

ATTACHMENT A

**A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE CARRBORO
BOARD OF ALDERMEN FOR THE GENERAL ASSEMBLY
LONG SESSION STARTING IN JANUARY 2007
Resolution No. 67/2006-07**

WHEREAS, the General Assembly of the State of North Carolina will begin its 2007 long session in January of 2007, and

WHEREAS, the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

- 1.
 - 2.
 - 3.
- Etc.



2006 Regional Legislative Agenda

Triangle J Council of Governments

In the North Carolina General Assembly
Priority Legislative Issues for the Triangle J Council of Governments

Each year the Triangle J Council of Governments revises and updates its Regional Legislative Agenda setting forth the priority legislative issues of its member local governments from across the seven-county area of Region J. This agenda has been compiled for the purpose of conveying vitally important information to the General Assembly for its review, consideration, and use as the legislature conducts its legislative session. After taking into consideration the various challenges that will be confronting the State of North Carolina during its 2006-07 Session, it is the intent of Triangle J that this Regional Legislative Agenda serve as an aid to the legislative delegations serving Lee, Chatham, Orange, Durham, Wake, Johnston and Moore Counties in assisting our cities, towns and counties with their legislative needs. The following information has been set forth in priority form for this purpose:

VERY HIGH PRIORITIES

Provide Revenue Options for Local Government: Triangle J seeks legislation that authorizes a variety of revenue options for local governments to fund municipal and county services. Notwithstanding the state's continuing fiscal challenges and in the face of significant growth issues demanding local government services within Region J – transportation, schools, water, sewer, elderly care, public safety, courts, solid waste, etc. – it is imperative that the legislature provide options to local government to address these needs.

An overarching principle is that any local government revenue source that is presently available to one or more local governments in the state should be available to all local governments uniformly throughout the state. Triangle J seeks authority for local government, on a reasonable basis, to levy local option sales taxes, impact fees and/or taxes, land transfer fees, increased court cost fees, etc.

Medicaid Relief: Triangle J seeks the provision of revenue by the state sufficient to cover the full cost to counties of Medicaid expenses. North Carolina and New York are the only states in the nation that require county participation in Medicaid expenses, noting that legislation has passed in New York that will soon phase out its requirement in this regard. Triangle J seeks legislation to authorize North Carolina to join the other 49 states in this regard.

Mental Health: Triangle J supports Mental Health Reform in North Carolina and seeks legislation that assures the building of capacity at the local level to serve the needs of our citizens as the state de-institutionalizes patients from its system. Adequate funding must be provided by the state to address Mental Health Reform; moreover, money from the closing of state institutions must follow clients as they are integrated into local communities.

HIGH PRIORITIES

School Funding Needs: Triangle J supports legislation that establishes adequate and reliable funding of public schools in North Carolina that matches needs, resources, and mandates. The local governments of Region J note the ongoing trend of insufficient operational and capital funding for public schools, and will seek to reverse this trend.

To serve as an intergovernmental organization for local elected officials that works proactively on regional issues in order to sustain and improve the quality of life for our citizens.

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Growth Management Strategy: Growth management strategies remain paramount among important issues facing Region J's local governments. In view of the recommendations of the state's Legislative Study Commission on Smart Growth, Triangle J advocates an incentive based planning partnership that calls upon the state to establish a clear and concise growth management policy based on the regional principles set forth in the commission's report. Inducements such as allowance of the "transfer of development rights," inclusionary zoning and housing programs, expanded local revenue sources for community and regional infrastructure, along with state funding for planning, infrastructure financing, mixed income housing, environmental programs, open space/farm land, rural economic development, downtown/main street development, and other economic development incentives are recommended. Triangle J seeks approval of the foregoing, along with adequate authority and financial support to provide public facilities necessary to any state growth management policy. Triangle J supports *SB 354 – Infrastructure Inventory Funds* to provide state funding to systematically inventory existing and planned infrastructure in order to promote economic and community development.

