

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Special Meeting**  
**July 23, 2024**

The Town of Blowing Rock Town Council met for a special meeting on Tuesday, July 23, 2024, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Doug Matheson, Council Members Cat Perry, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Town Manager Shane Fox, Town Attorney Tucker Deal, Finance Director Tasha Brown, Public Works Director Matt Blackburn, Emergency Services Director Kent Graham, Interim Police Chief Nathan Kirk, Planning Director Kevin Rothrock and Town Clerk Hilari Hubner, who recorded the minutes.

**CALL TO ORDER**

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor Sellers verified attendance via roll call.

**THE PLEDGE OF ALLEGIANCE**

**AGENDA ADOPTION**

Mayor Pro-Tem Matheson made a motion to approve the agenda as presented, seconded by Council Member Gherini. Unanimously approved.

**UPDATE – STAGE 1 WATER CONSERVATION**

Town Manager Shane Fox gave a brief update on the Stage 1 Water Conservation. Currently received two (2) inches of rain at the reservoir and the reservoir is now down three and a half (3 ½) feet. He stated the reservoir had been down as much as six (6) feet due to the dry weather in June. Manager Fox further stated divers will be at the reservoir at the end of the week testing the intake valves and confirming depth and testing water at various levels.

Manager Fox concluded the Stage 1 Water Conservation will remain in place until improvement is made in the lake level.

**PUBLIC HEARING**

Prior to the Public Hearing, Mayor Sellers addressed the crowd and explained while he knew this had been a very contentious topic, he would ask everyone to be respectful of the Council, staff and anyone speaking on the topic.

**1. Conditional Zoning Permit #2024-01 – Green Hill Communications Pole**

Town Manager Shane Fox stated the Town of Blowing Rock is requesting a conditional rezoning of Town property from R-15, Single-Family to Conditional Zoning – R-15, Single-Family (CZ-R-15) to erect an eighty (80) foot utility pole for Town public communications.

The 0.71-acre property is located at the Town water tank on Green Hill Circle.

The Town is seeking conditional rezoning to install an eighty (80) foot utility pole to be used as a mounting structure for the Town's public communications for Blowing Rock Fire Department, Police Department and Public Works Department. The radio antennas for these departments and agencies are currently mounted on two wooden utility poles at the Green Hill Water Tank property. The tallest existing pole with the primary antenna is approximately fifty-seven (57) feet above grade.

Applicant proposed conditions:

1. The new utility pole will be no taller than eighty (80) feet above grade level.
2. Communication antennas may extend above the top of pole, not to exceed ten (10) feet above the pole.
3. No commercial telecommunications provider antennas will be located on the proposed utility pole.
4. No healthy trees will be removed from the property unless said trees could potentially damage the proposed utility pole, existing buildings, or the water tank.
5. Any gaps in the existing vegetated opaque buffer will be supplemented to a height of at least ten (10) feet above grade.

Manager Fox restated for the audience this is only for essential services (Fire, Police, Public Works) there will be no outside agencies, no cellular companies and zero changes to the current VHF system. He explained VHF stands for very high frequency, but that being said isn't actually very high when compared to other devices.

- VHF – 30 to 300 MHz (Blowing Rock is 150-160)
- UHF – 300 MHz to 1 GHz
- VIPER – 800 MHz+
- Cell Phones are 900 MHz+

Manager Fox explained the reasoning for Conditional Zoning vs SUP is to allow for a more public process, to gain more transparency and dialogue with the public. He further explained the SUP process is quasi-judicial and would limit public involvement.

Manager Fox gave a background on the Green Hill site and explained the Town has owned and utilized the site for water and communication purposes for over ninety (90) years. This site is also home to the Town's three (3) million-gallon water tank as well as a fifty-seven-foot utility pole for the Town VHF radios (Police, Fire and Public Works) that have been used for over fifty (50) years. The reason for this location is this is the highest point in town (3,925 feet) and the Town has utilized this location for ninety (90) years for various purposes with water being the main purpose.

Manager Fox explained how the radio repeater system works and the higher up in elevation the better the signal will be. The tree canopy has been intentionally allowed to grow to help camouflage the water tank, but trees can weaken the signal and over the

past few years the signal strength has been declining.

Manager Fox re-emphasized the reason for the request is to have a pole that will provide adequate and reliable communications for Fire, Police and Public Works. No other uses other than internal communications will utilize this pole. If approved Town staff will move forward with procuring a galvanized one hundred (100) foot pole from Rutherford EMC. Blue Ridge Electric has agreed, if approved, to fabricate and install the pole for the Town at eighty (80) foot above grade. These poles are the exact same utility poles Blue Ridge Electric install everyday making them experts to complete the job. Manager Fox mentioned if approved this will not change any zoning for the neighboring properties nor will the pole have the potential of falling on any of the residences.

