

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-March 15, 2011

Prior to the meeting, a reception was held to show appreciation to all volunteer board members for their service on various town boards.

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, March 15, 2011 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phil Pickett, Tommy Klutz, Doug Matheson, and Jim Steele. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Mike Wilcox, Assistant Public Works Director Matt Blackburn, Building Inspector Jesse Horner, Police Chief Eric Brown, Parks and Recreation Director Jennifer Brown, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed everyone. He then presented a plaque to Mr. Greg Grana and Ms. Sue Sweeting for their service on the Planning Board. Ms. Nelda Miller who had also served on the Planning Board was unable to attend. A plaque was presented by Mayor Lawrence to Ms. Lynn Drury for her service on the TDA. Mr. Earl Horne received a plaque in honor of his wife Carol Horne, who was unable to attend, for her service on the Board of Adjustment. Mayor Lawrence thanked the out-going members for their service to the community.

APPROVAL OF MINUTES

Commissioner Pickett made a motion to approve the minutes for meetings held on February 8th & 28th and for March 1, 2011 as written. The motion was seconded by Commissioner Steele. Unanimously approved.

PUBLIC HEARINGS

Planning Director Kevin Rothrock, Town Engineer Doug Chapman, Jason Gaston, and Heath Huovenin were sworn to speak during the following public hearing.

1. CUP #2010-01 Up on the Hill Subdivision

Planning Director Kevin Rothrock presented Council with a request from Mr. George Taylor for a conditional use permit for a seventeen (17) lot single-family subdivision and a new public road. Mr. Taylor was unable to attend due to illness. The subject property

lies between Old Boone Road near 1764 Goforth Road and Possum Hollow Road. Access to the proposed subdivision would be from Goforth Road. The property is located outside the town limits in the ETJ and is zoned R-15, Single-family. Mr. Rothrock stated the applicant had requested that the property be annexed into the town limits for water and sewer service and had completed the required paperwork to begin the annexation process. He further stated the annexation request would be presented to Council at a later date.

Mr. Rothrock reviewed various items on the site plan. He advised the new road would service 17 lots as well as provide access to the two existing homes at the end of Old Boone Road. The road would be 1500 feet in length with a cul-de-sac at the end. According to Mr. Rothrock, the new road would require construction of a retaining wall and the applicant and Property Owners Association would be solely responsible for the construction and perpetual maintenance of the wall, if the road was to be accepted by the Town.

Mr. Rothrock advised due to the increase in impervious area, a storm water detention system would be required. The detention system would be designed to accept runoff from the proposed roadway, curb and gutter, rooftops and driveways flowing into the system and the storm water would meet the Town Land Use Code requirements.

Landscaping, garbage collection, street maintenance, and utilities were also reviewed by Mr. Rothrock. Commissioner Klutz inquired about the utility lines for the project and if they would be underground. Mr. Rothrock responded that the majority of the utilities would be placed underground with the exception of the existing main electrical transmission line running through the property.

Commissioner Klutz questioned the annexation of the property due to the possible State moratorium on annexations. Mr. Rothrock responded this was not a town initiated annexation; therefore any moratorium would not affect this procedure.

Commissioner Yount asked if a performance bond was being required for this project. Mr. Rothrock stated this was addressed under Item #32 in the conditional use permit.

Commissioners Klutz and Steele also had questions regarding the storm water detention system. Commissioner Yount asked if the Town Engineer had reviewed the plans and felt the detention system was adequate. Mr. Chapman advised that he had reviewed the plans and the project engineer was also present to answer questions Council might have.

The project engineer, Jason Gaston of Valor Engineering further explained the storm water detention system for the project. After Mr. Gaston's explanation, Commissioner Klutz asked who would be inspecting the system and how often. Mr. Gaston advised the system was scheduled to be inspected every 6 months by the Town's engineer under condition #14 in the conditional use permit.

With no further questions, and no speakers from the audience, Commissioner Steele made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Klutz made a motion to approve CUP #2010-01 as presented. The motion received a second from Commissioner Matheson. Unanimously approved.

CUP #2010-01 Up on the Hill – Exhibit A

Mr. Ron Anderson, Mr. Reuben Morris and Mr. Ken Martin were sworn to speak during the following public hearing.

2. CUP #2011-01 Six Pence Pub Patio

Mr. Rothrock presented a request from Mr. Ron Anderson, owner of Six Pence Pub for a conditional use permit to demolish the former Imeson building (formally Sonny's Grill) and construct an uncovered patio for 32 outdoor dining seats for Six Pence Pub.

According to Mr. Rothrock, the owner proposed brick columns with black metal decorative fencing around the perimeter of the patio with a storage area underneath.

The applicable street setback of 15 feet would not apply since the existing building could be rebuilt with the existing footprint. However, the proposed building would be built 2 feet back from the public sidewalk to provide planters and bench area along the sidewalk.

