

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-December 11, 2012

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, December 11, 2012 at 5:00 p.m. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Dan Phillips, 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, Police Chief Eric Brown, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Emergency Services Director Kent Graham, Building Inspector Jesse Horner, Parks & Recreation Director Jennifer Brown, 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

A motion was made by Commissioner Klutz to approve the minutes as written for meetings held on November 13th and 29th, 2012, including Closed Session minutes, seconded by Commissioner Steele. Unanimously approved.

OLD BUSINESS

1. Condemnation Appeal (Howe Property) – 857 Green Hill Road

Planning Director Kevin Rothrock stated that pursuant to complaints and a subsequent inspection on September 24, 2012, a home located at 857 Green Hill Road was condemned. The record owner of the property is Mr. Frank Howe Et Al in care of Mr. Jamie Howe.

Mr. Rothrock stated that a notice of a hearing to be held on October 3, 2012 was sent to the record owner. He advised after speaking with Mr. Curtis Howe and Mr. Jamie Howe by telephone, they had indicated at that time that they would make the needed repairs instead of removing the house.

On October 18, 2012 a notice was sent that the following repairs were to be made by April 22, 2013 with the exception that the unsafe electrical service be repaired by November 6, 2012:

1. The electrical service is not properly grounded.
2. Windows are broken.
3. Used utility poles and double 2x4's used as columns.
4. The foundation is failing.
5. Too large of a span for the floor joists and girders.
6. Holes in the electric equipment on the porch.

7. The roof system is failing around the chimney.
8. Deck railings are failing.
9. Water piping not according to code including but not limited to freeze protection.
10. No heat for the dwelling.

On October 26, 2012 the Town received a notice of appeal to the order issued to repair the structure. According to Mr. Rothrock, the Howes appealed requesting more time to complete all the repairs and that some of the items required to be corrected were not unsafe.

Mr. Rothrock stated that pursuant to the NC General Statutes NCGS 160A-430 pertaining to condemnation procedures, it states that "the city council shall hear and render a decision in an appeal within a reasonable time. The city council may affirm, modify and affirm, or revoke the order".

Town Attorney Allen Moseley recommended that everyone wishing to speak in this matter be sworn by the Town Clerk.

Commissioner Klutz questioned Building Inspector Jesse Horner regarding item number three pertaining to the use of utility poles as columns. Commissioner Klutz stated there were many older homes in town that utilized posts such as the ones pictured in the condemnation of this dwelling and he did not understand why this was a problem. Building Inspector Jesse Horner stated that some of the posts underneath the home had been replaced at some point with discarded utility poles and there wasn't anything in the NC Building Code that referred to the use of old utility poles. Commissioner Klutz stated that utility poles were treated so they would not be subject to rot and he didn't see any problem with the use of utility poles. Commissioner Matheson concurred with Commissioner Klutz regarding this matter.

Commissioner Phillips asked what the eminent dangers were. Mr. Horner responded the foundation and roof structure were unsafe. He also felt the home was at risk of being a fire hazard due to not being grounded properly. Mr. Horner stated there had been a problem with the water heater and water was seen pouring from the structure which is what prompted calls to the town.

Mr. Horner stated after doing a thorough inspection of the dwelling he had sent the owners the notice regarding the repairs that were needed.

Mayor Lawrence then asked if anyone resided in the home. Mr. Howe stated the house had been built in the early 1960's and used over the years by members of his family in the summer. He also mentioned that his son had lived in the house the previous summer (2012) while attending school.

Mr. Howe stated when they became aware of the water heater problem they had it fixed and he felt the home had become ungrounded while these repairs were being made. Commissioner Steele then asked why the owners did not want to fix the other problems

listed. Mr. Howe stated the estimated cost to make the repairs was approximately \$60,000-\$70,000 and they would rather tear the structure down in the future and build something nicer since they did not feel the home was unsafe or causing any eminent danger to anyone.

Commissioner Yount wanted clarification as to what was expected of Council in this matter. Mr. Horner stated in the appeal from the owners, they had an issue with the requirement to repair items 3, 4, 5, 7 and 10. Mr. Rothrock stated the options were to repair the items listed, allow more time or tear the house down. Mr. Horner then reviewed the items listed as concerns and explained what needed to be done in order to make the dwelling safer.

Commissioner Phillips stated as homes age problems occur and he was curious if the water heater problem was the only reason the Town became aware of the other problems. Mr. Horner stated the Town had also received complaints regarding the house from neighbors and the fear of it being a fire hazard. Commissioner Phillips stated it seemed that it would be cheaper to tear it down than to repair it. Mr. Howe stated that it would, but his family would like to continue to use the house on weekends for the next several years and do some of the repairs, but not all of them.

