

## **MINUTES**

### **Town of Blowing Rock**

### **Board of Commissioners**

### **Continued Recessed Meeting-June 30, 2008**

The Town of Blowing Rock Board of Commissioners reconvened on Monday, June 30, 2008 at 9:00 a.m. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Albert Yount, Phillip Pickett, and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Planning Director Kevin Rothrock, Town Engineer Doug Chapman, Town Attorney Allen Moseley, and Town Clerk Sharon Greene.

### **CALL TO ORDER**

Mayor Lawrence called the meeting to order at 9:05 a.m.

### **1. BLOWING ROCK ART AND HISTORY MUSEUM**

Before hearing from BRAHM, Commissioner Yount asked Town Attorney Moseley if Council would be setting precedence by meeting with BRAHM before a conditional use permit had been filed. Mr. Moseley responded it was not that unusual since the Town was in a joint venture with BRAHM and the Town owned the property in which the project was proposed. Commissioner Tester felt clarification was needed in reference to comments given during this meeting and Council not be held binding to comments. Mr. Moseley assured Mr. Tester the Town would not be bound to comments that were made.

BRAHM President Mr. Wellborn Alexander approached Council and thanked them for allowing them to attend the work session. He updated them on recent funds they had received towards their project. Mr. Alexander stated that BRAHM was in partnership with the Town just as the American Legion, the Community Club and Edgewood Cottage were. He stated the museum would occupy 17% of the 1.22 acre tract of land owned by the town. According to Mr. Alexander, the Town paid \$775,000 in 2003 for the property in which the museum is to be built. By BRAHM's calculations, 17% represented approximately \$132,000 as the town's share of investment in the building, whereas, BRAHM would be investing over six million dollars as an improvement to the property. At the present time, BRAHM is in their 5<sup>th</sup> year of a 50-year lease with the Town and the building is expected to be completed over a 2-year period. After the 50-year lease period is over, the museum building would belong to the Town and would be a huge lease-hold improvement for the town as stated by Mr. Alexander.

He also updated Council on several members associated with BRAHM's board whom have extensive experience with museums. He mentioned Mr. Herb Cohen, Ms. Norma Suddreth, Ms. Rebecca Ficklin, Ms. Joni Petschauer and Mrs. Lynn Drury as just a few.

In the past few years, Mr. Alexander stated several museums had been visited by members of BRAHM to aid them in the construction of the proposed museum. During these visits they learned what some of their needs should be and also learned from mistakes made by others. Mr. Alexander stressed the need for adequate storage space as one of the aspects they had learned from these visits.

Mr. Alexander stated the core mission of museums such as the one planned, was to educate the viewing public and the care and preservation of their collection. He advised this is what dictates their needs in planning for the project. According to Mr. Alexander, the museum would have five galleries, and the basement would house a very large education center. Also in the museum, a large temperature controlled storage area in which to store and preserve their collection, and a meeting room and library were planned.

In 2003, BRAHM presented Council with three different design schemes, Scheme I was chosen which showed the building as straddling the property. Mr. Alexander stated at that time, no interior design was prepared for Council's review, only a sketchy exterior design. Also, BRAHM was requesting a 7,000 square foot footprint, which would consist of a building 3 stories tall. At the present time, the design proposed in their CUP showed the first floor as being approximately 6,823 square feet, which did not include unheated space, the third floor being the largest. The drip line for the building is 9,143 square feet.

The reason for the increase in size was due to several reasons according to Mr. Alexander. The first being a change in the N.C. Codes that required a 700 square foot addition for restrooms, another change was the 1,252 square foot storage area critical to their needs. Also mentioned was an additional 350 square foot orientation theatre which BRAHM felt would be very effective.

Mr. Alexander spoke of the extensive artwork they had currently and the continued growth they expected. He felt the additional storage space was imperative to the museum, because there was no room for expansion once the building was finished. BRAHM wanted to get it right from the beginning, because in order for them to receive their certification from the American Association of Museums, they had to have the appropriate facility and museum management process.

Section VI Part B of the lease was mentioned by Mr. Alexander. He stated this section of the lease he felt, gave the town the ability to approve the extra square footage previously discussed.