Transportation Planning and Funding: Multi-modal planning for the myriad transportation needs of Region J is a substantive issue for the future of our local governments and the region. Triangle J seeks funding of the Transportation Improvements Plan (TIP), Metropolitan Planning Organizations (MPO's), Rural Planning Organizations (RPO's), Powell Bill Funds, local transit authorities, and the Triangle Transit Authority. Triangle J also supports legislation that reauthorizes the network of rural transportation planning organizations (RPO's) with adequate funding and increased responsibility for transportation planning in the state's non-urban areas. Moreover, Triangle J advocates and seeks a fundamental change in the state's planning/organizational structure currently in use to allow for more formal input by local government and a funding formula that provides adequate financial resources to address the ever-growing transportation needs of our region.

Clearly the challenge for North Carolina is that adequate funding must be provided by the legislature to assure that our state and regions can meet their transportation needs. Triangle J seeks adequate funding of road and bridge maintenance to maintain existing infrastructure, and calls upon the General Assembly to maintain the integrity of the Highway Trust Fund by applying the monies in this special fund for the original purposes intended. Triangle J opposes the escalating transfer and use of funds from the Highway Trust Fund to the General Fund for non-transportation related projects and seeks the return of this annual transfer to its original level of authorization associated with state motor vehicle taxes. Finally, Triangle J will support legislation amending the General Statutes to require that the N.C. Department of Transportation pay for the non-betterment cost for relocation of city/county utilities that are relocated for a state highway improvement project – inclusive of regional public utilities.

Air Quality: Air quality tops the environmental issues important to Region J. Triangle J supports financial and tax incentives in accordance with the Ambient Air Quality Act (SB 953) enacted in 1999 to encourage the use of alternative fuels. Triangle J also seeks legislation that promotes clean air and allows state and local government to meet "attainment" of EPA standards. Linkage of air quality to growth management and transportation strategies is important. Triangle J will support legislation that implements the "Air Quality Policy" recommended by the N.C. Joint Regional Forum.

Water Quality/Supply and Infrastructure: Long-term water quality/supply planning and wastewater treatment needs continue to be important topics for the region. Hydrological modeling in Jordan Lake, protection measures for the Upper Neuse and Cape Fear Rivers, and measures to protect drinking water supply reservoirs recently approved by SB 981 are extremely important and will require support from state government. Triangle J seeks legislation to effect financial resources and regulatory control to satisfy regional water quality/supply planning needs that address long-term water supply and resource needs through regional planning and cooperation, along with the resources necessary to meet environmentally sound water and sewer infrastructure resources for the region. Triangle J supports clarifying *SB 981 – The Drinking Water Supply Reservoir Protection Act* to require the development of a nutrient management strategy by July 2009, and a requirement to adopt permanent rules on nutrient management strategies by July 2010.

Triangle J also seeks additional funding for the Clean Water Management Trust Fund, funding from legislative appropriations and/or bond funds to improve infrastructure that will enable local government to meet increasingly stringent water quality requirements, and state funding of incentives that promote development of regional water and wastewater systems. Triangle J supports the Water 20/30 Initiative and its proposal for a state water bond.

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OTHER PRIORITIES

Aging and Long Term Care Needs for the Older Population: Care for the growing population of older Americans within our communities is an integral part of the regional concerns of our local governments. Triangle J supports efforts to recognize the right of every North Carolina resident to have access to health care. Related to long-term care Triangle J supports restoration of the Medicaid Community Alternatives Program for Disabled Adults (CAP/DA) to the level available on September 30, 2001. Support is also sought for steps that address the current workforce shortages of direct care workers trained and paid to assist those in need of long term care. Legislation is necessary for an Alzheimer's Special Care Disclosure Act that would allow consumers to make informed decisions about nursing home placement. In addition, there is a need to find ways to improve the access of older adults to dental care services, including support for the special care dental delivery model using mobile care units to serve long-term care facilities and senior centers.

Homeland Security and Regional Emergency Preparedness: Triangle J seeks support of state efforts to provide planning services for homeland security on a regional basis, and the funding of city and county needs for regional emergency preparedness. Triangle J further seeks affirmative action on the part of the Governor's Office, the N.C. Division of Emergency Management, and the Department of Crime Control and Public Safety for the resources necessary to assure adequate "threat assessment", sufficient communications capabilities, evacuation planning, the necessary training associated with Homeland Security, and implementation of the Criminal Justice Information Network (CJIN).

