

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-January 10, 2012

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, January 10, 2011 at 5:00 p.m. The meeting began in the Town Council Chambers at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Doug Matheson, and Jim Steele. Town Manager Scott Hildebran was also in attendance.

CALL TO ORDER

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

RECESS

At 5:01 p.m. Commissioner Matheson made a motion to recess the meeting and move to the Blowing Rock Art & History Museum (BRAHM) Community Meeting Room located at 152 Chestnut Street due to the high number of expected attendees. Commissioner Matheson's motion was seconded by Commissioner Yount. Unanimously approved.

RECONVENE MEETING

At 5:12 p.m., the regular meeting was reconvened at BRAHM. In attendance were Mayor J.B. Lawrence, Commissioners Albert Yount, Dan Phillips, Tommy Klutz, Doug Matheson, and Jim Steele. Others in attendance were Town Manager Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Assistant Public Works Director Matt Blackburn, Parks & Recreation Director Jennifer Brown, Assistant Parks & Recreation Director Jason Balcom, Police Chief Eric Brown, EMS Director Kent Graham, Building Inspector Jesse Horner, and Town Clerk Sharon Greene.

APPROVAL OF MINUTES

Commissioner Klutz made a motion to approve the minutes for the meeting held on December 13, 2011 with a change to Item #1 under Old Business – Chamber of Commerce-2012 Blue Ridge Wine Festival Use agreement. Commissioner Klutz stated that originally he was not in favor of a 10-year use agreement but after further thought he had agreed to a five-year agreement with an automatic 5-year renewal and he would like for the minutes to reflect this. The motion received a second from Commissioner Steele. Unanimously approved.

Planning Director Kevin Rothrock and Project Engineer Michael Trew were sworn to speak during the following public hearing.

PUBLIC HEARINGS

1. **CUP 2011-06 Subway**

Planning Director Kevin Rothrock presented a request from Mr. Chris Ebaugh of Stonetree Development, Inc. for a conditional use permit to renovate the construction office of Ebco Builders at 8433 Valley Blvd. and convert the space to a Subway restaurant.

Mr. Rothrock discussed the site plan for the proposed project. He stated that based on the proposed 1,626 sq ft restaurant, 16 parking spaces would be required. The parking area would have 13 spaces including the ADA-accessible space in front of the entrance door. An additional rear parking area would be built with access off of Skyland View Drive providing three (3) employee parking spaces.

Landscaping, lighting/utilities, etc. were also addressed by Mr. Rothrock. He advised that during their regular meeting held on December 15, 2011, the Planning Board recommended approval of the conditional use permit with the following condition; 1) allow flexibility in front (street) and south side buffers to accommodate parking space alignment.

Commissioner Yount inquired if proper notification had been sent regarding this project. Planning Director Rothrock assured Council that proper notification had been given.

Commissioner Steele inquired where the HVAC units for the project would be located. Mr. Rothrock stated that Project Engineer, Michael Trew was available to better answer this question.

Mr. Michael Trew of Municipal Engineering commented that he had been working with Mr. Rothrock on this project and to answer the question regarding the location of the HVAC units; Mr. Trew stated he had not seen the HVAC units shown on the architectural plans, but most likely they would be placed in back of the building near the employee parking area. He also stated that originally they had tried to save the log cabin located on the property but it was not conducive to the project and it had been removed.

Mr. Trew briefly addressed the entrance to the project and the changes that would be made during the HWY 321 widening project.

Commissioner Klutz addressed concerns that he had with the neighbors on Skyland View Drive being affected by noise from the HVAC units. He asked if the units would exceed a 65-70 decibel reading. He requested the HVAC units be kept as far away from the residential area as possible.

Commissioner Yount inquired why the HVAC units were not included on the plans.

At this time, property owner Nevin Ebaugh was sworn to speak during the public hearing.

Mr. Ebaugh commented a compressor would be located on the outside of the building and the HVAC unit would be similar to a residential unit.

There being no further comment, Commissioner Yount made a motion to close the public hearing, seconded by Commissioner Steele. Unanimously approved.