He also mentioned the look of the museum from Main Street. The current design was much different from the original design shown to Council, with the varied roof lines and dormers.

Parking was also discussed. Mr. Alexander stated there was some concern from residents in the area over parking, but they were in favor of the museum. He advised there were 500-600 members of BRAHM who supported the museum and a parking facility. He conveyed a large amount of money had been spent on the design process and he felt BRAHM had done the best they could do and complied with all Town codes, ordinances, setbacks and height requirements.

He made a plea to Council to consider their proposed CUP stating the Town had a vested interest in the building and seeing that it was done correctly. In closing, Mr. Alexander asked N.C. House Representative Mr. Cullie Tarleton to come forward to speak regarding the matter.

Mr. Tarleton, former member of the BRAHM board stressed to Council his support for this project and what it would mean to the visitors or Blowing Rock, the area students, and the preservation of Blowing Rock's history. As an elected official, Mr. Tarleton stated he wanted to focus his attention on the High Country and wanted more people to come shop, stay in the hotels, motels, etc. He commended Council and Town Manager Hildebran for their vision and pro-activeness in addressing the water situation and how he would assist them however he could. Mr. Tarleton stated the growth of North Carolina was expected to expand as if all of South Carolina moved to North Carolina. As more people moved to North Carolina, some would settle here or visit the area and the addition of the museum would entertain, educate, etc. not only visitors, but residents as well.

Mr. Tarleton continued by saying the addition of the Museum would be a magnet for more visitors and he urged Council to find a way to say "yes" to the Art & History Museum. He felt Blowing Rock would benefit greatly. Mr. Tarleton thanked Council for their consideration on the matter.

Next, 3-D video demonstration of the building was given by BRAHM Executive Director Joann Mitchell showing a rendering of the proposed building and proposed parking area. Council had several questions regarding the building height, entranceways, landscaping, etc. Ms. Mitchell stated there were two entrances to the building and the rear entry onto the parking facility had been eliminated.

Commissioner Yount asked about BRAHM's certification. Mr. Alexander stated they were currently members of the association, but in order to borrow paintings and house traveling exhibitions the museum would need to meet the requirements to do this.

Commissioner Yount asked as the visitor-ship continued to grow, would their certification be jeopardized. Mr. Alexander responded that once certified they would remain certified and growth was expected.

Planning Director Rothrock approached Council stating he had met with BRAHM's design team and their application had been filed. Since the Town was involved, Mr. Rothrock stated the lease agreement was reviewed also. Mr. Rothrock advised Council of some questions staff had regarding the square footage of the project and an adjustment in the lease to reflect this change. According to Mr. Rothrock there were some scale issues concerns also. The number of parking spaces at the museum was discussed briefly with

64 spaces proposed with current design and 77 spaces are required. Commissioner Tester stated the town had leased 7,000 square feet of this property for the proposed building and parking was needed, but the number of spaces was not the main focus today, the functionality and what it presents to the community was important. He went on to say, a certain number of spaces was required by the Town, but in his opinion, they were looking for general feedback from Council on what their concerns were.

Commissioner Klutz had issues with the square footage of the proposed building. He stated during previous meetings, Council had accepted the lease for exactly 7,000 square feet. Mayor Lawrence confirmed the town was not bound to that amount as it was estimated at that time.

Mr. Rothrock further discussed the footprint and how the lease agreement needed to be changed to reflect the change in square footage. Mr. Tester advised there were two ways to approach the issue with the lease agreement. The lease agreement, town codes and other supporting documents could be reviewed and BRAHM could build what fit the property. Another way, according to Mr. Tester was since the purchase of the property by the Town, they had visions of building something there that would compliment the downtown area. He suggested the codes and requirements be set aside until a design was done to meet BRAHM's needs and functionality, then in order for the codes and requirements to be met make the changes needed to do both these things.

