

# MINUTES

Town of Blowing Rock  
Board of Commissioners

**November 7, 2005**

The Town of Blowing Rock Board of Commissioners met in regular session on Monday, November 7, 2005 at 7:00 p.m. at the Town Hall Council Chambers. Attending were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman, and David Wray. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Public Works Director Johnny Lentz, Planning Director Kevin Rothrock, Town Engineer Doug Chapman, Police Chief Owen Tolbert, Parks & Recreation Director Jennifer Gore, and Town Clerk Sharon Greene.

## *CALL TO ORDER*

Mayor Lawrence called the meeting to order and welcomed the assembled citizens.

## *APPROVAL OF MINUTES*

*A motion was made by Commissioner Ball to approve the minutes for meetings held October 11, 2005 and October 25, 2005 as presented, seconded by Commissioner Wiseman. Unanimously approved.*

## *PUBLIC HEARINGS*

### *1. CUP #2005-12 Tanner Factory Store-Building Improvements*

Mayor Lawrence asked those wishing to speak during the public hearing to be sworn in by the Clerk. Bill Dixon, Bryon Johnson, Ginny Stevens, and Kevin Rothrock were duly sworn.

Planning Director Rothrock presented a request from Wendy Estes for a conditional use permit to make exterior changes to the Tanner Factory Store located at 8253 Valley Blvd. Included in the changes were covering the brick façade with bark siding and painting the exposed gable ends of the building.

At their October 20, 2005 meeting, the Planning Board recommended that the conditional use permit be approved as submitted.

After hearing the Applicant's request, and receiving no additional comments, a motion was made by Commissioner Wray, seconded by Commissioner Wiseman to close the public hearing.

A motion was made to approve CUP #2005-12 as presented by Commissioner Wray, seconded by Commissioner Ball. Unanimously approved.

## **CUP #2005-12 Attached as Exhibit A**

### *OLD BUSINESS*

#### **1. Blowing Rock Historical Society- Daniel Boone Monument Trail Marker**

On September 13, 2005, Council accepted the donation of the Daniel Boone Monument Trail Marker, with the understanding that the Blowing Rock Historical Society, working with the Town, would find a suitable location for it. The Marker is currently located on what was the "Blue Ridge Motel" property on North Main Street.

The pictorial museum on Main Street was chosen as an appropriate location for the historical marker by members of the Historical Society, in concurrence with the Town and the Coffey family.

The Historical Society also agreed to cover the cost for the new concrete platform base and a bronze plaque describing the historical significance of the monument. They asked that the Town assist in moving the monument from its present location to the new site.

The Historical Society asked Council for approval of their chosen site. After some discussion, a motion was made by Commissioner Lentz to approve the site for the Daniel Boone Monument Trail Marker as requested, seconded by Commissioner Wiseman. Unanimously approved.

**1. Stormwater Grant Application (Resolution #2005-08)**

A resolution formally authorizing the filing of a storm water grant application to the NC Clean Water Management Trust Fund was presented to Council by Town Manager Hildebran.

The requested grant, in the amount of \$40,000, would be used to perform an evaluation of the storm water management system and to develop a comprehensive storm water master plan. The Town would provide a 20% local match (or \$10,000) for the estimated \$50,000 project.

After Town Manager Hildebran's presentation, Commissioner Wiseman entertained a motion to accept Resolution #2005-08 as written, seconded by Commissioner Ball. Unanimously approved.

**Resolution #2005-08 Attached as Exhibit B**

**2. Charter Cable-Franchise Fee (Ordinance #2005-14)**

Town Manager Hildebran presented Council with an ordinance to increase the cable franchise fee from 3% to 5% in lieu of a full 7% N.C. State sales tax increase. This increase was imposed by the State of North Carolina General Assembly to be implemented in January 2006. With the Town's current cable franchise fee of 3%, the state sales tax would only impose an increase of 4%. Town Manager Hildebran stated that several municipal/county organizations suggested that local governments with cable franchise fees below the federal 5% limit increase their fees to the maximum level. As such, the State would only be permitted to collect 2% of the sales tax, with local governments receiving the balance of 5%.

The Town's current cable franchise agreement with Charter Cable enables the town to increase its cable franchise fee up to 5% upon 90 days notice to Charter Cable. The current 3% fee is projected at \$27,500 in the FY 2005-06 budget. A 5% franchise fee was estimated to generate \$45,830 in revenue.