The applicant proposed to keep the entire north side edge of the patio in line with the existing wall and would need a waiver of 11 inches from the 5-foot side setback for the new construction.

Mr. Rothrock continued by stating a logistics plan would be an addendum to the conditional use permit and would include the following guidelines and regulations:

- Noise Control
- Working Hours, Special Events
- Protection of Public
- Construction Vehicles
- Dust Control
- Protection of Public and Private Property

He also explained the following requirements to be addressed as part of the CUP application:

1. Based on recommendations from the Town Engineer, the storm water falling on the patio should be connected to the drainage system along Main Street. If possible, drainage from the current Six Pence building could be directed to Main Street to further reduce the storm flow to the rear of the property.

2. Overhead utilities crossing the subject property should be eliminated where possible or placed underground.
3. Dumpster screening improvements may include complete reconstruction of the existing pad and enclosure for garbage and recycling.
4. Applicant should provide landscape screening on the rear of the patio to shield the view of the rear property as well as provide some noise barrier to neighboring properties.

During their regular meeting on February 17th, the Planning Board recommended approval of the project with the following conditions:

1. Based on the findings of Section 16-189 of the Land Use Code, a recommendation is made to approve the setback waiver of 11" on the north side of the patio.
2. Drainage from the patio should be directed to the Main Street storm water system.
3. Overhead utilities that cross the property should be placed underground.
4. Dumpster screening improvements made to existing dumpster area.

Commissioner Steele asked if there would be sufficient room in the back of the property for construction materials, etc. without infringing on adjoining property owners. Mr. Morris of KBI Construction advised there would be temporary construction fencing in the front and in the rear of the property during construction for safety purposes.

Commissioner Pickett expressed that he felt the proposed patio would be a nice improvement to Main Street. With no further comments, Commissioner Steele made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Mr. Rothrock advised that Council would need to vote on the following findings of fact:

- The setback waiver as proposed:
- (a) Will not materially endanger the public health or safety; Aye-all
 - (b) Will not substantially injure the value of adjoining or abutting property; Aye-all
 - (c) Will be in harmony with the area in which it is to be located; Aye-all
 - (d) Will be in general conformity with the Master Plan or other plan officially adopted by the Board, and ; Aye-all
 - (e) Will be in substantial conformity with the intent of the regulations contained in this Article; Aye-all

Commissioner Steele made a motion to approve the 11 inch waiver from the 5-foot setback for the new construction as requested, seconded by Commissioner Pickett. Unanimously approved.

A motion was made by Commissioner Pickett to approve CUP #2011-01 with conditions and approval of the waiver, seconded by Commissioner Steele. Unanimously approved.

CUP 2011-01 Six Pence Pub Patio – Exhibit B

NEW BUSINESS

1. Chamber of Commerce – Fresh Market Lease Renewal

Town Manager Hildebran presented a request from the Blowing Rock Chamber of Commerce for a lease renewal for the downtown fresh market. The proposed dates for the 2011 season are Thursday beginning May 12, 2011 through October 17, 2011. (4:00 p.m. – 6:00 p.m. and 4:00 p.m. – 7:00 p.m. during July and August)

With no further discussion, Commissioner Pickett made a motion to approve the lease as written, seconded by Commissioner Steele. Unanimously approved.

Fresh Market 2011 Lease Agreement – Exhibit C

2. Bids/Financing – 2011 Capital Equipment Purchases

Town Manager Hildebran presented Council with bids/financing for the following capital purchases:

Police Vehicles/Camera

Two (2) 2011 Police Vehicles – (1) Sedan w/camera and (1) 4WD SUV, both of which were included in the 2010-2011 fiscal year budget as well as the Fleet Replacement Schedule. Bids received were:

(1) 2011 Police Sedan/Camera

Bobby Jones Ford (Ford Crown Vic)	\$29,351.24
Light N Up LLC (Ford Crown Vic)	\$31,095.00
Ilderton Chrysler (Dodge Charger)	\$33,499.00
Ross Dodge (Dodge Charger)	\$34,492.00

Staff recommended the bid be awarded to low bidder Bobby Jones Ford for \$29,351.24, excluding tax, title, and tags.

(1) 2011 Police 4WD SUV

Bobby Jones Ford (Ford Expedition)	\$31,296.48
Light N Up LLC (Chevy Tahoe)	\$32,637.08
Ilderton Chrysler (Dodge Durango)	\$38,072.30

Staff recommended the bid be awarded to Light N Up, LLC for \$32,637.08, excluding tax, title, and tags. Based on a review of EPA Fuel Economy estimates, the Chevy

Tahoe would produce greater long-term savings over the bid price for the Ford Expedition.

Also, staff would seek market value trade-in for two (2) police vehicles that are scheduled to be retired, which would further reduce costs.