A motion to approve CUP #2011-06 was made by Commissioner Matheson. Commissioner Klutz asked that a drawing showing where the HVAC units would be located be added to the project plans. Commissioner Matheson agreed to amend the motion to include Commissioner Klutz's recommendation. Commissioner Klutz seconded the motion. Unanimously approved. **Subway (CUP #2011-06) – Exhibit A**

2. Town Code Amendment – Weapons on Town Property (Ordinance #2012-01)

Planning Director Kevin Rothrock stated that in 1995, the NC General Assembly passed legislation allowing private citizens to obtain concealed carry permits for handguns. NCGS 14-415.23 authorized municipalities to prohibit the carrying of concealed handguns on Town property, including government buildings, their appurtenant premises, and parks. In November 1995, the Town adopted an ordinance prohibiting concealed handguns on Town property. With the exception of law enforcement officers, citizens were not allowed to carry concealed firearms or other weapons on any Town property including parks.

In the past year, the NC General Assembly adopted amendments to various gun laws in North Carolina through Session Law 2011-268 House Bill 650 referred to as the "Castle Doctrine". The Castle Doctrine specifies that a person has the right to use force in self-defense, especially as it pertains to his/her home, vehicle, or workplace. Also, the amendments further clarified the uniformity in application of the laws concerning the right to carry concealed handguns in North Carolina. The amended law was effective December 1, 2011.

Mr. Rothrock stated the new legislation allowed cities and counties to clearly identify recreational facilities where concealed handguns are prohibited. By statute, "recreational facilities" could only include a playground, athletic field, swimming pool, and an athletic facility.

According to Mr. Rothrock, the Parks and Recreation Department, Police Department, and Planning and Inspections Department had collaborated to develop the draft ordinance amendment specifying the recreational facilities where concealed handguns would be prohibited if passed.

Parks and Recreation Director Jennifer Brown addressed the issue stating that she had been the Town's Parks & Recreation Director for the past seven (7) years, and had also worked with the children of Blowing Rock for several years

prior to becoming the Recreation Director. According to Ms. Brown, her intended mission was to serve Blowing Rock residents and recommended that concealed handguns be prohibited from Memorial Park, Davant Field, and Robbins Memorial Pool. Ms. Brown stressed that these areas were specifically designated for children and their families and she did not feel it would be in their best interest to allow guns in these areas. Ms. Brown mentioned other child oriented groups utilized these facilities throughout the year, as well as special events that took place bringing hundreds of people to these areas.

Ms. Brown also addressed concerns she had with concealed weapons at the swimming pool due to the possibility of pool bags being left unattended and a child gaining access to a gun and possibly causing harm. She was also concerned with the rise in physical disputes at athletic events and the need to eliminate concealed handguns at Davant Field.

Ms. Brown advised, her recommendations were not on the grounds of pro-gun or anti-gun sentiments but as the Parks and Recreation Director and her main concern being the safety of the patrons of these facilities.

Mayor Lawrence requested everyone wishing to speak during the public hearing raise their hand so that he could determine the length of time to allow per speaker. He advised that each speaker would be allowed four (4) minutes.

Ms. Cathy Williamson of 252 Mockingbird Lane spoke in support of the ordinance. She questioned if the ordinance restrained dogs in these areas why should guns be allowed. Ms. Williamson commented that Council should be as concerned with guns harming children as they were with dogs causing harm. Ms. Williamson expressed that children and their families deserved the luxury of feeling safe in the parks.

With an opposing view, Mr. Dick Goosman of 100 Sledding Hill Park stated banning concealed carry from these areas would only keep those permitted to carry a firearm from bringing it into the park and not those illegally carrying them. Mr. Goosman commented that people who had their concealed carry permits had been extensively trained in order to obtain their permit.

Mr. Goosman commented it would be interesting for Chief Brown to complete a research of people who had concealed carry permits and how many of them had been involved in illegal activities as opposed to those who did not have permits.

Mr. Goosman felt the Virginia Tech massacre could possibly have been less devastating if someone had been able to have a gun.

Ann Rhyne of 148 Globe Rd stated she had been frequenting the parks since 1978 and had never been concerned for her family's safety. She felt the Town

Code should be kept as is. Ms. Rhyne commented that Council had an obligation to listen to the residents and citizens of Blowing Rock.

Ms. Rhyne mentioned a study that she had seen showing people who had committed felony acts and were still allowed their concealed carry permit. She also voiced her concern with a child gaining access to a gun at these facilities causing harm.

Mr. Greg Hall, a visitor from Mt. Airy, NC thanked Council for allowing him to give his point of view regarding the issue. He stated the "Castle Doctrine" law did allow for specific areas to be excluded but he felt the draft ordinance was possibly going overboard. He also argued Ms. Rhyne's statement regarding felons being allowed a concealed carry permit. Mr. Hall went on to state that due to the rigorous background checks that were done before issuing a concealed carry permit, a felon would not be allowed a permit. Mr. Hall also remarked if the ordinance was passed it could possibly reduce the amount of time spent in Blowing Rock.