Manager Fox noted the importance of this from a communications safety standpoint and loss of life has already occurred due to the lack of quality communication. He asked Interim Police Chief Nathan Kirk to speak to some of the issues the Police Department have experienced in the past and presently.

Interim Chief Kirk told several stories from loss of communication. One incident occurred years ago in 1963. Police Chief William Greene was working late one night and encountered four (4) individuals that had broken into a home in Town. It turned into a police chase with the suspects, Chief Greene radioed Watauga letting them know. Once he got the car stopped, he again radioed Watauga County to which both calls went unanswered. He got out of the vehicle and was shot twice and stabbed multiple times. Chief Greene made it back to his patrol car and radioed for help again, but that call too went unanswered by Watauga. Eventually the Highway Patrol in Salisbury heard the call and got word to Watauga, but because the call didn't go out in a timely manner, when they found Chief Greene he had succumbed to his injuries.

Interim Chief Kirk stated what concerns him most and makes him lose sleep at night is if something like this were to happen again and one of his officers lose their life because of a communication failure. He further stated Officer Wood whom worked with Chief Greene was quoted as saying "our radios don't work too well down there" and that statement still is true today.

Interim Chief Kirk told two (2) more stories from his own experience with communication failure. One was a call out for a gentlemen having a heart attack on the Glen Burney Trail, fire and police were dispatched. Fire went in on the lower end and Police went in on the upper end and were able to get to him first and stabilize him. Police Officers on scene tried to radio out to give an update, but were unable to do so because of a communication failure. The final story was from when he was on a call on Village Drive at the condos behind Green Park Inn. A gentleman was having a heart attack, Interim Chief Kirk was first on the scene. He was unable to get communication out, but luckily another officer arrived on scene and could go out and find an area to get communication out to other emergency personnel.

Interim Chief Kirk concluded that every officer with the police department could tell a story

of a communication failure at different times. He thanked Mayor and Council for allowing him to speak.

Manager Fox mentioned at their meeting on July 11, 2024, the Planning Board reviewed the application and made a recommendation to approve the rezoning with a condition that the Town Council require a study to be completed to explore alternatives for a viable option for locating town communications equipment. He further mentioned the Town's first and most important obligation to its citizens and stakeholders is to provide emergency services to those in need. He concluded with this has always been about one thing, improving public safety, and it has never been about anything else.

Mayor Pro-Tem Matheson asked Manager Fox asked how much better the digital 800 MHz is than what the Town currently has.

Manager Fox explained it's not better, it's different than what the Town currently has. He further explained the digital or "VIPER" has a much higher frequency, but that being said depending on the network the VHF technology can be better. Manager Fox explained some of the logistics for both and stated in a perfect scenario VIPER is the way to go, but it wouldn't necessarily work due to the reliance on cellular communication.

Mayor Sellers asked what would be the Town's options moving forward to upgrade the technology to digital or VIPER.

Manager Fox stated in that case staff would need to consult with an expert to come in and give quotes on what a full network would cost. He admitted it would be expensive and current radios and so forth wouldn't support new technology, therefore additional radios would have to be purchased adding to that cost making his best guess would be half a million in equipment and not including networking costs.

Mayor Sellers further asked if there were any options on the study Planning Board recommended at their meeting.

Manager Fox stated there certainly can be options for a study.

Council Member Harwood asked if Manager Fox knew when the trees were planted around the Green Hill site.

Manager Fox stated he didn't know the exact date, but the current tank is from 1976, so his guess would be around that time frame is when the majority of the trees were planted.

Mayor Pro-Tem Matheson confirmed the trees were planted around that time.

Council Member Harwood asked for clarification purposes the only thing being put on this parcel is an eighty (80) foot pole.

Manager Fox confirmed that is correct.

Mayor Pro-Tem Matheson asked what the cost of the new pole would be.

Manager Fox stated approximately \$12,000 to \$13,000.

Mayor Sellers opened the Public Hearing.

Tom Brydon of 402 Green Hill Circle, a ten (10) year resident, expressed his support for the Police, Fire and essential personnel. He explained he worked with a technology company for twenty-seven (27) years and while it's expensive, the Town needs to strongly consider improving the technology and move away from VHF. He further urged the Council to pursue the study.

