

**DRAFT**

**MINUTES  
Town of Blowing Rock  
Board of Commissioners  
Regular Meeting- October 8, 2013**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, October 8, 2013 at 5:30 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, Dan Phillips, Tommy Klutz, Doug Matheson and Jim Steele. Others in attendance were Town Manager Scott Fogleman, 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, Parks & Recreation Director Jennifer Brown, Emergency Services Director Kent Graham, Water Treatment Plant Supervisor Tom McRary and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:30 p.m. and welcomed Town Manager Scott Fogleman.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Steele to approve the minutes for the September 10 (2 meetings) and 17, 2013 including Closed Session meetings, seconded by Commissioner Klutz. Unanimously approved.

**PUBLIC HEARING**

**1. Weapons on Town Property (Ord. #2013-12) – Ordinance Amendment**

Planning Director Kevin Rothrock stated that in February 2012, Council adopted an ordinance to amend the Town Code to prohibit concealed handguns in Memorial Park, at Robbins Pool, and Davant Field. Earlier this year, the NC General Assembly made amendments to the General Statutes to provide statewide uniformity for the regulation of concealed handguns by local governments. One provision was the removal of playgrounds from the list of recreational facilities where concealed firearms could be prohibited. This change would affect Memorial Park.

Mr. Rothrock presented a draft ordinance to Council for consideration that, 1) removed Memorial Park from the list of concealed carry prohibited locations, 2) amended the language about limitations of possessing a firearm at Davant Field during scheduled athletic events, and 3) further clarified how firearms could be properly stored in a vehicle in Town limits.

Town Attorney Moseley advised there had been no other changes to the ordinance other than the state mandated changes.

Mayor Lawrence called on anyone wishing to speak regarding the issue.

Mr. Wayne Green began by commending Planning Director Rothrock, Town Attorney Moseley and Town Staff for their work on the proposed changes to the ordinance. He stated, that even though the Town could post the places designated in the ordinance, it didn't necessarily mean they should be posted.

Mr. Green advised there was little need in posting Robbins Pool because securing the gun against a child having access to it would be difficult and storing a gun that prevents unauthorized access was a federal law that already covered this issue.

According to Mr. Green, people who have concealed carry permits are well-trained, safe, responsible, law-abiding people. He also commented that people who were against carrying guns, had made a personal decision not to do so; and people wishing to carry guns should be extended the same courtesy.

Mr. Green also spoke regarding Grass Roots North Carolina, being the premier gun rights organization in the state and possibly the country. He stated the organization was aware of the situation and should the state law be violated, there were several actions that could be taken; one being a law suit; an injunction keeping the Town from enforcing the ordinance until the suit was settled; and sending an alert to the 87,000 gun owners asking them if they really wanted to spend their vacation and day trip dollars in a town that would not let them sit and rest or their children play in a public park. The alerts would also be reposted on blogs and Facebook that could reach more than 100,000 gun owners.

Mr. Green said that during their last Council meeting, there had been some mention of using the perception of the "court of public opinion" to create the new ordinance. Mr. Green stated that he hoped the Town was not contemplating violating the provisions of the state law, because there was another court called the Superior Court.

Mr. Green thanked town staff once again for their hard work on the ordinance.

Mr. John Aldridge also spoke regarding the proposed ordinance. He stated the amended General Statute could be interpreted another way. According to Mr. Aldridge, Section 14-415.23 (a) & (b) stated that a local government could adopt an ordinance to prohibit carrying a concealed handgun on local government buildings and their appurtenant premises. A local government could also adopt an ordinance to prohibit the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government.

Mr. Aldridge commented that he felt that appurtenant premises could be defined in a number of ways but he felt it meant something adjacent to another thing so that the parking deck at the Blowing Rock History Museum, Memorial Park and any government property attached to a local government building could legally be posted.

Commissioner Yount asked Town Attorney Moseley if he agreed with Mr. Aldridge. Mr. Moseley stated that he did not agree with Mr. Aldridge's interpretation.

Commissioner Klutz made a motion to approve Ordinance Amendment #2013-12 and for staff to proceed. Commissioner Steele seconded the motion. In favor: Klutz, Steele, and Phillips. Against: Yount and Matheson.

According to Town Attorney Moseley, in order for the Ordinance Amendment to pass, a super majority vote was needed. Council would need to vote on the issue at their next regularly scheduled meeting in November, however, a public hearing was not needed.

## **OLD BUSINESS**

### **1. Fire Department Organizational Structure Change Request and Appropriation**

EMS Director Kent Graham presented a request for an organizational structure change and fund appropriation for his department. Mr. Graham stated three Fire Fighter/EMT personnel would be added and the Training Captain position would be removed per the proposed organizational change. After a thorough evaluation of his department needs, the vacant training position created an excellent opportunity to reallocate the responsibilities to other existing leadership positions within the department.