Mr. Steven "Piney" Clay of Rickard Drive began by asking how old the facilities in question were and how many assaults there had been at Memorial Park, Davant Field and Robbins Pool. He voiced his concern with a child gaining access to a gun and causing harm and the Town being responsible. He also stated that guns were not allowed in government buildings, schools, etc. and they shouldn't be allowed in parks. He urged Council to make a smart decision regarding this issue.

Watauga County Commissioner Vince Gable stated he was not a resident of Blowing Rock; however he was Vice President of the Watauga County Gun Club, a concealed carry holder, and an attorney. Mr. Gable mentioned that he had heard someone state that Watauga County was also entertaining the idea of developing an ordinance regarding this issue and as far as he knew that was not the case. He also emphasized that a convicted felon was precluded by law from maintaining a concealed carry permit. Mr. Gable then addressed a concern that had been mentioned several times during the meeting with someone gaining access to a handgun from a pool bag, etc. He advised that the concealed carry permit holder was required by law to never leave their gun unattended.

Ms. Virginia Powell of 255 Country Club Lane remarked that she and one of her five (5) children had been at the playground that very day and she did not feel safe due to the "Castle Doctrine" law that was passed recently. Ms. Powell stated that she actually looked at others in the park in a more unfriendly manner.

Mr. Bill Krupicka of River Hollow Rd, Linville, NC said that he was a sane, sober, responsible citizen and he did not know how he suddenly became a homicidal maniac in Blowing Rock. He stated "why create a problem when one didn't exist".

Ms. Sherry Jaquays of 161 Fair Acres Lane remarked that her children used the parks, pool, etc. and this was not an issue of the right to bear arms but whether allowing guns in these areas was appropriate or not. She commented that accidents happen and it was much too risky and unsafe to have guns in areas where children are located. Ms. Jaquays stated that people come to Blowing Rock because it is a beautiful, quaint, peaceful and safe place. She asked that Council give careful consideration to the issue as not to make a decision they would regret later. She closed by stating that Blowing Rock had nothing to gain but much to lose.

Mr. O. Wayne Green of Vilas stated that in 1995 the Town passed an ordinance disallowing firearms in municipal buildings. Mr. Green also maintained that permitted parents legally had to store their firearms safely where their children could not gain access to them. He also remarked that he didn't think of himself as being selfish when it came to protecting himself and his family, but rather as being responsible.

Ms. Ginny Stevens of 660 Dogwood Lane remarked that Blowing Rock was an ideal community in which to retire. She commented that part of Blowing Rock's appeal was its uniqueness. Ms. Stevens informed everyone if this ordinance was passed the Charlotte Observer headline would be "Blowing Rock Allows Guns" and many people would stop coming to Blowing Rock. Ms. Stevens stated that perception was not always reality and urged Council to disallow guns in Memorial Park, Davant Field, Robbins Pool, and at Broyhill Park.

Mr. Dennis Hull, a resident of 1304 Blackberry Road said he retired to Blowing Rock in 1997 and he had been a concealed carry permit holder for 30 years. Mr. Hull assured everyone that during those 30 years he had never threatened anyone with his gun. He went on to state that he was a supporter of law enforcement and considered Chief Brown a friend and that he was an advocate of the Constitution and the Second Amendment that gave him the right to carry a gun. Mr. Hull remarked that he had a problem with a "broad sweep of the brush" and not allowing guns in the public restrooms at Memorial Park or the benches located in front of the park. Mr. Hull commented that he and visitors that he brings to Blowing Rock wouldn't be allowed to sit in the park without him returning to his car to store his firearm.

Mr. Ben Powell, also a resident of 255 Country Club Lane emphasized what a great place Blowing Rock was to live. He commended the Town Departments on the great job they did and asked that Council listen to the professionals who work to make Blowing Rock a great place to live and visit, as well as the residents of Blowing Rock who pay taxes. Mr. Powell stated that he was pro-gun but it was too risky to allow guns in these facilities.

Ms. Regina Pelsmaecker of 426 Wallingford Street stated the people who carry concealed weapons were law abiding citizens who will continue to abide by whatever is decided regarding this matter. Ms. Pelsmaecker also voiced if someone wanted to shoot someone in these areas they could stand on the street and fire their guns since guns were allowed elsewhere. Ms. Pelsmaecker commented that Council had a difficult decision to make but the citizens of Blowing Rock would abide by whatever they decided was best for the Town.