Nathan Miller of 430 Old East Ridge Rd (Boone) spoke as a representative of a number of residents, including Protect Blowing Rock Neighborhoods LLC. The Green Hill community is focused on the importance of emergency communications. They live by a large manmade hazard, the water tank. He explained if the tank were to give away, three (3) million gallons of water could cause major damage. While this community does understand the importance of communication, they agree with the Planning Board recommendation and would like to see the Council do a study on communications. He thanked Council and staff for going above and beyond to provide information for the numerous public records request his group has made. Mr. Miller stated he respectfully disagreed with Town Manager Fox and Town Attorney Tucker Deal that a cellular company cannot utilize the tower. Mr. Miller mentioned all but one Council Member provided documentation they were not in communications with cellular companies, and the one not responding did concern this group. Mr. Miller expressed concern that the Conditional Rezoning may in fact be unlawful for the Town to do and felt the quasi-judicial process was an important avenue to take as it would call for presentation of evidence, expert witnesses and effective voices to be heard. Mr. Miller questioned the Town's avenue they have chosen with Conditional Rezoning and reminded the Town passed a telecommunication ordinance about ten (10) years ago. Mr. Miller questioned the fall zone as the pole could fall in the road, on someone's property or fall on the water tank which could be hazardous putting the Green Hill community in danger. Mr. Miller noted the topping the trees has been deemed not an option because of the Town being a "Tree City USA", but inquired as to why the Town is throwing away some of their own ordinance. Mr. Miller stated with deed restrictions in the neighborhood, the Town's new shed and if approved the communications pole violate those restrictions which open up for every neighbor sharing the common development scheme to sue the Town. Mr. Miller concluded the neighbors on Green Hill don't know what the rush is, and would like to request Council do a study to see what is really needed first before moving forward.

Al Shackelford – 489 Country Club Drive spoke as a full time resident and retired Police Chief of 40 years and Sheriff after that. He stated with his background in law enforcement and getting to the age he is all he can think about is medical emergency. He explained the importance of an ambulance today as it is "an emergency room on wheels". Mr. Shackelford further explained it's imperative for an ambulance to have the proper

communication capability as their information on a patient goes directly to the hospital through radio frequency and EMT medical personnel cannot do anything to a patient until a licensed doctor authorizes it. Without the proper technology could be a life or death situation and wanted to emphasize the importance of that type of equipment. He stated in his opinion the pole is needed immediately.

Bill Bullard – 164 West Green Hill Drive expressed his dislike of the looks of the tower and felt the appearance should be strongly considered. Mr. Bullard mentioned a fifty (50) year old problem needs to be resolved and urged Council to make a decision. He further mentioned until a decision is made his suggestion that Police not be allowed in the “dead zones” alone. He concluded by saying to both sides “lets fix this” so we can move on.

Jason McDaniel – 574 Green Hill Circle mentioned if the pole falls it would fall down the road and hit his house. He didn't feel anyone objects to the new communications tower. Rumors are that there is a cellular company looking at the location and/or “people talking to cellular companies” about a cellular tower being put there. If the Town's attorney and their attorney would communicate that is not what is happening, he felt everyone would be happy. Asked if anyone had looked at any other high areas or looked at the high area at Tweetsie to possibly discuss putting the pole at that location. Mr. McDaniel expressed his thoughts of trimming the trees and seeing if maybe that is the problem or have an experts look and see if that may be the problem.

Janie Sellers – 412 Wonderland Drive spoke on behalf of the Blowing Rock Civic Association. Ms. Sellers explained the BRCA has had an interest in the communication tower since it was discussed at the 2023 Winter Retreat. Their organization doesn't feel adequate information has been provided about the communications needs for them to develop a position on the matter. Ms. Sellers mentioned during the Planning Board meeting significant concerns about safety and other negative impacts to the Green Hill neighborhood were shared. Planning Board recommended a study to explore the viability of potential alternatives to the current proposal and the BRCA would urge Council to explore that study. Ms. Sellers stated the BRCA believe that data-driven decisions are good governance. Ms. Sellers concluded with asking Council to delay taking action on the current proposal and give Town staff the time to provide information about what a study would involve, allow discussions with the Green Hill neighborhood about conditions that would mitigate the possible adverse effects of a new tower.

Bill Carter – 401 Tarry Acres Circle stated he has owned his home for over forty (40) years and he is troubled by the rush to extend the Town's communication tower. Mr. Carter further stated in his research a new form of environmental pollution RFR (radio frequency radiation) poisoning is documented to increase the risk of brain cancer. Mr. Carter said the communication tower at Green Hill is omitting RFR, and the range it omits is about a quarter of a mile. Mr. Carter mentioned extending the pole will increase the viability and will be seen by residents, visitors and travelers for miles changing the beautiful views of this area. Mr. Carter explained he's a certified commercial real estate expert and the tower will decrease home values in the area. He concluded with his thought is the tower should be relocated to another location as the RFR poisoning is a health

hazard.