A motion was received from Commissioner Wray to accept Ordinance #2005-14 as presented, seconded by Commissioner Ball. Unanimously approved.

**Ordinance #2005-14 Attached as Exhibit C**

**3. Land Exchange – Blowing Rock Emergency Services Building (Resolution #2005-08)**

The Town acquired two (2) tracts (1.137 acre and 1.268 acres) of property along Valley Boulevard for an Emergency Services Facility. The first tract was purchased in 1995 for \$104,000 and the other tract purchased in 2004 for \$500,000. After reviewing the initial site plan, the Town Engineer and the Town Architect suggested that the property boundary be amended to provide better site conditions.

The town approached adjoining landowners Barry and Debbie Buxton regarding the boundary land exchange. The proposed exchange would consist of 0.067 acres of the Buxton property for 0.101 acres of Town property to improve the site conditions for the Emergency Services Facility.

Council was presented with Resolution No. 2005-09 authorizing the exchange. Commissioner Wiseman made a motion to accept Resolution No. 2005-09 as presented, seconded by Commissioner Lentz. Unanimously approved.

**Resolution No. 2005-09 Attached as Exhibit D**

**4. Chamber of Commerce – Carriage Rides**

Council received a request from the Chamber of Commerce for authorization to conduct carriage rides downtown on Tuesday, December 13, 2005 during their “A Village Christmas” event.

Based on the policy adopted on August 9, 1994, all carriage rides must be approved by the Board.

The following conditions would govern the event:

- 1) sponsoring party (**Blowing Rock Chamber of Commerce**)
- 2) valid certificate of insurance for the duration of license period (**will provide**)
- 3) proposed route (**attached**)
- 4) days/hours of operation (**Tuesday, December 13, 2005 only/5:00-8:00 p.m.**)
- 5) months of operation (**December 13, 2005 only**)
- 6) inclement weather (**no rides**)

- 7) plan safety/cleanliness (**will provide & carriage must be lighted**)
- 8) plan for housing/feeding horses (**will provide**)
- 9) Rates (**no charge**)
- 10) Business license (**Must obtain**)

Proof of insurance should accompany carriage driver during operating hours.

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

#### **5. Green Hill Circle Slide Repair**

During sewer construction on Green Hill Circle, a small slide occurred. A proposal to repair the slope was presented to Council for their consideration. After reviewing various alternatives for repairing the slide, McGill Associates in concurrence with Unifour Engineering and Testing, recommended a stabilization plan.

Based on cost proposals from two firms, McGill Associates recommended awarding the repairing project to low bidder, Barrier Geotechnical Contractors, for \$66,755, excluding cost for guard rails, to be installed by the Town. The proposal also anticipated that the road would be closed for approximately three weeks during the repairing process.

Commissioner ball suggested that any guard rails be made of wood.

A motion was made by Commissioner Tester to accept the proposal as presented, seconded by Commissioner Ball. Unanimously approved.

Town Manager Hildebran stated a budget amendment to cover the unexpected expense of the project would be presented for Council's consideration at a later date.

#### **6. NCDOT Bridge Inspection Agreement (Resolution #2005-10)**

Council reviewed a resolution executing a municipal agreement with the NC Department of Transportation for bridge inspections for Sunset Drive and Cornish Street.

The U.S. Surface Transportation Assistance Act requires that municipal bridges be inspected every two years. NCDOT, through the Federal Highway Administration, will cover 80% of the costs of the inspections. The Town is responsible for the remainder of the costs, which are estimated to be \$2,800 per bridge inspection, with anticipated bridge inspections to be completed by June 2006.

Commissioner Wiseman made a motion to accept Resolution #2005-10 as written, seconded by Commissioner Lentz. Unanimously approved.

**Resolution #2005-10 Attached as Exhibit E**

**SPEAKERS FROM THE FLOOR**

Town resident and business owner Earl Horne asked Council to consider enacting a town ordinance requiring restaurants within the town limits to be non-smoking.

Mayor Lawrence stated he felt this was a worthy subject to pursue, and could be discussed at the Council Retreat.

**ADJOURNMENT**

There being no further business to discuss, Mayor Lawrence adjourned the meeting at 7:15 p.m.

**MAYOR** \_\_\_\_\_

**J.B. Lawrence**

**Attest:** \_\_\_\_\_

**Sharon H. Greene, Town Clerk**