Mr. Lonnie Webster a resident of 1743 Sunset Drive stated that he had looked at the NC General Statutes and guns at public gatherings were not allowed. He commended Town staff on the outstanding job that was done in writing the proposed ordinance.

Next to speak was Mr. Don Williams of 203 Sunflower Lane. Mr. Williams commented that he would like to personally thank everyone in attendance because it showed they were civic minded enough to participate whether they were for or against the proposed ordinance. Mr. Williams stated that he had three concerns; safety, living within the constitution and perception of the Town. Mr. Williams commented that speakers had touched upon safety and perception of the Town; and he would like to talk briefly regarding living within the Constitution. Mr. Williams then gave a brief history regarding constitutional rights and stated that ultimately everyone was responsible for their own safety. Mr. Williams said the local police were not responsible for our safety; that God was the one to trust to keep us safe.

Mr. John Aldridge of 393 Morris Street stated the true issue was not whether concealed carry holders were bad people or good people, but rather to allow or disallow guns at the parks, pool and athletic field.

Mr. Aldridge said the word irony came to his mind while sitting and listening to others discuss this issue. He went on to state the majority of people who were in favor of allowing guns in these areas did not reside within the Town limits of Blowing Rock. He reminded Council that the residents of Blowing Rock were the ones that elected them to serve and represent all citizens.

Mr. Coleman Ratteree of 321 West View Drive compared Blowing Rock to Charleston SC because both places depended heavily upon tourist trade. He pointed out that Charleston had 120,000 in population and 4.1 million in tourist trade each year and a percentage of these people had a concealed carry permit. Mr. Ratteree advised that Blowing Rock has 350,000 tourists and approximately 7,000 to 8,000 residents in the summer months, 15 times less people than in Charleston. Mr. Ratteree advised that 16 years ago Charleston had opted to allow firearms in their parks and recreation facilities. Mr. Ratteree stated that Charleston felt banning guns in these areas would have a negative affect on their tourist trade and there wasn't any need. Mr. Ratteree went on to say that his son was a department head in Charleston and that he had spoken with the Chief of

Police regarding this issue and statistics showed there had not been any instances of a concealed carry holder being involved in illegal activity. Mr. Ratteree felt it was self explanatory that there was no need to disallow firearms from the areas in questions.

Ms. Sylvia Kiker of 132 Morris St. said she thought there was a misunderstanding regarding the amendment. She advised that the State Legislature developed a bill allowing local authorities to regulate concealed handguns in recreational areas.

Ms. Kiker mentioned that she had looked online at the GRNC website. She said the website was asking members to call the Blowing Rock Town Council and speak to them on this issue and follow nine (9) points of discussion pertaining to the proposed ordinance. Ms. Kiker further stated that in her opinion only one of the nine points was worthy of mentioning; which was "that specific playgrounds, athletic fields, and swimming pool facilities can be legally posted" and according to Ms. Kiker that was exactly what the proposed ordinance was asking for.

Ms. Betty Green, a resident of Blowing Rock's Extra Territorial Jurisdiction (ETJ), remarked that she had worked at Blowing Rock School for 25 years and had also worked as a lifeguard at the Robbins Pool. Ms. Green didn't think anyone would bring a firearm to the pool. She also stated that she believed in upholding the second amendment to the fullest.

Next, Mr. Joe Kiker, also a resident of 132 Morris Street, advised that guns were not allowed at schools and no one questioned the reasoning behind that, but the same "little people" frequent the playgrounds, athletic fields and pool and these areas needed to be restricted as well.

Sugar Grove resident Matt Klutz also spoke regarding this issue. He mentioned that he was born and raised in Blowing Rock and over time there had been instances where people have needed to defend themselves. Mr. Klutz mentioned that he didn't have a concealed carry permit, but he was an avid hunter and gun owner and this ordinance would be stripping the concealed carry permit holder the right to defend themselves. Mr. Klutz felt the Second Amendment should be protected. He stated that during these discussions, the statement had been made by some that they would not feel safe at the playground, pool, etc. if concealed carry permit holders were allowed to carry their firearms; but Mr. Klutz continued to say that at some point everyone came into contact with firearms at various places like Walmart, etc. Mr. Klutz once again stated that concealed carry permit holders' rights to protect themselves should not be taken away.