Mixed Income Housing: Mixed Income housing, as an element of land use planning and growth management, is key to quality of life in the region. Triangle J supports legislation that appropriates recurring funds for the North Carolina Housing Trust Fund to provide new home ownership opportunities, along with affordable rental homes for the disadvantaged.

Economic Development: Triangle J seeks state cooperation in assuring the success of its administration, development and support of Foreign Trade Zone activities as a link to the global trade market to assure continued economic vitality for the region. Triangle J also supports the TTA's regional rail project as an important part of the region's economic development strategy.

Open Space: Triangle J seeks funding of the state's One North Carolina Naturally Initiative, along with other open space and green space concerns, inclusive of increased funding for farm land preservation and other similar economic development activities. Triangle J supports the Land for Tomorrow Initiative and its proposal for a state conservation bond.

Indigent and Uninsured Health Care Delivery Costs: The influx of new residents without health insurance into the region has manifested itself in an ever-increasing demand on local health care services; subsequently, county governments find themselves bearing major expenses for indigent and uninsured health care delivery costs. Triangle J seeks legislation to establish a legislative study commission to develop recommendations on the state's health care delivery system and the needs of the uninsured population.

State LRO Funding: The state has for many years provided an appropriation of a small stipend in support of regional planning and economic development. Originally \$55,000 per Lead Regional Organization was provided through the N.C. Division of Community Assistance, but now this amount has been reduced to @ \$48,000 through state budget cuts. Triangle J seeks to maintain and grow this small, but important, funding for Lead Regional Organizations up to a minimum of \$100,000 per year.

Public Duty Doctrine: Triangle J supports legislation to restore application of the "Public Duty Doctrine" to local governments.

Franchising Authority: Triangle J opposes legislation to weaken or eliminate the ability of local government to exercise franchise authority over utilities, telecommunications, video and cable services, and/or interferes with the ability of local government to protect its public rights-of-way and property.

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Tax Assessment Authority: Triangle J opposes legislation to exempt builders “inventory” from full market value by allowing the increase in value attributable to subdividing or improving real property held for resale to be excluded from ad valorem taxation until sold.

Solid Waste: Triangle J opposes *SB 951 – Public-Private Solid Waste Collection* and its provisions to guarantee private waste haulers 18 months of displacement service/compensation when changing service providers for solid waste collection and recycling services.

Approved by the Triangle J Board of Delegates – March 22, 2006.

NCLM CORE MUNICIPAL PRINCIPLES

Municipal Revenues

SOUND MUNICIPAL GOVERNMENT REQUIRES PRESERVATION AND ENHANCEMENT OF THE EXISTING TAX AND REVENUE STRUCTURE.

The property tax, state-collected local taxes and revenues, and various local option revenue sources are all integral components of a stable, reliable and balanced revenue stream for municipalities. State-collected revenues should be distributed reasonably and equitably, providing local elected officials autonomy to best determine their use. New revenues, including those that may be obtained through local option revenue sources, are essential to meet the future needs of municipal citizens, to provide the infrastructure necessary for vital public services, and to fairly apportion the costs of growth. It is also imperative that any lost or repealed revenues be replaced, retroactively if necessary.

Municipal Expenditures

FISCAL INTEGRITY AND SOUND FINANCIAL MANAGEMENT REQUIRE FLEXIBILITY TO BORROW, INVEST AND EXPEND FUNDS FOR PUBLIC PURPOSES.

Cities are challenged to use the funds entrusted to them in the most efficient and responsible manner possible. Flexibility in financing options and expansion of municipal investment authority provide basic tools to help meet that challenge. The capacity to determine the nature and amount of an expenditure, based upon the totality of factors involved within the unique context of each city, is essential to economic efficiency and management. Cities need discretion to fund investments in infrastructure and local improvements such as affordable housing, redevelopment projects, and business and economic incentives.