Mr. Graham then explained the net increased costs for the changes would be \$24,256 per year at today's salary and benefit levels. If Council were in favor of the changes, implementation would take place in October 2013 and the increased cost for the current fiscal year (2013-2014) would be approximately \$13,345.

Commissioner Phillips asked if Mr. Graham had planned far enough into the future regarding the department's personnel needs. Mr. Graham responded that he felt this was the appropriate time for the change and his request would meet the department's needs. He also mentioned that he felt Blowing Rock was gaining somewhat in momentum in regards to receiving an ambulance base in the area that would help with call volume. Mr. Graham also mentioned in the extended future, he thought his department would require four (4) people per 24 hours a day.

Commissioner Yount made a motion to approve the Fire Department Organizational Change Request and Appropriation as presented, seconded by Commissioner Phillips. Unanimously approved.

## **NEW BUSINESS**

Due to financing proposals from United Community Bank, Mayor Lawrence was excused from the following agenda item.

### **1. Bids/Financing – 2013-14 Capital Equipment Purchases**

Finance Officer Nicole Norman presented bids for the FY 2013-14 capital equipment with financing proposals.

#### **1) BIDS – FY 2013-14 CAPITAL EQUIPMENT**

### **Police (2) Vehicles/Cameras**

Chief Brown had requested proposal to law enforcement dealerships for bids for two (2) Police Vehicles- 2 AWD sedans w/camera (Marked), which were included in the FY 2013-2014 Budget as well as the Fleet Replacement Schedule.

The following bids were received:

<u>(2) Police AWD Sedans w/cameras (Marked)</u>	<u>Bid</u>	<u>Total</u>
Dana Safety Supply (2014 Ford Interceptor)	\$36,701.00	\$73,402.00
Bobby Jones Ford (2014 Ford Interceptor)	\$37,744.25	\$75,488.50
Boone Ford (2014 Ford Interceptor)	\$40,014.60	\$80,029.20

Ms. Norman stated that staff recommended the bid be awarded to low bidder Dana Safety Supply for \$73,402.00, excluding tax, title and tags.

### **Public Works (Street) Leaf Loader**

Public Works Director Mike Wilcox received quotes for a leaf loader, which was included in the FY 2013-2014 Budget as well as the Fleet Replacement Schedule.

The following bids were received:

<u>(1)Belt Driven VacuumLeaf Collector</u>	<u>Bid</u>	<u>Total</u>
ODB (John Deere 4045T)	\$20,241.00	\$20,241.00
Extreme Vac (LCT65 28" diameter blades)	\$21,600.00	\$21,600.00
Extreme Vac (XV600 32" diameter blades)	\$31,620.00	\$31,620.00

Staff recommended that low bidder ODB (John Deere 4045T) be awarded the bid in the amount of \$20,241.00.

### **Public Works (Sanitation) Garbage Truck**

Public Works Director Mike Wilcox received quotes for a garbage truck, which was included in the FY 2013-2014 Budget as well as the Fleet Management Schedule.

The following bids were received:

<u>(1)8-Yard Rear Loader Garbage Truck</u>	<u>Bid</u>	<u>Total</u>
Nu Life Environmental, Inc. (2014 Isuzu)	\$96,750.00	\$96,750.00
Amick Equipment (2013 New Way Diamondback)	\$110,731.58	\$110,731.58

Staff recommended that the bid be awarded to Nu Life Environmental, Inc. for \$96,750.00, excluding tax, title and tags.

## **2) FINANCING PROPOSALS**

2 Year not to exceed \$147,170

The Town of Blowing Rock requested financing proposals from nine (9) area banks to finance the acquisition of capital equipment approved in the FY 2013-14 Budget. The following responses were received:

<u>Bank</u>	<u>Fees</u>	<u>Rate</u>
BB&T	\$0	1.68%
United Community Bank	\$100	3.52%

Staff recommended the financing bid be awarded to BB&T for 1.68%.

Commissioner Steele asked if the capital equipment purchases/financing would be under budget. Mr. Fogleman stated with some possible adjustments, he expected the total to be under budget.

Commissioner Steele made a motion to award the bid to Dana Safety Supply for two (2) Police AWD Marked Sedans with cameras in the amount of \$73,402.00, and to ODB (John Deere 4045T) in the amount of \$20,241.00 for a belt driven vacuum leaf collector, and to Nu Life Environmental, Inc. (2014 Isuzu) in the amount of \$96,750.00. His motion also included the acceptance of a financing proposal from BB&T at a rate of 1.68%. The motion was seconded by Commissioner Phillips.

