

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-September 13, 2011

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, September 13, 2011 at 5:00 p.m. The meeting took place in the Town Council Chambers at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phillip Pickett, Tommy Klutz, Doug Matheson, and Jim Steele. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Mike Wilcox, Police Chief Eric Brown, Finance Director Nicole Norman, Parks & Recreation Director Jennifer Brown, Emergency Services Director Kent Graham and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Klutz requested a correction be made to the minutes for the meeting held on August 4, 2011 in paragraph four under Parking Structure at Blowing Rock Art & History Museum- Change Order #1. Commissioner Klutz said that his intended comment regarding the caps on the rock columns being made of chiseled rock instead of concrete, was so that run-off would not stain the columns instead of better shed water. A motion was made to approve the minutes with the change requested for meetings held on August 4, and August 9, 2011 by Commissioner Pickett, seconded by Commissioner Klutz. Unanimously approved.

Commissioner Steele congratulated Mayor Lawrence for receiving the Charles Von Cannon Regional Leadership Award recently at the NC Council of Government's 37th annual meeting. Commissioner Steele commented this prestigious award had been awarded to seven (7) people over the years with Mayor Lawrence being the only Blowing Rock recipient of the award.

SPEAKERS FROM THE FLOOR

Mayor Lawrence thanked everyone and advised there would be a deviation in the regular agenda schedule to accommodate Speakers from the Floor. He stated that several residents were present to discuss the HVAC system at the Blowing Rock Art & History Museum project and that Council would receive their comments at this time.

Mayor Lawrence called Ms. Ann Rhyne forward to begin the discussion. Ms. Rhyne a resident of 148 Globe Road began by thanking the Town for the recent installation of a

sewer line on Globe and Wallingford Road. Ms. Rhyne then spoke regarding the excessive noise that she and her neighbors were experiencing from the HVAC units at the new BRAHM building. Ms. Rhyne stated that during the Council meeting held on April 14, 2009, Council had requested that staff review plans for the project to explore an alternative location for the HVAC units. Ms. Rhyne commented the noise from these large units was very disturbing to the residents in her neighborhood. She also voiced that Section 5-1 of the Town's noise ordinance was being violated with the excessive noise and encouraged Council to help find a suitable solution to the problem. Ms. Rhyne stated that Ms. Meleah Mauldin, who currently occupies her rental home was also present to speak regarding this issue.

Ms. Mauldin stated that she was unable to sleep undisturbed because of the loudness of the HVAC units. She stated the units were located outside her bedroom window and she had tried various ways to drown out the noise to no avail. She also encouraged Council to review this matter further.

Ms. Mauldin's father, Bill Maudlin was present to attest to the problem that his daughter was experiencing and also encouraged Council to find a solution to the problem.

Ms. Linda High, owner of the Spring Haven Inn stated that she was also experiencing problems with the excessive noise. She stated that business at her Inn was down and she felt it was due to the construction of the project and the noise of the units. Ms. High advised that she and her customers could not sit on the porch and hold a conversation, or open windows due to the noise.

Planning Director Kevin Rothrock stated that staff had looked for other suitable locations for the HVAC units and their present location was the most feasible, however, he did feel there were other options to help with the noise created from the units. Mr. Rothrock also stated that two (2) of the units were relocated adjacent to the parking deck that adjoined the museum.

Mayor Lawrence commented that this item needed to be revisited. Commissioner Matheson also stated that he lived approximately 100 feet away from where the units were located and he could also hear the units when they were running.

BRAHM Project Manager Ron Funk stated that this type of unit was not uncommon for a building the size of the museum. He advised that an air balance plus other tests were scheduled for the following week and after the tests were completed, he would have more information.

Ms. JoAnn Mitchell stated during the progression of the project, BRAHM had worked diligently to address/correct any problems or concerns that surrounding property owners have had. She advised that approximately \$30,800.00 had been spent trying to accommodate these issues. Ms. Mitchell asked everyone to continue to be patient for a while longer until the tests that Mr. Funk had mentioned could be completed.

Commissioner Matheson spoke in rebuttal of Ms. Mitchell's remark regarding the amount of money that BRAHM had spent trying to accommodate the surrounding property owners. He did not feel this was a fair statement because those involved with the project were not aware of the many things that property owners had dealt with during the course of the project.

Commissioner Steele recommended that Council wait and see what the outcome of the tests were before making a decision regarding the noise problem. Council concurred with Commissioner Steele's recommendation.