Lyn Buxton – 110 Blackberry Lane explained she is two (2) homes away from the tower and from her kitchen window she can see the water tank. Her thoughts are the trees have outgrown that area and doesn't understand why the trees cannot be cut and replaced. Ms. Buxton suggested having an arborist come and look at the trees and give their opinions on what the Town should do. Ms. Buxton concluded she lost a husband to a brain tumor, another person on their street also passed away from a brain tumor and currently have one other person on their street with a brain tumor. She stated she may not be a doctor, but in her opinion that is a "cluster" and should be considered.

Council Member Gherini asked Mr. Miller how many people from the Green Hill neighborhood are part of the Protect Blowing Rock Neighborhoods LLC.

Mr. Miller said he was not sure but believe at the Planning Board meeting it was said to be ten (10) to twenty (20).

Council Member Gherini further asked Mr. Miller how many of them are voting residents.

Mr. Miller stated he did not know that either.

Council Member Harwood asked Mr. Miller for clarification purposes if their recommendation was for the Town to pursue a VIPER tower instead of what the Town is currently doing.

Mr. Miller stated he wasn't sure about a VIPER tower, he knew the county had looked at that previously and wasn't able to make that happen.

The proposed VIPER tower from ten (10) years ago was briefly discussed.

Council Member Pickett asked Mr. Miller if Council were to vote to do the study, the study came back and proved to be the best location for whatever chosen technology, is the group going to support the choice to put it there.

Mr. Miller stated he doesn't have an answer as he would need to discuss with the client.

With no further questions or comments, Council Member Harwood made a motion to close the public hearing, seconded by Council Member Perry. Unanimously approved.

Mayor Pro-Tem Matheson asked Manager Fox to give Council what a penny is currently worth and give an estimated cost on what it would cost for the Town to go to a digital system.

Manager Fox stated that a penny tax increase is currently approximately \$175,000 per year. The replacement of radios would be approximately half a million dollars, but the infrastructure itself for putting in new technology he would estimate at one or two million

dollars.

Mayor Sellers asked if Manager Fox thought that was something the Town should look at for the future.

Manager Fox agreed, had this been done when it originally came up it would have put the Town a decade ahead of where we are now. Manager Fox explained to do a conversion like this would have to be financed and would most likely be a one or two cent tax increase for that debt service. Manager Fox mentioned that the Town's goal ultimately is to install a more sophisticated system.

Council Member Perry asked if there were any cost estimates for a phase one study as well as one that would be a complete comprehensive study.

Manager Fox explained studies go based on the scope, so that would be up for Council discussion on what type of study they want and then staff would have to do research to get a price quote based on the scope of the study.

Council Member Harwood asked if VHF technology is adequate for the Town's needs.

Manager Fox stated he felt it was adequate.

Council Member Harwood further asked if Manager Fox felt the communication issues could be solved with \$13,000 or less.

Manager Fox felt that was the case and can improve the overall coverage.

Council Harwood commented that a \$13,000 solution doesn't come our way very often.

Manager Fox agreed with his statement.

Mayor Sellers reviewed Council's options and asked for thoughts.

Council Member Harwood asked for clarity on what type of study Planning Board recommended to Council.

Mayor Sellers advised that was not made clear, they only recommended "a study".

Town Attorney Deal weighed in his thoughts was for Council to determine that since it wasn't made clear. Council can direct staff on what scope of a study that would like to be done.

Council Member Gherini felt a first phase study was a good idea, but for Council to remember that every day the Town goes without adequate communications and there is a problem it will come back on the Town.



Mayor Pro-Tem Matheson stated he wanted to clear up a comment that was made at the Planning Board meeting. He wanted to assure everyone that neither he, as the previous Fire Chief, nor the current Fire Chief would profit in anyway from this and is only for the safety of everyone.

Council Member Perry made a motion to table and instruct staff to explore a stage one (1) study, seconded by Council Member Gherini. Unanimously approved.

**ADJOURNMENT**

At 7:45 p.m. Council Member Harwood made a motion to adjourn, seconded by Council Member Pickett. Unanimously approved.

MAYOR \_\_\_\_\_  
Charlie Sellers, Mayor

ATTEST \_\_\_\_\_  
Hilari Hubner, Town Clerk

**Attachments**  
None