Mandates

THE STATE AND FEDERAL GOVERNMENTS SHOULD NOT ENACT BURDENSOME AND EXPENSIVE MANDATES WITHOUT ADEQUATE LOCAL AUTHORITY, FLEXIBILITY AND ADDITIONAL FINANCIAL RESOURCES FOR IMPLEMENTATION AND CONTINUATION.

Mandates to perform functions or activities placed upon cities by the state or federal governments, either directly or through agency or administrative action, should be accompanied by funds for their implementation and continuation. Cities should not be required to appropriate funds for particular programs or functions, or to contract with private companies for public services. Management decisions must remain in the sound discretion of the municipal governing body.

Preemption

MUNICIPALITIES NEED A BROAD GRANT OF AUTHORITY AND FLEXIBILITY TO ALLOW ELECTED OFFICIALS TO MAKE DECISIONS THAT EFFECTIVELY AND EFFICIENTLY MEET THE EVER-EXPANDING NEEDS OF THEIR CITIZENS.

Voters elect municipal officials to decide significant issues in the public interest, which varies within the unique context of each municipality. Accordingly, the League stands opposed to legislation preempting municipal authority and to measures designed to otherwise erode local control of significant municipal issues. Municipal grants of authority should be broadly construed to include supplemental powers reasonably necessary to carry out the functions.

Open Government and Ethical Conduct

ALL LEVELS OF GOVERNMENT SHOULD ADHERE TO PRINCIPLES OF RESPONSIBLE OPEN GOVERNMENT AND ETHICAL CONDUCT.

The League supports the principle of openness in government and endorses the concept that meetings of governmental bodies should be open to the public. There are reasonable exceptions that should permit closed sessions when such limitations are in the public interest. Public records should also be available to the public with reasonable exceptions for protection of confidentiality that are in the public interest. Elected and appointed officials should adhere to standards of conduct that promote public confidence in our system of governance. Requirements regarding openness, access to records, conflict of interest and ethical conduct should apply across all levels of government to include state, county, and municipal bodies.

Municipal Liability

FUNDAMENTAL RULES PERTAINING TO THE LIABILITY OF GOVERNMENTAL ENTITIES SHOULD APPLY ACROSS ALL LEVELS OF GOVERNMENT.

Municipalities continually seek to provide a wide range of services to meet the needs of their citizens in furtherance of the public health, safety, and welfare. Accordingly, the League stands opposed to proposals placing burdensome liability upon municipalities, including measures that seek to erode well-established principles of immunity or other defenses, and to proposals unfairly imposing cost-shifting upon municipal taxpayers.

Municipal Growth

HEALTHY MUNICIPAL CENTERS ARE ESSENTIAL TO THE ECONOMIC VIABILITY OF THE STATE. MUNICIPALITIES MUST MAINTAIN THE ABILITY TO EXPAND AND PROVIDE THE HIGHER LEVEL OF SERVICES DEMANDED BY THE CITIZENS.

Cities and towns are the economic engines of the state and must be permitted to grow in an orderly and reasonable manner that supports the continued economic development of the state. New growth in and around existing municipalities should utilize existing infrastructure for the most efficient use of public revenue. Annexation ensures that all those who benefit from a municipality through use of the infrastructure, municipal amenities, proximity to jobs, commerce, and cultural resources, bear a fair share of the cost of providing those services. The legislature should not permit a new incorporation whose primary purpose is to prevent a proposed annexation without evidence of its ability to provide the necessary services. Municipalities are encouraged to enter into agreements to foster interlocal cooperation and long-range planning.

Municipal Services

MUNICIPALITIES REQUIRE ADEQUATE AUTHORITY AND FLEXIBILITY TO FINANCE, OPERATE AND MANAGE ESSENTIAL SERVICES TO PROTECT PUBLIC SAFETY, PROMOTE SANITATION, HEALTH AND WELFARE, AND IMPROVE THE QUALITY OF LIFE.

In order to serve growing urban populations with water, sewer, transportation, police protection, fire protection, solid waste, stormwater, electricity, parks and recreation, public housing, and other services, municipalities need the autonomy to make appropriate management, financial, and operational decisions. With regard to enterprise services, municipalities must be free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangements. State taxes or fees should not be imposed on municipal enterprise services. Furthermore, the power of eminent domain must be preserved as a means of acquiring property to provide municipal infrastructure, facilities, and services for the public benefit.