OLD BUSINESS

1. NCDOT Municipal Agreement - Valley Boulevard (US 321)

Town Manager Scott Hildebran presented a utility agreement with the NC Department of Transportation for water and sewer improvements along Valley Boulevard.

Due to the widening of Valley Boulevard (US 321) through Blowing Rock, Mr. Hildebran stated that NCDOT would have to relocate several Town water and sewer lines that were in the path of the project. Pursuant to NCGS 136-27.1, NCDOT would be required to pay the non-betterment cost for the relocation of the water and sewer lines that are to be moved.

Upon the request of the Town, NCDOT has included several betterments (increasing the size/capacity of lines from existing conditions) and line additions in the project. These items will be included in the NCDOT bid documents and be performed by the awarded construction contractor.

Some items included – main water line upgrade along US 321 from Possum Hollow Road to Green Hill Road, additional fire hydrants, valves upgrade, and main sewer outfall upgrade from 600' south of Chetola Dam to the entrance of the Wastewater Plant.

The Town is responsible for 100% of the actual cost associated with the betterments and line additions. The estimated cost to the Town for betterments and additions is \$603,477.34, and will be re-calculated based upon contract bid prices and actual quantities used. These estimated costs were significantly lower than the \$1.0 million plus estimated for the Town to relocate and upgrade the utilities on our own without NCDOT participation. Mr. Hildebran advised that when the work was completed, anticipated in late 2014, reimbursement would be made to NCDOT in three annual installments.

According to Mr. Hildebran, the Town had been setting aside capital funding for the upgrades over the past several years and had approximately \$200,000 in reserve.

Town Engineer Doug Chapman then gave more detail regarding the betterments that were planned. Commissioner Steele had questions regarding the planned betterments and why some of the lines were being increased in size if they had been sufficient

throughout the years. Mr. Chapman explained the upgrades needed to be done during the widening process because if the Town waited to upgrade later there would be much more cost involved.

Commissioner Klutz asked who would be responsible for the cost for the street lamps that were planned. Mr. Hildebran stated that NCDOT would pay for the cost of the lamps, but the Town would then be responsible for the upkeep.

With no further discussion, Commissioner Matheson made a motion to accept the Utility Agreement between NCDOT and the Town of Blowing Rock as written, seconded by Commissioner Pickett. Unanimously approved. **NCDOT/Town of Blowing Rock Utility Agreement – Exhibit A**

NEW BUSINESS

1. NCDOT Municipal Agreement - Valley Boulevard (US 321)

Planning Director Kevin Rothrock presented a draft municipal agreement between NCDOT and the Town of Blowing Rock for funding and maintenance responsibilities of project amenities and betterments for the US 321 Widening Project. The agreement would follow the Memorandum of Understanding between NCDOT and the Town that was adopted in the year 2004.

The betterment costs were for traffic signal mast arms, poles, and signal heads. Mr. Rothrock stated the standard mast arms and poles were galvanized steel and the signal heads were yellow. The Town would be responsible for the cost difference between the standard materials and black signal poles and signal heads. The difference in cost was estimated at \$21,500. According to Section 9.A. of the agreement NCDOT would maintain all traffic controls, devices, and signals, but the Town would be responsible for the maintenance of the signal poles.

Also included in the betterment costs were decorative fencing/handrails. Mr. Rothrock explained where fencing was required the standard galvanized fence was typically installed; however the NCDOT had agreed to use black vinyl-coated chain link instead. Mr. Rothrock noted however, that there may be some areas where the Town would prefer a more decorative fence instead and there would be a cost to the Town for these areas. The total length of fencing proposed was approximately 1475 feet. Mr. Rothrock advised that bid prices had not yet been received and a separate agreement would be drafted after the project was bid. The Town would be responsible for maintenance of the fencing as well.

The Town would also be responsible for the maintenance of landscaping plantings and sidewalks installed.

Council questioned if there would be any stamped concrete in the project. Mr. Rothrock advised there would not be stamped concrete; nor would there be any simulated stone used in the Green Hill Historic District.

Commissioner Steele questioned the cost for the signal heads and mast arms. Mr. Rothrock stated that each mast arm would be a cost of \$7,000 in order to have black instead of the standard galvanized steel. Mr. Hildebran mentioned that black would be consistent with the character of the town and this was decided upon in 2004 during the negotiation period.