Commissioner Steele asked Town Attorney Moseley if the Town did not require that the repairs be fixed and someone was injured while staying at the house would the Town be liable. Mr. Moseley asked the owners if the home was going to be occupied before they decided to tear it down later. Mr. Howe stated it was their intention to tear the structure down in the next two to three years, but they did plan to use the house on weekends until that time. Mr. Moseley stated the building inspector had made a list of concerns that he felt were unsafe and some of the items were not clearly defined by the NC Building Code.

Mr. Howe explained the issue of repairing the water heater problem and stated that apparently the house was “ungrounded” at some point during the repair.

Commissioner Klutz asked if a permit had been issued to do the plumbing repairs. Mr. Horner stated no permit had been obtained. Commissioner Klutz commented that he was concerned this was a fire hazard since a proper inspection of the work had not been done. He was also concerned with the deck railing being a safety hazard.

Commissioner Steele asked Mr. Howe what he proposed to do regarding this situation. Mr. Howe reviewed the list of items and stated that initially the Town had given them until April 22, 2013 to complete the repairs.

After further conversation regarding the repairs that were needed, Commissioner Yount stated that he had empathy for the home owners as well as the Town, but this home looked as if it were getting close to the definition of being a “plunder house.” Commissioner Yount then asked if the home owners were prepared to do anything about the problems items or were they just going to talk about it.

Mr. Howe stated that his family wanted to continue to come to the house and possibly retire there and they were prepared to take action.

Commissioner Phillips made a motion to extend the deadline to repair all items as deemed necessary by Building Inspector Horner until October 31, 2013. The motion was seconded by Commissioner Matheson. Council was also to receive confirmation that all items were repaired by the deadline or another hearing will be held. Unanimously approved.

NEW BUSINESS

1. Oasis Shriners – Ceremonial Parade Request (June 1, 2013)

Town Manager Hildebran presented a request from the Oasis Shriners to hold their Spring Ceremonial Parade on Saturday, June 1, 2013 in downtown Blowing Rock.

The parade would consist of 40 units and up to 200 participants and would last approximately one hour according to Mr. Hildebran. He also mentioned that letters of support had been received from the Blowing Rock Tourism Development Authority, the Blowing Rock Chamber of Commerce and the Blowing Rock Lodging Group.

The Town would also be added as an additional insured on the Oasis Shriners general liability insurance policy and that help from Town staff is expected to be nominal during the event.

Commissioner Phillips commented that parking spaces were blocked off on Main Street in front of Town Hall several hours before the parade was to begin. Mr. Tracy Brown explained the spaces were blocked off so that the Shriners could do their miniature car stunts and have adequate room. Commissioner Matheson made a motion to approve the request as presented, seconded by Commissioner Phillips. Unanimously approved.

2. High County Regional Hazard Mitigation Plan (Resolution #2012-23)

Town Manager Hildebran presented a resolution adopting the High Country Regional Hazard Mitigation Plan for Council's consideration.

The purpose of the plan is to:

- Merge the existing Alleghany, Ashe, Watauga, and Wilkes County hazard mitigation plans into one regional plan;
- Complete update of existing plans to demonstrate progress and reflect current conditions;
- Increase public awareness and education;
- Maintain grant eligibility for participating jurisdictions;
- Update plans in accordance with Community Rating System (CRS) requirements; and
- Maintain compliance with state and federal legislative requirements for local hazard mitigations plans.

The High Country Regional Hazard Mitigation Plan was developed in accordance with current state and federal rules and regulations governing local hazard mitigation plans and would be adopted by each participating county and local jurisdiction in accordance with standard local procedures.

Town Manager Hildebran stated the plan was required to be updated periodically. With no further comments, Commissioner Matheson made a motion for approval of Resolution #2012-23 as written, seconded by Commissioner Phillips. Unanimously approved. **High Country Regional Hazard Mitigation Plan – (Res #2012-23) – Exhibit A**

3. Park- Annexation Petition (Res #2012-24 & 25)

Planning Director Kevin Rothrock presented a petition of voluntary annexation from Joe and Gay Park to Council for their consideration.

Mr. Rothrock explained that the applicant had submitted a petition for satellite annexation with the intention of constructing a house and connecting to Town water and sewer utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.

The applicant would be responsible for the costs of extending water and sewer service to their property and for the availability fees for any buildings connected to the system. Public sewer service was recently installed in front of their lot when the BR Conference Center extended sewer to their property.