Public Works Tractor/Pick-up

Public Works Director Wilcox received a quote for a used 4WD tractor and bids for a 2011 4x4 Super Cab Pick-up, both of which were included in the 2010-2011 fiscal year budget as well as the Fleet Replacement Schedule. Bids received were:

(1)2010 4WD Tractor (Used)

Blue Ridge Tractor	New Holland T4030 Cab Tractor 4WD (298 hours) \$31,900.00, with full warranty (Retail value - \$45,000)
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Staff recommended the bid be awarded to Blue Ridge Tractor for \$31,900.00 excluding tax.

(1)2011 4x4 Super Cab Pick-up

Ashe County Ford (Ford F150)	\$24,074.53
Everett Chevrolet (GMC Sierra)	\$24,757.11
Modern Toyota (Tundra)	\$27,381.00
Family Ford (Ford F150)	\$30,114.32

Staff recommended the bid be awarded to low bidder Ashe County Ford for \$24,074.53, excluding tax, title, and tags.

2) FINANCING PROPOSALS

2 Year not to exceed \$80,000

The Town received financing proposals from area banks to finance the acquisition of capital vehicles approved in the FY 2010-11 Budget.

The following proposals were received:

<u>Bank</u>	<u>Fees</u>	<u>Rate</u>
BB&T	\$0.00	1.81%
First Citizens Bank	\$200.00	2.95%
Bank of America		No Bid
High Country Bank		No Bid
RBC		No Bid
United Community		No Bid
Wachovia Bank		No Bid

Staff recommended the installment financing of vehicles be awarded to low bidder, BB&T.

The loan amount would be for up to \$80,000 for a term of 2 years. The Town would apply \$47,250 (included in the approved FY 2010-11 Budget) toward the purchase then make payments of \$41,075.24 in fiscal years 2012 and 2013.

Commissioner Steele made a motion to approve the bids/financing to Bobby Jones Ford in the amount of \$29,351.24, Light N Up LLC for \$32,636.08, Blue Ridge Tractor for \$31,900.00 and Ashe County Ford for \$24,074.53 as well as the finance proposal for \$80,000 (2-year term) to BB&T. The motion was seconded by Commissioner Yount. Unanimously approved.

Town Manager Hildebran presented Council with Resolution #2011-01 for approval with a list of four (4) surplus vehicles to be placed on Gov Deals and/or trade in. Commissioner Pickett, seconded by Commissioner Klutz made a motion to approve the surplus vehicle list. Unanimously approved.

Resolution #2011-01 Declaring Surplus Property & Authorizing Disposal – Exhibit D

3. Sewer Line Extensions – Bids

Commissioner Matheson asked to be excused from the following issue due to a potential conflict of interest since his residence was located on Wallingford Street. Mayor Lawrence excused Commissioner Matheson.

Town Manager Hildebran advised that the Town had received bids on the following four (4) sewer extension projects:

(1) and (2) Wallingford Road/Globe Pressure Sewer – A & B Segments

The project consists of the construction of approximately 923 linear feet of 2-inch diameter low pressure sewer line, including all related appurtenances.

(3) Main Street Sewer Improvements

The project consists of the construction of approximately 285 linear feet of 8-inch diameter gravity sewer line, including manholes, and all related appurtenances.

(4) Dogwood Lane Proposed Gravity Sewer

The project consists of the construction of approximately 550 linear feet of 8-inch diameter gravity sewer line, including manholes, one (1) horizontal directional drill, and all related appurtenances.

Bids received were:

	(1) <u>Wallingford A</u>	(2) <u>Wallingford B</u>	(3) <u>Main St.</u>	(4) <u>Dogwood</u>
M&M Construction, Inc.	\$21,200	\$39,539	\$29,940	\$119,200
Iron Mountain	\$33,308	\$58,888	\$42,416.05	\$212,699

Ronny Turner Construction	\$46,630	\$108,965	\$46,720	\$145,325
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Mr. Hildebran advised that McGill Associates had recommended that low bidder M&M Construction, Inc. be awarded the bid for Items 1, 2, and 3 in the amount of \$90,679.00. He also advised the Town did not have executed easements for Item 4 of the project and thereby recommended no award of this segment at the present time.

Mr. Hildebran advised that funding for the project would come from sewer extension capital reserves.

Commissioner Pickett made a motion to award the bid to M&M Construction, Inc. for Items 1, 2, and 3 in the amount of \$90,679.00 and to postpone the bid for Item 4 until easements were received. The motion was seconded by Commissioner Klutz. Unanimously approved.

Commissioner Matheson reentered the meeting.

4. Blowing Rock/Boone Water Interconnection – Change Order #2

In November 2009, Council authorized the execution of a contract with Ronny Turner Construction, Inc. for \$2,998,195 to construct the Blowing Rock/Boone Water Interconnection Project. In January 2011, the contract amount was reduced to \$2,300,000 to recognize cost savings in the project.