Commissioner Klutz made a motion to accept the NCDOT Municipal Agreement as presented, seconded by Commissioner Matheson. Unanimously approved. **NCDOT Municipal Agreement – Exhibit B**

2. Oasis Shriners – Parade Request (June 2, 2012)

Town Manager Hildebran presented Council with a request from the Oasis Shriners to hold their Spring Ceremonial Parade in Blowing Rock on Saturday, June 2, 2012 at 2:00 p.m.

The parade would promote the Shriners Hospital for Children and would consist of 40 units and up to 200 participants. Mr. Hildebran mentioned the Town had received several letters of support for this event.

Commissioner Pickett made a motion for approval of the request, seconded by Commissioner Yount. Unanimously approved.

3. Resolution in Support of the Town of Boone's Water Project (Res #2011-10)

Town Manager Hildebran presented Council with Resolution #2011-10 in support of the Town of Boone's Water Intake on the New River and the associated reclassification of a segment of the South Fork New River watershed to WS-IV for their consideration.

According to Mr. Hildebran, the Town of Boone was requesting a reclassification of the water status of a section of the New River near the Ashe/Watauga County border to allow for a proposed new water intake due to their current water system reaching the 80 percent threshold that the State sets. Reaching this threshold requires municipalities to make plans for securing an additional water source.

Mr. Hildebran continued to explain that the intake could draw nearly 4 million gallons of water from the New River per day. He advised the North Carolina's Division of Water Resources had not objected to the current intake plant proposal, having issued a FONSI, or Finding of No Significant Impact on the river. In addition, Ashe County and Watauga County had both adopted resolutions agreeing to implement the required ordinances and the proposed reclassifications.

A motion to approve Resolution #2011-10 in support of the Town of Boone's water project was made by Commissioner Steele, seconded by Commissioner Pickett. Unanimously approved. **Resolution in Support of the Town of Boone's Water Project (Res #2011-10) – Exhibit C**

4. Reimbursement Request – Dan Phillips (Withdrawn)

5. Budget Amendment (Ordinance #2011-16)

Budget Amendment Ordinance #2011-16 for fiscal year 2011-2012 was presented for Council's consideration by Town Manager Hildebran.

Mr. Hildebran explained that Section I (General Capital Fund) was to complete the appropriation of prior year funds from the Emergency Services Building Project Reserve as well as Parking Revenue – Other, as approved in the FY 2011-2012 Budget Ordinance. He also advised that this section allocated reimbursement funds received from AT&T for conduit installed related to the American legion Parking Facility towards parking.

With no further comments, Commissioner Yount made a motion to approve Budget Amendment Ordinance #2011-16 as presented. The motion received a second from Commissioner Klutz. Unanimously approved. **Budget Amendment (Ordinance #2011-16) – Exhibit D**

6. Tax Refund - #2010-01

Tax Refund #2010-01 was presented to Council by Town Manager Hildebran. He advised that Tax Collector Sharon Greene had reviewed the refund with Watauga County and was satisfied that the refund met the statutory requirements.

The refund was due to an incorrect assessed value for acreage by Watauga County and totaled \$1,148.00 for the years 2005-2010.

With no further questions, Commissioner Pickett made a motion to approve Tax Refund #2010-01 as presented, seconded by Commissioner Matheson. Unanimously approved. **Tax Refund #2010-01 – Exhibit E**

OTHER

Commissioner Yount asked for clarification from Town Manager Hildebran regarding a request for a special meeting that was held June 30, 2011. Commissioner Yount asked Mr. Hildebran if he recalled a request from him (Commissioner Yount) to hold the special meeting. Mr. Hildebran responded that he had not received a request from Commissioner Yount.

Next, Commissioner Klutz began discussing the problem with water discoloration that had been happening recently in town. He asked if aerating the Town reservoir would help with the problem. He also asked about the possibility of dredging the reservoir. Town Engineer Doug Chapman stated dredging the reservoir could potentially cause problems since the minerals at the bottom of the lake would be disturbed. He also stated that he would not recommend dredging the lake without a back-up water supply. Mr. Chapman did recommend a depth survey be completed to see if there was a build-up of sedimentation. Commissioner Matheson suggested that Mr. Chapman speak with

someone from ASU regarding this matter since they had experienced the same problem in years past.

Commissioner Klutz inquired as to why the Town could not use the water from the water interconnection between Blowing Rock and Boone. Mr. Hildebran replied the water line would be complete in the next 30 days. He also advised that other areas such as Lenoir, Hickory, etc were having the same problem with discoloration of water.