Ms. Deana Lutz of Hwy 321 Blowing Rock, also a former Watauga Gun Club member, stated that she was an advocate of the right to own firearms, but she also thought the rights of the parents and their children should be respected.

Mr. Jeff Foster of 608 Ransom St. stated he had been born and raised in Blowing Rock and he felt those who had spoken in favor of allowing guns in these three areas were being labeled as selfish gun enthusiasts. Mr. Foster stated that he too had a concealed carry permit and that that he took it very seriously. Mr. Foster advised this was about the Second Amendment and the right to protect himself and his family and banning guns in these areas would only be keeping law abiding citizens out.

Ms. Debra McDowell of 827 Main Street responded that while listening to those who had spoken during the public hearing, she did not understand why guns would be needed in these areas since the police department was close by. Ms. McDowell compared this issue to banning smoking in restaurants because it was thought by doing this it might negatively affect their business but it had probably enhanced their business. Ms. McDowell emphasized if something wasn't broken it didn't need to be fixed.

Mr. Howard Hughes of 114 Fairfield Lane stated that he had been forced to shoot someone in self defense while defending his mother at a park in Charleston SC. Mr. Hughes stated the police department had been in view of the area where the incident occurred. He reiterated that one never knew when something like that might happen to them and a gun is a good friend to have when you need it.

WHS student Taylor Klutz mentioned that he was a member of the Hunter's Safety Team and he liked feeling that he was safe and he didn't feel the right to bear arms should be taken away from the concealed carry owners in these areas.

Mr. Michael Maybee of 231 Clawson Drive said he chose to live in Blowing Rock 24 years ago. He stated that Blowing Rock was not Charleston and the operational question was "why would you want to carry a gun in these areas" and "why did the General Assembly vote to allow for restrictions?" He also asked why the law did not advocate allowing guns in schools, governmental buildings, etc. He further stated the three areas being discussed were a small percentage of Blowing Rock.

Mr. Jordan Williamson of 252 Mockingbird Lane remarked that he was glad to hear that the gun owners present were not homicidal maniacs but they were not infallible because accidents do happen. He felt by allowing guns in these areas you were subjecting children to an unfair risk of an accident happening. Mr. Williamson didn't think it was fair to subject the patrons of these areas to an increased risk just because the concealed carry owners did not want to be hassled with having to return their guns to their cars before entering the areas.

Mayor Lawrence thanked everyone for sharing their comments and for taking time to attend the meeting. There being no further comments, Mayor Lawrence then called for a vote to close the public hearing. Commissioner Steele made a

motion to close the public hearing, seconded by Commissioner Klutz. Unanimously approved.

Mayor Lawrence called for a motion for action. Commissioner Phillips made a motion to disallow Ordinance #2012-01, seconded by Commissioner Klutz. Commissioner Phillips stated that he had thought about this issue quite extensively. He also mentioned that he was not an NRA member nor was he a concealed carry permit holder. Commissioner Phillips stated he had researched this issue and spoken with many people and had read the police department's monthly report that listed various crimes that had occurred. He also mentioned while NCDOT was repaving Main Street there were unsupervised inmates working within 300 feet of our park and the school. Commissioner Phillips advised that he had called to inquire about their background and reason for being incarcerated and NCDOT had no idea. Commissioner Phillips further stated this illustrated Blowing Rock was not immune to danger and it could happen at any time. He also acknowledged if his children or grandchildren were in danger and a concealed carry holder stepped up to protect them he would be most grateful.

Commissioner Phillips went on to say with his decision to vote against Ordinance 2012-01, he felt he was voting to protect the citizens, visitors, etc. in Blowing Rock.

Commissioner Matheson gave an opposing view by stating that he had been elected to protect and promote the health and safety of residents of Blowing Rock and this ordinance had been in effect since 1995. Commissioner Matheson stated he did; however, sympathize with the other side.

Commissioner Klutz confirmed that he stood with the Second Amendment and if it wasn't broke it didn't need fixing.

Commissioner Steele acknowledged that he agreed to a certain point with both sides, however; he had taken an oath of office to abide by Federal, State and Town laws and he needed to listen to what the citizens of Blowing Rock wanted. Commissioner Steele mentioned the phone calls he received were 7-1 from residents who were against guns in these three areas. Commissioner Steele went on to say that the residents/taxpayers of Blowing Rock were the ones that primarily funded these facilities. Commissioner Steele voiced his concern with a child gaining access to a firearm and harming someone.