Mr. Tester continued by stating, the 7,000 square feet was an approximate number of what was thought to be needed to build the museum, but it looked as if there was difficulty in fitting into that square footage. He stated they could scale back, but would they have what was needed in order to be certified and the museum might be less than what is desired. The footprint, according to Mr. Tester was not a critical issue, the entire property was to be dealt with, and something was going to be built on the property. Parking on the other hand was a concern that BRAHM would have to deal with in conjunction with building a facility that is functional. Mr. Tester advised adequate parking would need to be supplied because people would not continue to come to the area if they could not find parking. Mr. Tester stated he would like to hear this issue addressed. He felt this information was needed and where the parking would be put once a number was decided upon. It was his opinion that all the required parking did not have to be put on the lot behind the museum. He mentioned how the town was in the process of adding a second level to the American Legion parking facility one block away, and looking at the comprehensive perspective he wondered if this would be viable or detrimental. If this was done the facility behind the museum could be scaled down and the residents in the area would be appeased and parking requirements would be met. Commissioner Tester asked if there was anything in the code stating this could not be done and would this be

functional to BRAHM. He felt these two issues needed to be addressed before too much time was spent on the parking facility behind the museum. Other members of Council agreed with Mr. Tester's suggestion. In response, Mr. Rothrock stated Town Code did allow satellite parking if it was within 400 feet. Mr. Tester expressed his uneasiness with not having a comprehensive design for the entire project, from Main Street to Wallingford Street.

Mr. Tester expressed that he had not heard a lot of opposition to the project, but did hear comments regarding mass and parking. He felt everyone should get behind the project and deal with these two issues.

Commissioner Klutz asked former Council member Rita Wiseman to elaborate on the discussion that took place regarding footprint of the proposed project since she was on Council during this matter. Ms. Wiseman stated she had dealt with leases for the past 30-40 years and she did recall this was only an estimate.

Per a comment received from Commissioner Yount, some discussion took place regarding a solution possibly being worked out with churches near the facility and a shared parking plan.

Ginny Stevens mentioned the lot near the Edgewood Cottage and how she believed nine spaces could be marked there.

Mr. Tester requested Mr. Rothrock continue with his issues of concern. Lease and parking were the main issues of concern Mr. Rothrock wanted feedback on.

Commissioner Klutz had further questions regarding the foot print of the proposed building. Mr. Tester and Mrs. Ball stated Council could work with BRAHM on their need for a larger space and once again the 7,000 square feet was an estimate. Mrs. Ball reiterated the fact that BRAHM's needs grew and in order to receive their certification, have adequate storage area, and educational space, more than 7,000 square feet was needed.

After further discussion, Town Manager Hildebran requested that formal action be taken by Council on what direction they would like staff and BRAHM to follow. Commissioner Tester made a motion directing staff and BRAHM as a partnership to focus on the details of the project and come back with a design that fit this area of town and was functional. Lease agreement details could be worked out later. The motion received a second from Commissioner Ball. Commissioner Klutz voiced his opposition regarding the change in square footage. Mayor Lawrence suggested any amendment to be made to the lease agreement be done in conjunction with the CUP process. Mr. Tester amended his motion to include Mayor Lawrence's suggestion. Mrs. Ball seconded the amended motion. In favor of the motion were: Tester, Ball, Pickett & Yount Against: Klutz Motion carried 4-1.

Commissioner Yount inquired how BRAHM proposed to deal with parking if for instance, a large function was held and there was no place to park. Mr. Alexander responded that it was rare that they have a large number of people at the same time, usually it would the amount of people would vary throughout the day.

Ms. Mitchell clarified the schedule for the project in July BRAHM would come before Planning & Zoning and come before Council in August. Council concurred.

Mayor Lawrence thanked BRAHM and wished them luck with their project.

## **2. EMERGENCY SERVICES BUILDING- CHANGE ORDER #4**

Mr. Hildebran presented Council with the final change order for the Emergency Services Building in the amount of \$37,741.17. In reference to COR 41-11 on the change order, Mr. Hildebran clarified the amount listed.

He also advised EMS Services planned to occupy their new premises hopefully in 2 weeks. He stated the building was still within the budgeted amount even with the change orders.

In reference to the one year completion date given for the project, Mr. Hildebran conveyed that the Architect advised that this was too aggressive for a project of this magnitude and had gone 118 days over the completion date.

After further discussion regarding the completion date, there were several items on the change order that Commissioner Yount was unclear about. Mr. Graham stated these items were required by Town Code, but had been overlooked by the architect for the project. Commissioner Yount inquired as to why the architect did not pay for these omissions. Mr. Hildebran advised the architect had paid for a certain percentage of items that had been overlooked for the project.