Commissioner Klutz asked Public Works Director Wilcox if a box for the leaf collector was needed immediately or if it could be purchased in the future. Mr. Wilcox advised that his department could wait until later to purchase another leaf collector box and would continue using their old one as well. Commissioner Klutz asked Mr. Wilcox if the purchase of the proposed leaf collector would alleviate the need to have contracted help. Mr. Wilcox explained there would still be a need to continue to pursue subcontracting for this work.

With no further comments, Mayor Lawrence called for a vote on Commissioner Steele's motion for approval. Unanimously approved.

## **2. Budget Amendment (Ord. #2013-13)**

Finance Officer Norman presented Council with Budget Amendment Ordinance #2013-13 for fiscal year 2013-2014 for consideration.

Ms. Norman stated that Section I (General Fund) would allocate loan funds towards the two Police vehicles from last year (\$49,470), recently received as well as FY 2013-2014 Capital Equipment (\$147,170). Fund Balance would also be allocated in this section as approved by Council towards the American Legion Building Renovation Project. This section would also allocate sales tax revenues towards the fee paid to Watauga County of 60% of additional proceeds received due to the sales tax distribution method change.

Section 2 (General Capital Fund) would allocate Miscellaneous Sidewalk Projects funds towards construction and engineering for Phase IV (a) of the Downtown Streetscape. This section also completes the transfer of fund balance towards the American Legion

Building Renovation Project, recognizing PARTF Grant Funding and reallocating Park Avenue Building Renovation funds towards the project.

Commissioner Steele questioned if the sales tax revenue received due to the redistribution of funds was a separate line item in the budget. Ms. Norman explained that it was not, but that the revenue had not yet been recognized and the figure used in the amendment for the fee to Watauga County was an estimate that could be adjusted once a final figure was known. Mr. Steele then asked how the funds would be tracked. Ms. Norman explained a final figure would be known in May after the final disbursement was received. Mr. Fogleman also responded that staff was tracking these revenues carefully.

Commissioner Matheson made a motion to approve Budget Amendment Ordinance #2013-13 as presented, seconded by Commissioner Phillips. Unanimously approved.  
**Budget Amendment Ord. 2013-13 – Exhibit A**

### **3. Resolution – Designation of Applicant’s Agent**

Town Manager Fogleman explained, as part of the application process to receive federal and/or state assistance on behalf of the Town of Blowing Rock, the governing board must adopt a resolution designating a Primary Agent and a Secondary Agent to act on behalf of the organization.

Mr. Fogleman stated the resolution, if approved by Council, would designate the Town Manager and Finance Director to serve as the Primary Agent and Secondary Agent respectively on behalf of the Town.

A motion was made by Commissioner Yount, seconded by Commissioner Klutz to accept the Resolution – Designation of Applicant’s Agent. Unanimously approved.  
**Resolution – Designation of Applicant’s Agent – Exhibit B**

### **4. Ransom Street Storm Water**

Town Manager Fogleman stated that Town Engineer, Doug Chapman, Town Staff and impacted Ransom Street residents had worked together to identify potential solutions, pros and cons, costs, and impacts to remedy the storm water issues in that area. Feedback from residents of Ransom Street had been received during a meeting held on site to discuss the various options. Mr. Fogelman then asked Town Engineer Doug Chapman to review the options.

Town Attorney Moseley stated since Commissioner Klutz was a property owner on Ransom Street and could be affected by the discussion being heard; he felt that Council should excuse Commissioner Klutz from this agenda item. Council concurred and Commissioner Klutz recused himself.

Mr. Chapman explained one of the reasons storm water issues were occurring in the area was due to a home being torn down which had affected the run-off from the lot; however the new owner of the property had been very agreeable in trying to help

alleviate the erosion problems by doing everything the Town had asked him to do, which included installing a silt fence, etc. Mr. Chapman also explained there were no ditches along the east side of Ransom Street.

Mr. Chapman then explained in greater detail, the following options with pros/cons as well as the cost to fix the storm water issues:

<u>Option</u>	<u>Description</u>	<u>Estimated Cost</u>
Option 1	Asphalt Berms	\$700
Option 2	Slotted Driveway Culvert & Ditch	\$23,500
Option 3	Asphalt Berm - Catch Basin & Culvert	\$97,900
Option 4	Curb & Gutter	\$249,600

Commissioner Matheson stated that he felt the Town would be throwing money away if berms were placed and had to be replaced if they were damaged. He also felt with Option #4, there would still be water run-off. Mr. Chapman described Option #4 in more detail.

Commissioner Steele had questions regarding the slotted grates and culverts that could be placed on the east side of the street. Mr. Chapman explained that the owner of the property was planning to construct a new home and during the construction process, a slotted grate could be placed at the end of his driveway to catch the run-off, a culvert could be placed at both of the Klutz properties to carry the water down the street.