Commissioner Steele also remarked that he had a concealed carry permit and there were several places in Blowing Rock where he was not allowed to carry his gun and when he frequented those places he stored his gun in his car. Commissioner Steele continued by stating if the crime rate began to increase in Blowing Rock this Ordinance might need revisiting; however, at this time he was in favor of disallowing guns in the areas outlined in the ordinance.

Commissioner Yount responded that he received phone calls from residents that were 8-1 against allowing guns in the three areas. Commissioner Yount commented that his family had been involved in law enforcement and that he had been a parole officer for many years and during that time he had always carried a weapon but had never had to use it. Commissioner Yount reiterated the statement “if you ever shoot someone your life will change forever”.

With no further comments, Commissioner Lawrence called for a vote on Commissioner Phillip’s motion to disallow Ordinance #2012-01. In favor: Phillips & Klutz; Against: Matheson, Yount and Steele. Motion denied.

Commissioner Yount then made a motion to approve Ordinance #2012-01 as written, seconded by Commissioner Matheson. Commissioner Steele questioned the logic of having the bathrooms at Memorial Park included in the Ordinance, but agreed this was not a deal-breaker for him. In favor of Commissioner Yount’s motion were Yount, Steele, and Matheson; Against: Phillips and Klutz. Motion carried. **Weapons on Town Property (Ordinance #2012-01) – Exhibit B**

At 7:25 p.m. Mayor Lawrence called for a short recess.

The meeting was reconvened at 7:35 p.m.

3. N.C. Park & Recreation Trust Fund – Grant Application (Resolution #2012-01)

Town Manager Hildebran presented Resolution #2012-01 to Council for consideration. The resolution would give authorization to staff to file for a grant application in the amount of \$142,500 to the NC Park & Recreation Trust Fund for improvements/renovations to the American Legion building.

Mr. Hildebran stated that the Parks and Recreation Master Plan recommended the facility be used as a community/recreation center space. He also mentioned that a structural engineer had completed an assessment of the building and deemed it as structurally sound. Town Manager Hildebran advised that Town Engineer Doug Chapman was present further discuss the project and to answer any questions regarding this matter.

Mr. Chapman presented the proposed master plan for the facility, including a site plan and proposed building floor plan. He stated that the proposed improvements would include entry and access work in compliance with current ADA standards, replacement of the existing roof and gutters, exterior façade and painting, new restrooms to meet handicap requirements, and repairs and/or replacement of key building systems. Those systems include replacing doors, replacing windows, repairs to electrical and plumbing, adding air conditioning, new wall and ceiling finishes, and adding insulation. Mr. Chapman further mentioned the addition of a rear deck onto the building as well as a picnic area overlooking Mayview Lake.

Mr. Chapman advised that he had met with staff and there had also been a community meeting to gather input from citizens on their ideas for this structure. He advised the Town would provide a 50% local match which would come from the existing capital reserve funds and from community contributions.

Commissioner Klutz stated that he had received a letter from a Boy Scout troop that met in the building regarding the problems they were experiencing with mold. Mr. Chapman stated if there was any mold it was isolated to the lower level and Town staff had put several dehumidifiers in the basement area. He also mentioned there were no proposed renovations to the basement area.

Commissioner Phillips also expressed concerns regarding mold and suggested that someone further evaluate the building to see if there was a mold problem and to what extent.

Commissioner Klutz advised he would not be in favor of moving forward with this project without someone looking at the mold problem and the costs involved to remedy the problem. He advised in his experience when mold was present it was hard to get rid of and some buildings had to be torn down due to mold.

Mayor Lawrence clarified that Council was not voting to move forward with the project they were voting to give authorization to staff to move forward with the filing of the grant application because the deadline to file was January 31, 2012.

Commissioner Steele also stated that he would not want anyone using the building if mold was present.

Commissioner Yount asked Town Attorney Moseley if the Town had any liability if there was a mold problem. Attorney Moseley stated that "yes" the Town would be liable; however Council was not voting to move forward with any improvements/renovations, they were voting on whether or not to submit a grant application only.

Commissioner Phillips asked what would happen to the grant money should the Town not move forward with the renovation process. Town Manager Hildebran stated the Town would lose the money.

Parks and Recreation Director Jennifer Brown advised that a public meeting had been held and she had met with several civic groups and had received several letters of support regarding renovation of the building for recreational use. Ms. Brown stated at the present time her department was very limited on space for recreational activities.

Ms. Brown also said when the Town first received the building she did notice a musty smell however, since that time several dehumidifiers had been placed in the basement which had made an improvement. Commissioner Klutz responded that dehumidifiers would not take care of the problem.