Planning and Land Use

MUNICIPAL PLANNING AUTHORITY MUST BE MAINTAINED FOR SOUND GROWTH, LONG-RANGE PLANNING AND GROWTH MANAGEMENT.

Long range municipal planning is an essential aspect of municipal health and economic viability. Vibrant, well-planned cities are the economic engines of the state, attracting new businesses and industries, while providing the quality of life expected by residents in and around municipalities. Public participation and private

property rights are key elements of growth management. For this reason, the government closest to the people is the best venue for making land use decisions. Municipal authority must be maintained and enhanced to allow for more flexibility and options. Necessary tools for planning include the ability to zone, to review and approve buildings and new development, exercise extraterritorial jurisdiction, urban redevelopment, and economic development strategies. Municipalities must have the capability to protect and plan for infrastructure, as well as ensure that the public health, safety and welfare of the citizens are preserved.

Environmental Protection

FOR MUNICIPALITIES TO BE SUCCESSFUL PARTNERS IN ENVIRONMENTAL PROTECTION, ENVIRONMENTAL LAWS AND REGULATIONS MUST BE SCIENCE-BASED, FEASIBLE, AND EQUITABLE, WITH FLEXIBILITY TO COMPLY IN THE MOST COST-EFFECTIVE MANNER.

Local governments are partners with state and federal agencies in protecting the environment and quality of life for our citizens, serving as both regulators and members of the regulated community. As regulators, municipalities need adequate authority to set standards, enforce requirements, and perform inspections. The discretion to impose more stringent requirements than the state when necessary to protect public health or the environment must not be impaired, and delegation of any state regulatory programs must be voluntary. The state should continue to provide technical assistance to local governments as well as its share of financial resources for the implementation of environmental programs. In supporting environmental programs, local governments as well as the state should maintain the ability to make reasonable, equitable, and justifiable adjustments in permitting and compliance fees to help recover the costs of regulatory programs.

As members of the regulated community, municipalities must be allowed full participation in the development of new environmental laws and regulations. Environmental laws and regulations should be based on sound science, be technologically and economically feasible, apply equitably to all contributors of pollution, allow the flexibility to attain standards using those practices best suited to the topographical, hydrological, atmospheric, and other characteristics of the jurisdiction and provide incentives that recognize existing environmental programs. The state and federal governments should fully analyze costs associated with environmental requirements need to be fully analyzed before adopting them.

2007-2008 NCLM Advocacy Agenda

The following advocacy agenda is presented to the full membership for consideration and approval at the 2006 annual business meeting in Greensboro on October 17. Please contact the League's advocacy staff if you have any questions.

As approved by the NCLM Board, the advocacy agenda in priority order is:

Infrastructure Financing

The League will seek legislation to provide additional funds for municipal infrastructure, including both short term funding in the form of bonds and a long-term permanent source of revenue.

- The League will seek adequate permanent and dedicated sources of revenue for infrastructure needs.
- The League will seek legislation to create additional local option revenue sources for municipalities, which may be dedicated to infrastructure needs including those required for transportation, water, and sewer services.
- The League will seek legislation authorizing a state bond package that includes significant funding for clean water projects and urban transportation needs.

Transportation

Transportation funding shortfalls and the increasing cost associated with building and maintaining new roads need to be addressed at the state and local level.

- The League will seek a legislative study of transportation issues, to include an evaluation of the DOT equity formula, a comparison of the total motor fuel tax collected in each county to highway trust fund expenditures, and realignment of DOT operational divisions to match regional planning needs and transportation functionality.
- The League will seek legislation to prohibit transfer of Highway Trust Fund monies to the General Fund so that these funds can be directed to vital transportation needs.

Public Duty Doctrine

In April 2000, two appellate court decisions removed the well-established public duty doctrine as a defense for local governments in negligence actions arising from situations where local governments have sought to provide various services in furtherance of the public health, safety, and welfare. In order to restore the defense, the Board recommends the following:

- The League will seek legislation to codify the public duty doctrine as a defense in tort actions brought against municipalities.

