11:00 p.m. Mike Waters stated that he believes a decibel meter should be used. There were no more comments or questions, and Mayor Lawrence closed the public hearing.

Mr. Tester noted the large amount of work that members had invested in the draft, and commended members of the subcommittee for their diligence. He asked Chief Tolbert about the use of decibel meters. Mr. Tolbert explained that his department had used them in the past, but there are problems with calibrating the meters, and with certifying officers to use them. Council discussed whether the record of violations should begin January 1 of each year for purposes of determining subsequent offenses, and the appeal process for persons cited for violations.

Mr. Wray made motion that the draft be approved with the following changes to Section 5-22.04: 1) (A) Penalties and Remedies, strike the words "at least" to mandate a fine of \$100 for the first offense, 2) (E) Penalties shall be cleared after twenty-four (24) months if there are no other citations, 3) Add (G) Appeals will be heard by the Town Council.

Ms. Wiseman seconded the motion. Mr. Tester asked Mr. Wray to amend his motion to make a change to Section 5-1.02 (A) Terminology to delete the reference to the ANSI. This text will read "The following definitions shall apply to this section." Mr. Tester also asked that the document be reviewed to merge it with other sections of the Town Code to improve functionality and consistency. Mr. Wray and Ms. Wiseman agreed to the amendment and the vote was called. The amended motion was approved unanimously.

*Ordinance No. 2003-014 Attached as Exhibit B*

November 11, 2003

Page four

Mayor Lawrence called for a five minute recess. He called the meeting to order at 9:30 p.m. to review the remainder of the agenda.

## **2. Occupancy Tax Levy - Resolution 2003-07, TDA Ordinance # 2003-15**

Mayor Lawrence opened a public hearing to provide an opportunity for citizens to comment concerning the proposed increase in occupancy tax. Mr. Hildebran listed the reasons Council sought legislation to increase the occupancy tax percentage from three percent to six percent, and reviewed the draft resolution and ordinance. Many members of the audience spoke in favor of the increase, envisioning the increased revenue that can be gained from the change. Several citizens asked for representation on the Tourism Development Authority for hotel/motel owners or managers who do not live in town, but are vitally interested in serving on this board.

In view of the questions raised as to the criteria for appointment to the TDA, Ms. Wiseman stated she would like to review the proposal again, and suggested another work session to discuss it. Mr. Wray agreed, with the recommendation that it be tabled to the February meeting. Mr. Hildebran suggested that Council vote on the

resolution to increase the tax, so that it can be placed into effect on January 1, 2004, and wait to approve criteria for service on the TDA. After further discussion about the importance of the makeup of the board, Mayor Lawrence closed the public hearing.

Mr. Lentz moved that Council approve the resolution to increase the occupancy tax rate from three percent to six percent, effective January 1, 2004. Mr. Tester seconded the motion for purposes of discussion. Then Mr. Tester asked to amend the motion to schedule a Council work session to define the structure for appointments to the TDA, and appoint the members no later than the February 2004 meeting. He also suggested that the motion include a provision that the extra 3% collected be escrowed for appropriation in the 2004-2005 fiscal year. Mr. Lentz agreed to the amendment, and the vote was called. The motion was ratified unanimously.

*Resolution No. 2003- 07 Attached as Exhibit C*

## **New Business**

### **1. 2004 WinterFest Presentation**

Mr. Earle Horne reviewed the plans for the WinterFest Celebration to be held the weekend of February 6 - 8, 2004.

November 11, 2003

Page five

### **2. Surplus Vehicle**

Mr. Hildebran advised Council of a surplus vehicle in the Police Department, a 1987 Ford Crown Victoria. NCGS 160A-266(c) gives authority to Council to adopt a resolution naming a Town official to dispose of personal property valued at less than \$5,000. Upon motion of Ms. Wiseman, second by Mr. Wray, Council voted unanimously to adopt resolution number 2003-08 authorizing Mr. Hildebran to dispose of the vehicle through the use of informal procedure of sealed bids. Mr. Lentz asked that Mr. Hildebran seek an appraisal of surplus property, so that a fair price can be obtained.

*Resolution No. 2003-08 Attached as Exhibit D*

### **3. Scheduling of Special Meetings**

Council scheduled a special meeting for November 25 to discuss water supply issues. Another special meeting will be held December 8, 2003 to discuss the number and qualifications of appointees to the TDA.

## **Adjournment**

There was no further business, and Mayor Lawrence adjourned the meeting at 11:20 p.m.

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Mayor J. B. Lawrence

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Barbara G. Beach, Town Clerk