Mr. Ron Oberle stated that during the many years the American Legion had utilized the building, he had not noticed a problem with mold. He advised that at times the Boy Scouts had stored wet clothing and equipment in containers that had grown moldy due to storing them while damp.

Commissioner Klutz stated in the letter from the Boy Scouts they claimed to have a constant problem with mold.

With no further discussion, a motion was made by Commissioner Klutz to close the public hearing, seconded by Commissioner Phillips. Unanimously approved.

Commissioner Phillips made a motion to move forward with the filing of the grant application, seconded by Commissioner Matheson. Unanimously approved. **NC Parks & Recreation Trust Fund Grant Application (Resolution #2012-01) – Exhibit C**

OLD BUSINESS

1. U.S. Park Service – Corporate Offer to Exchange Real Property (Resolution #2012-02)

Town Manager Scott Hildebran presented a draft Corporate Offer to Exchange Real Property prepared by the U.S. Department of the Interior, for Council's consideration.

Mr. Hildebran advised that the U.S. Department of the Interior had completed the required appraisals for the land exchange for the Town to acquire our water supply reservoir. He further stated, the Town-owned 198-acre China Creek parcel had been appraised at \$635,000 and the US Park Service-owned 20-acre Reservoir parcel appraised at \$553,000. In order to equalize values, the Town requested that the U.S. Park Service 1) grant permanent easements for our water/sewer lines that run in between the Wastewater Plant and Water Plant on US Hwy 321 and 2) modify the 10-year permit to a permanent easement for the water/sewer lines underneath the Parkway that were installed as part of the Blowing Rock/Boone Interconnection project.

Mr. Hildebran stated if Council chose to approve this item, the U.S. Park Service would initiate their environmental compliance requirements with hopes of completing the land exchange by the end of 2012.

Mr. Hildebran requested that Council formally adopt Resolution #2012-02 which would authorize the Mayor and Town Attorney to execute a Corporate Offer to

Exchange Real Property, outlining the terms previously noted and any required documents to proceed with the exchange.

Mr. Hildebran also mentioned that Council had received a synopsis of the Town's efforts to acquire the water supply reservoir.

Commissioner Klutz stated that for the past six (6) years he had pursued the need to repair the cofferdam that was on the reservoir property and he still would like to see that happen. Town Manager Hildebran stated once the Town gained ownership Council could vote to do whatever they felt was best for the property.

Commissioner Klutz made a motion to approve Resolution #2012-02 as presented, seconded by Commissioner Phillips. Unanimously approved. **U.S. Park Service – Corporate Offer to Exchange Real Property (Resolution #2012-02) – Exhibit D**

NEW BUSINESS

1. Consolidated Communications Center (Resolution #2012-03)

Town Manager Hildebran presented Council with Resolution #2012-03 stating the Town of Blowing Rock agrees to consider a "Memorandum of Understanding" for consolidation which would outline a mechanism for consolidating dispatch services for all law enforcement, fire, rescue and EMS services in Watauga County, including oversight and administration, and the allocation of the costs (if any) of such consolidation.

Mr. Hildebran advised that Watauga County Board of Commissioners Vice-Chair Vince Gable was present as well as County Manager Deron Geouque to answer any questions regarding this topic.

Mr. Gable stated that he had been involved with public safety in Watauga County since 1987. He mentioned there had been some interest in 1987 with leasing the old Southern Bell building in Boone for a nominal fee for consolidation of these entities; however, it had not evolved at that time. Mr. Gable mentioned since the 09-11-01 incident, and the lack of better communication during that time, this topic had been discussed by municipalities nationwide. Mr. Gable also spoke of an incident that happened in the County that could have been handled more efficiently if there had been a consolidated dispatch service. Mr. Gable stated the residents of Watauga County deserved the best service possible from law enforcement, medics, first responders, etc.

Mr. Gable continued to state that he did not see any down side to consolidation. He said the County was presently putting together job description documents and the employees who would be transferring to the County from Blowing Rock would see an increase in pay. He mentioned various ways the Town would save money once the consolidation was complete. He also advised there would be no decrease in services to Town residents.

Commissioner Phillips expressed his concern with the response service that Blowing Rock would receive because the dispatchers would not know the needs of the residents of Blowing Rock and he also expressed his concern with any costs that might be incurred with the consolidation.

Commissioner Steele also mentioned that he would not be very interested in something that would decrease services and cost the Town more money.