Since the boundaries of the subject property were not contiguous with the Town's corporate limits, the five basic rules for satellite annexation would have to be followed pursuant with North Carolina General Statute 160A-58.1 (b). According to staff review of the annexation petition, all requirements of satellite annexation would be satisfied.

With no further discussion, Commissioner Phillips made a motion for approval of Resolutions #2012-24 & 25 as presented, seconded by Commissioner Klutz. Unanimously approved. **Park – Annexation Petition (Res #2012-24 & 25) – Exhibit B & C**

4. Wastewater Treatment Plant CIP Phase II – Change Order # 1

In May 2012, Town Council authorized the execution of a contract with Greene Construction, Inc. for \$408,998 to construct improvements to the Wastewater Treatment Plant.

The project consists of improvements to the Wastewater Treatment Plant including a new emergency generator to replace the existing generator, new air piping and diffusers for the aeration basins, handrail repairs, and related appurtenances.

Due to unexpected circumstances and site conditions additional needs/repairs resulted, which include the replacement of 6" valves in the blower room and replacement of 12" valves that are broken in the aeration basins.

The net contract sum increase of the change order would be \$27,042.56 and would extend completion by 35 days. The original completion date was February 18, 2013.

The additional costs would be funded from a project contingency of \$40,900. The revised contract amount would be \$436,040.56.

Commissioner Klutz made a motion to approve Change Order # 1 as presented. Commissioner Steele seconded the motion. Unanimously approved. **Wastewater Treatment Plant CIP Phase II – Change Order #1 – Exhibit D**

5. Tax Release #2012-01 & Tax Refunds #2011-02 & 2011-03

Town Manager Hildebran presented Tax Release #2012-01 and Tax Refunds #2011-02 & 2011-03 to Council for their approval. According to Tax Collector Greene all statutory requirements pursuant to NC General Statute 105-381 (b) were satisfied.

The total to be refunded is \$1901.14. The total to be release is \$49.73.

Commissioner Matheson made a motion to approve Tax Release #2012-01 and Tax Refund #2011-02 & 03 as presented, seconded by Commissioner Steele. Unanimously approved. **Tax Release #2012-01 & Tax Refunds #2011-02 & 2011-03 – Exhibit D**

6. Budget Amendment (Ord #2012-16)

Town Manager Hildebran presented Budget Amendment Ordinance #2012-16 for the fiscal year 2012-2013 to Council for their consideration.

Section 1 (General Capital Fund) was to close out the following capital items/projects as per FY 2011-2012 Audit:

- Streetscape Phase II
- Main Street Drainage (Storie St/St Mary's)
- Wonderland Trail/Laurel Lane Patching
- BRAHM Parking Facility
- Wonderland Trail Cross Lines
- Wallingford Curb & Gutter
- Morris Street Improvements

Section II (Water/Sewer Capital Fund) was to close out the following capital items/projects per FY 2011-2012 Audit:

- Wastewater Treatment Plant Screening
- Wonderland Trail Water Extension
- Handheld Meter Readers

Water Interconnection Project
Wallingford Waterline
Sewer System Improvement Project
Water Pressure Reducing Valve (purchase)
Laurel Lane Aerial Sewer
Water Filtration Media Rehab.

Commissioner Steele made a motion to approve Budget Amendment Ordinance #2012-16 as presented, seconded by Commissioner Matheson. Unanimously approved. **Budget Amendment (Ord #2012-16) – Exhibit E**

7. Monkees Renovation (Removed from agenda)

SPEAKERS FROM THE FLOOR

None

DEPARTMENTAL REPORTS

EMS Director Kent Graham congratulated Commissioner Matheson on his recent retirement after close to 30 years of service on the Blowing Rock Volunteer Fire Department. Mr. Graham also thanked Commissioner Matheson for his service to the department.

Commissioner Klutz inquired about the water pressure problem that was recently repaired on the water interconnection between Boone and Blowing Rock. Mr. Graham stated the hydrants along the interconnection were now operational.

ADJOURN

With no further business to conduct, the meeting was adjourned at 6:35 p.m.

MAYOR _____ **ATTEST** _____
J.B. Lawrence **Sharon Greene, Town Clerk**

ATTACHMENTS (12-11-12)

High Country Regional Hazard Mitigation Plan – (Res #2012-23) – Exhibit A
Park – Annexation Petition (Res #2012-24 & 25) – Exhibit B & C
Wastewater Treatment Plant CIP Phase II – Change Order #1 – Exhibit D
Budget Amendment (Ord #2012-16) – Exhibit E