Mr. Hildebran presented a request from the Town of Boone for proposed contract additions as recommended by McGill Associates for Council's consideration. The additional costs would be funded from a project contingency of \$46,000. The revised contract amount would be \$2,329,518. He also mentioned the Town would receive an additional deduction from the contract for several items, such as rock excavation, where quantities came in under budget.

Mr. Hildebran then reviewed the proposed changes with Council. Commissioner Klutz asked if the proposed changes were items that were omitted from the original contract. Mr. Hildebran responded the items were not omitted; they were add-ons/improvements to the project. Mr. Hildebran also emphasized the project had been funded by grants and interest free loans and had been cut by 25% from the original proposed project costs.

With no further questions, Commissioner Matheson made a motion for approval of Change Order #2 as presented, seconded by Commissioner Pickett. In favor: Yount, Pickett, Matheson & Steele Against: Klutz. Motion carried 4-1.

Blowing Rock/Boone Water Interconnection Change Order #2 – Exhibit E

5. Tax Releases - #2009-17 & 18 and #2010-06,07 & 08

Town Manager Hildebran presented Council with Tax Releases #2009-17 & 18 and #2010-06, 07, & 08 for their approval. He further stated that Tax Collector Greene had

reviewed the releases to insure that they met the statutory requirements and the amount to be released totaled \$1,416.08.

With no further comments, Commissioner Pickett, seconded by Commissioner Steele made a motion for approval of the tax releases as presented. Unanimously approved.

Tax Releases #2009-17 & 18 and #2010-06, 07, & 08 – Exhibit F

6. Downtown Streetscape (Phase II) – Bids

According to Mr. Hildebran, the Town received bids for Phase II of the Downtown Streetscape which consisted of construction of new sidewalks, curb & gutter, paving concrete, utilities and related appurtenances located on the West Side of Main Street/US 321A Business from the intersection of Park Avenue to the south end of Memorial Park. This section would also include storm drainage improvements along Main Street in front of Town Hall.

The bids were as follows:

M&M Construction, Inc.	\$82,695.00
Mountain Crest, LLC	\$72,675.00
Greene Construction, Inc.	\$54,214.43

Mr. Hildebran recommended an award to the low bid Greene Construction, Inc. in the amount of \$54,214.43. He also advised that due to an agreement for drainage improvements between the Town and the NC Department of Transportation adopted last fall, the award would be contingent upon NCDOT approval.

Funding for the project would come from the streetscape capital reserves and NCDOT approved cost participation up to \$31,500.00

Commissioner Klutz asked if all bulb-outs would be left out of Phase II. Town Engineer Chapman advised there would be one proposed bulb-out and due to some changes to the design of the bulb-out it would be less intrusive and more manageable.

Commissioner Pickett made a motion to award the bid to Greene Construction, Inc in the amount of \$54,214.43 for Phase II of the Streetscape Plan seconded by Commissioner Yount.

Commissioner Klutz asked that the motion include his comment to omit the proposed bulb-out. Commissioner Pickett acknowledged that he would like his motion to remain as stated. Unanimously approved.

SPEAKERS FROM THE FLOOR

The *Blowing Rocket* Editor and avid birdwatcher, Jeff Eason informed Council of two upcoming meetings in Blowing Rock. He mentioned that on May 6th through the 8th, 2011, the Carolina Bird Club would be in Blowing Rock and that Audubon North

Carolina would be in town on May 20th through 22nd. Mr. Eason suggested that May 2011 be “Bird Watching Month” in Blowing Rock. Council requested that a proclamation be written proclaiming May 2011 as “Bird Watching Month”.

DEPARTMENTAL REPORTS

Mr. Hildebran reminded Council of the Intergovernmental Meeting to be held on March 28, 2011 at 5:00 p.m. at the Broyhill Center in Boone.

At 7:25 p.m., Commissioner Pickett made a motion to enter into Closed Session per N.C. General Statutes 143-318.11(a)(3) to consult with the Town Attorney regarding a pending legal matter. The motion was seconded by Commissioner Steele. Unanimously approved.

At 7:36 p.m., Council reentered their regular meeting.

ADJOURN

With no further business to discuss, the meeting was adjourned at 7:36 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (March 15, 2011)

CUP #2010-01 Up on the Hill – Exhibit A

CUP 2011-01 Six Pence Pub Patio – Exhibit B

Fresh Market 2011 Lease Agreement – Exhibit C

Resolution #2011-01 Declaring Surplus Property & Authorizing Disposal – Exhibit D

Blowing Rock/Boone Water Interconnection Change Order #2 – Exhibit E

Tax Releases #2009-17 & 18 and #2010-06, 07, & 08 – Exhibit F