Mr. Gable stated there would be a transitional period but dispatchers from Blowing Rock would be on duty at the County facility that would be familiar with Blowing Rock residents, roads, etc. and over time all dispatchers would become as familiar with the Town as those from the current Blowing Rock center.

County Manager Geouque stated that Watauga County needed to know if Blowing Rock was interested in pursuing the consolidation even if the Town of Boone did not choose to commit. He also remarked Watauga County already dispatched fire and rescue calls for Blowing Rock.

Mr. Gable responded that salaries were not the biggest cost for the Town at the present time; equipment and maintenance contracts were. He assured Council that an advisory board would be developed and a member of Council would be seated on the board.

Boone Town Manager Geouque said the County had been gathering information and presently Blowing Rock had only one dispatcher on duty and after the consolidation there would be two or more dispatchers on duty at all times which would enhance services.

Mr. Gable also spoke briefly regarding the new Patriot system the County had acquired that could be set up anywhere in the County during an emergency situation. He also advised that in the near future it could possibly be a requirement from the NC Department of Homeland Security to make it mandatory that all entities have two dispatchers on duty at all times. Mr. Gable said with consolidation this would be in effect before it was required.

County Manager Geouque also mentioned the County would be willing to reimburse the Town for a portion of the cost for equipment that was purchased recently.

Mayor Lawrence expressed that he felt the consolidation was a great idea that would enhance services without increasing cost.

Commissioner Klutz stated originally Chief Brown had been against the idea of a consolidation and had changed his mind. He asked Chief Brown if he was still in favor. Chief Brown responded that he was in favor of the consolidation.

Commissioner Yount stated that he had a problem with committing to something if he did not know what the cost would be. Mr. Gable remarked that he felt the Town would be receptive of the budget once it was completed and they had reviewed it. He also mentioned with the consolidation, the Police Departments and the Sheriff's Department would know what was going on and be able to supply backup for one another without the call being dispatched to the separate departments.

Town Manager Hildebran advised the Town would not be voting to move forward with the consolidation, but rather voting on acceptance of the Resolution that stated they were agreeing to consider the dispatch consolidation.

Commissioner Klutz made a motion to accept Resolution #2012-03 as written, seconded by Commissioner Steele. Unanimously approved. **Consolidated Communications Center (Resolution #2012-03) – Exhibit E**

2. Watauga County Multi-Jurisdictional Hazardous Mitigation Plan (Resolution #2012-04)

Watauga County Fire Marshall Steve Sudderth stated that Watauga County was in the process of updating the County Multi-Jurisdictional Hazardous Mitigation Plan as mandated by the Federal Emergency Management Agency. He advised the plan had to be updated every five years in order to be eligible for mitigation or disaster relief funding.

With no further comments, Commissioner Klutz made a motion to accept Resolution #2012-04 adopting the Watauga County Multi-Jurisdictional Hazardous Mitigation Plan as presented. The motion was seconded by Commissioner Matheson. Unanimously approved. **Watauga County Multi-Jurisdictional Hazardous Mitigation Plan (Resolution #2012-04) - Exhibit F**

3. Tax Refund - #2011-01

Town Manager Hildebran presented Tax Refund #2011-01 to Council for approval. He advised that Tax Collector Greene had reviewed the refund in the amount of \$205.80 with Watauga County and was satisfied that the refund met all statutory requirements.

With no further questions or comments, Commissioner Matheson made a motion to approve Refund #2011-01 as presented, seconded by Commissioner Klutz. Unanimously approved. **Tax Refund - #2011-01 – Exhibit G**

SPEAKERS FROM THE FLOOR

None

DEPARTMENTAL REPORTS

Town Manager Hildebran reminded Council to meet on Sunday, January 15, 2012 at 7:00 p.m. at the Doubletree Inn in Asheville for the annual retreat.

ADJOURN

With no further business to discuss, the meeting was adjourned at 8 35 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (01-10-12)

Subway (CUP #2011-06) – Exhibit A

Weapons on Town Property (Ordinance #2012-01) – Exhibit B

NC Parks & Recreation Trust Fund Grant Application (Resolution #2012-01) – Exhibit C

U.S. Park Service – Corporate Offer to Exchange Real Property (Resolution #2012-02) – Exhibit D

Consolidated Communications Center (Resolution #2012-03) – Exhibit E

Watauga County Multi-Jurisdictional Hazardous Mitigation Plan (Resolution #2012-04) - Exhibit F

Tax Refund - #2011-01 – Exhibit G