Planning and Land Use

Although municipalities have statutory options for addressing substandard dwellings, they need additional authority to remedy non-residential buildings.

- The League will seek legislation to provide municipalities with additional authority to regulate non-residential dilapidated structures.

Alcohol Beverage Control (ABC) Permitting

Significant secondary effects can arise from the inappropriate location of alcohol establishments, yet under the current statutory framework and case law, there are substantial limitations on municipal authority to regulate such locations.

- The League will seek legislation to enhance municipalities' ability to regulate inappropriate location of licensed alcohol establishments.

Environment

There are ongoing conflicts between municipalities and state agencies about the state's responsibility to pay municipal stormwater utility fees for state property.

- The League will seek legislation to clarify governmental agency responsibility with regard to local government stormwater utility fees.

The state should seek a bond referendum to create a substantial source of funding to address the depletion of natural resources due to growth and development.

- The League will seek legislation authorizing a statewide bond referendum for the acquisition of land for the preservation of natural resources.

Public Safety

Gang violence and associated activity has increased exponentially in many areas throughout the state and local governments need additional means to combat the negative impacts of this activity.

- The League will seek legislation to provide new tools and funding for gang prevention.

Housing

Municipalities seek to provide a wide range of housing options for their citizens to provide a high quality of life. The League supports state efforts to increase the supply of affordable housing to complement the existing efforts of local governments.

- The League will seek additional dedicated funding for affordable housing.

LIST OF LEGISLATIVE ITEMS SUBMITTED BY ALDERMAN BROUN

1. Affordable housing
2. Increased medical benefits for uninsured children
3. Greater statewide funds for mass transportation including:
 - a. Connections between Durham/Chapel Hill/Raleigh
 - b. Greater funds for buses
 - c. Program that connects and discusses more public transit – east to Raleigh/Durham
4. Diverse health

A BILL TO BE ENTITLED

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE
GREATER FLEXIBILITY IN THE REPAYMENT OF SPECIAL ASSESSMENTS AND
THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS**

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 (Special Assessments) of the Consolidated Charter of the Town of the Town of Carrboro (as set forth in Section 1 of Chapter 476 of the 1987 Sessions Laws) is amended to add a new Section 5-4 as follows:

Section 5-4. Collection of Special Assessment Liens.

(a) This section shall apply to all special assessments previously or hereafter undertaken by the town pursuant to its charter or G.S. Ch. 160A, Art. 10.

(b) The town may use any and all remedies to collect delinquent special assessment payments that are authorized for the collection of unpaid property taxes under G.S. Ch. 105, Art. 26.

(c) In addition to the payment methods authorized by G.S. 160A-232, the Board of Aldermen may provide in the resolution that authorizes the project giving rise to the assessment that the assessments may be paid in such periodic installments (e.g. annually, semi-annually, quarterly, or monthly) as may be authorized in such resolution, provided that the interest rate applicable to such installments shall be the same regardless of the installment period.

(d) Notwithstanding the provisions of G.S. 160A-233(b), the Board of Alderman may authorize the town manager or his designee to (i) waive the automatic acceleration of delinquent special assessment payments and (ii) design and establish installment plans for the repayment of special assessments.

SECTION 2. This act is effective when it becomes law.



TOWN OF CARRBORO

NORTH CAROLINA

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ATTACHMENT ~~G~~

Memo

To: Mayor and Board of Aldermen
From: Nathan Milian, ESC Chair *NM*
Date: 1/12/2007
Re: Comments and recommendations on the Hotel/Motel Tax

The Economic Sustainability Commission requests that the Board of Aldermen consider exploring the possibility of increasing the amount of the taxing authority for the local hotel/motel tax imposed by the state under G.S. 105-164.4(a)(3) to be consistent with other towns and localities including Chapel Hill and Orange County. The potential revenue generated by this tax when the hotel is constructed could be considered when planning tourism-related capital expenditures in the downtown. One capital expenditure might be a parking facility.

The current authorization and Scope is as follows: the governing body of the Town of Carrboro may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a) (3).