Audience member Earl Horne asked if the Town knew if the water was discolored before it was treated. Mr. Hildebran replied the Town was aware of some discoloration, but not aware of the extent until calls were received from consumers.

DEPARTMENTAL REPORTS

Town Manager Hildebran explained that the Watauga County Sheriff's Office houses and maintains a primary 911 Public Safety Answering Point (PSAP) that serves the majority of Watauga County. Currently as 911 calls for service in Watauga County (excluding Boone and Beech Mountain) come into the system they are received at Watauga County Communications. As the telecommunicator gathers the initial information from the caller, the first questions confirmed are the address, phone number and the nature of the emergency. If the caller's emergency is within the town limits of Blowing Rock and is a law enforcement issue then the call is transferred via a one-button transfer process and dispatched by Blowing Rock. If the call is for a medical or fire emergency, it is retained and dispatched via EMD-certified (emergency medical dispatching) and EFD-certified (emergency fire dispatching) personnel by Watauga County.

Mr. Hildebran went on to advised that he had recently received word from Watauga County that their 911 Communications Center main dispatch server is due to be replaced, as the current system is seven years old and has an end-of-life date of 2009. On June 7, 2011, the Watauga County Board of Commissioners awarded a contract to Wireless Communications, Inc., for a new system ("Patriot 911 Call Processing System") that is of internet protocol architecture and will provide redundancy to protect against system failure as well as other benefits. The system will be expandable and upgradeable as future needs dictate.

During the first week of September, Watauga County and Blowing Rock staff met and were informed that the system is scheduled to go live in early October 2011. The consequence of this 911 system upgrade to Blowing Rock is a need to upgrade equipment to remain compatible with the new county 911 system in order to continue law enforcement dispatch services. Watauga County is not in the position at this time to accommodate the additional workload for dispatching Blowing Rock law enforcement calls.

Blowing Rock discussed the issue with Wireless Communications, Inc. and on September 12th received a price quote and timeline for conversion. To move forward

and maintain status quo operations, the Town would need to authorize the purchase of the necessary equipment for \$30,015. If the purchase is approved, the estimated turnaround time on the equipment installation and training is approximately 4 weeks. Watauga County has agreed to delay implementation of the Patriot System for a short period of time until both systems are adequately ready to maintain 911 service.

Also, if a decision is reached to consolidate dispatch services, Watauga County will consider a refund for the equipment costs as the equipment would be relocated to the county communications center for continued 911 service use to accommodate the expansion.

Mr. Hildebran further explained that even though dispatch consolidation had been discussed with the County and Boone, and all parties were receptive to the concept, further negotiations were needed. He also advised the County was not prepared to absorb Blowing Rock's calls at this time. Therefore the best option would be to proceed with purchasing the equipment that was needed to continue operations.

Commissioner Matheson stated, due to there not being a better solution to the situation, he would make a motion to purchase the equipment needed in the amount of \$30,014 to upgrade Blowing Rock's dispatch system in order to be compatible with the County's system and continue dispatching calls as normal. The motion was seconded by Commissioner Pickett. Unanimously approved.

Town Manager Hildebran directed Police Chief Eric Brown to order the equipment to implement the system as soon as possible.

Next, Town Manager Hildebran extended his appreciation to Parks & Recreation Director Jennifer Brown for her completion of the National Parks and Recreation Directors School and to EMS Director Kent Graham for completing the Public Executive Leadership Academy at UNC Chapel Hill.

Mr. Hildebran then reminded everyone of the BRAHM Parking Facility Ribbon Cutting to be held on September 30th at 5:00 p.m. and the grand opening of the Blowing Rock Art & History Museum on October 1st at 10:00 a.m.

Commissioner Steele recognized Chief Eric Brown on the success of the "Chat with the Chief" program. Commissioner Steele commented the program had been well received and commended Chief Brown on a job well done.

At 6:48 p.m. Council entered into Closed Session pursuant to NC General Statutes 143.318.11(a)(5) to discuss real property acquisition.

ADJOURNMENT

At 7:00 p.m. Council re-entered their regular meeting and with no further business to discuss, the meeting was adjourned.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (09-13-11)

NCDOT Construction Utility Agreement-Valley Blvd – Exhibit A

NCDOT Municipal Agreement-Valley Blvd (US 321) – Exhibit B

Resolution in Support of the Town of Boone’s Water Project (Res #2011-10) – Exhibit C

Budget Amendment (Ordinance #2011-16) – Exhibit D

Tax Refund #2010-01 – Exhibit E