Liquidation damages were discussed, Mr. Graham stated it would be difficult for staff to produce a number and prove damages. Mr. Graham was directed to negotiate the days over completion date with the architect and builder.

A motion was made to approve Change Order #4 with the deduction to COR 41-11, to reduce Architectural fees by architect omissions, and authorize the Town Manager and Project Manager to negotiate liquidation damages by Commissioner Tester, seconded by Commissioner Ball. Unanimously approved. **Change Order #4- Exhibit A**

### **3. YEAR-END BUDGET AMENDMENT**

Town Manager Hildebran presented Ordinance #2008-09 to Council for consideration. The amendment included year-end adjustments and/or Council authorized projects.

Section one on the General Fund allocated additional funds received above budget and reallocation of existing funds to cover expenses incurred during the year and to fund legal services for additional consultation and special paving of various streets in town.

Section two addressed the General Capital Projects Fund and recognized additional revenue received from Interest Income, TDA Occupancy Tax funds received over budget and General Fund Transfer funds and allocated funds to cover the Emergency Services Building architect/engineering fees, parking facility reserve funding and sidewalks.



Section three referred to Water/Sewer Fund to reallocate funds from Plant Operations to Field Operations for additional meter repairs and replacements.

Receiving no comments regarding the amendment, a motion was made by Commissioner Pickett, seconded by Commissioner Klutz to approve Ordinance #2008-09 as presented by the Town Manager. Unanimously approved. **Ordinance #2008-09 – Exhibit B**

#### **4. ENGINEERING SERVICES AGREEMENT – PARKING STUDY – MANAGEMENT PLAN**

Council received an Engineering Services Agreement from John Davenport Engineering, Inc. for traffic engineering services at a cost of \$25,000.

The agreement included services for collection of parking turnover rates and ADT street counts, development of traffic volume projections before and after construction of parking facilities, development of roadway and pedestrian traffic recommendations, development of a traffic control plan for events, determination of signage and a cursory evaluation of the Main Street Project.

Mr. Hildebran conveyed that John Davenport Engineering, Inc. was a full service transportation engineering firm founded in 2002. He also advised McGill Associates as well as Tom Terrell had previously worked with this firm.

Upon on motion from Commissioner Tester, seconded by Commissioner Ball, the engineering services agreement was approved as presented. **Engineering Services Agreement – Exhibit C**

#### **5. BLOWING ROCK ROTARY CLUB – FUNDRAISER**

Mr. Hildebran advised the Blowing Rock Rotary Club was planning a fundraiser garage sale tentatively scheduled for October and needed a place to store donation items. They

were requesting the use of some storage space in what will be the vacated space in the old EMS building. He also advised some proceeds from this event were earmarked towards the town, as donations to the pool project and the fire department.

Commissioner Pickett made a motion to allow the Rotary Club to use a portion of the Town facility as storage, seconded by Commissioner Klutz. Unanimously approved.

## **6. HEALTH INSURANCE – COUNCIL**

Mr. Hildebran advised health insurance for Council under the State Insurance Plan effective July 1, 2008 would be \$346.00 per month per person who elected coverage. He suggested a stipend be paid by the town to Council members to cover their insurance if they elected not to accept the Town insurance and had policies via Medicare. He advised the Town would save money by doing this. After a brief discussion in reference to the stipend being taxable income, a motion was made by Commissioner Pickett to allow the stipend payment not to exceed the allowable insurance premium amount be paid to Council. His motion received a second from Commissioner Ball. Unanimously approved.

## **7. OTHER**

Commissioner Yount asked for clarification regarding the Water Plant generator screening. He was unclear if the cost of the screening had been included in the construction improvements by McGill Associates. Mr. Chapman stated the screening costs had not been included in the project and that staff made the landscaping improvements.

## **ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 11:15 a.m.

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

**J.B. Lawrence**

**ATTEST** \_\_\_\_\_

**Sharon Greene, Town Clerk**

**Attachments** (June 30, 2008)

EMS Change Order #4 – Exhibit A

Ordinance #2008-09 – Exhibit B

Engineering Service Agreement – Exhibit C