Commissioner Steele asked Mr. Chapman if he owned property on Ransom Street which option would be the most effective way to help with the problem. Mr. Chapman stated that he would prefer that curb and guttering be placed on one side of the street.

Commissioner Phillips stated that Council should take this situation and use it as a template to fix other problem areas in town. He also thought it should be done correctly the first time so that it would not have to be fixed more than once.

Mr. Melvin Goulds, owner of 401 and 411 Ransom Street, stated he did not have a problem in the years that he had owned his property until the new home across the street was constructed and the ditch that carried the water was covered over and the home across the street had been torn down.

Mr. Goulds also stated that when he arrived from Florida in May his driveway was almost impassible due to storm water run-off. In order to repair the damage to his driveway he had trenched the area and poured concrete at an approximate cost of \$1,000.00.

Commissioner Yount asked Public Works Director Wilcox if there were other asphalt berms located on Ransom Street and were there problems with them being damaged during snow removal in the winter. Mr. Wilcox stated there were other asphalt berms on

Ransom Street and if they were damaged during snow removal, they were replaced when needed.

Ms. June Hege owner of 291 and 387 Ransom Street stated the left side of Ransom Street had been ditched at one time and she felt the ditch needed to be installed once again. Ms. Hege felt if the ditch was in place and the culverts were cleaned out, the problem could be alleviated on her property.

Commissioner Steele directed Public Works Director Wilcox to compile an estimate of costs for his department to install a ditch on the left side of Ransom Street and clean the culverts before winter.

Ms. Ruth Klutz owner of 396 Ransom Street stated she was not willing to have her driveway disturbed nor would she sign an easement should one be needed.

Mayor Lawrence suggested the Town place berms in the area as an immediate fix to the problem until a more permanent solution could be found.

Mrs. Ruby Walters owner of several properties on Ransom Street stated if berms were installed, water would then be directed onto her property.

Ms. Regina Pelmaeker a resident of Wallingford Street spoke in agreement with Commissioner Phillip's statement that this situation should be used as a template to fix other problem areas in town, because she had drainage and storm water problems for several years on her property.

Commissioner Phillips asked which solution the residents of Ransom Street had indicated they felt would fix their problems. Mr. Fogleman said that Option #4 had been the preference for a more permanent solution.

Commissioner Phillips asked if Option #4 could be broken down into phases and Council given the costs of the phases. Mr. Fogleman stated that could be done and the costs would be given to Council along with the estimated costs for Town Staff to complete Option #2.

Commissioner Yount stated the problem had occurred when the "Smith" house had been torn down and a silt fence had not been installed; however, there was a silt fence in place now. He felt the vacant lot was the main issue. Mayor Lawrence stated the lot had now been seeded and measures had been taken by the owner to help alleviate the problem.

Mr. Goulds stated the problem had occurred when the new house had been constructed across the street and the ditch that was there had been filled in and covered over. He felt if the ditch was opened up this would help.



Commissioner Steele made a motion for staff to proceed with getting cost estimates to place a ditch on the west side of Ransom Street as outlined by Mr. Chapman and for prices to be gotten to do Option #4 in phases. He asked that this information be returned to Council at their next meeting in November and for this to be used as an example template to fix future problems. Commissioner Phillips seconded the motion.

Commissioner Yount asked if Commissioner Steele would agree to add into his motion for the ditch to be fixed at the Brumley property across from Mr. Goulds. Commissioner Steele agreed. Commissioner Yount also asked if Commissioner Steele had thought about costs for any potential right-of-way purchases. Commissioner Steele said that the cost estimates that he had requested would not include any right-of-way purchases; that would be determined later. Mayor Lawrence called for a vote on Commissioner Steele's motion. Unanimously approved.

Commissioner Klutz returned to the meeting at this time.

## **INFORMATION**

### **1. Grant Application Updates:**

**-Livable Communities in Appalachia** – Possible \$50K with no match requirement.

Parks and Recreation Director Jennifer Brown stated she was looking into a grant through the Appalachian Regional Commission (ARC) in the amount of \$50,000.00. She stated the ARC wanted to use these grants to promote economic development while helping traditional downtowns thrive and improve the quality of life for community residents. The grant was themed as Food Systems and any communities selected would need an interest in developing local food systems as a means of promoting economic competitiveness and economic diversification.

Ms. Brown advised that a letter of intent had been crafted to the ARC explaining the Town's interest in developing a program that would be implemented should the grant be awarded. She explained the roof would be replaced on the old firehouse building on Park Avenue so that area could be used as a shelter to host year round farmers markets.

An educational program would also be started where members of the farmers market could teach area youth during the Summer Day Camp Program about nutrition, sustainability, self-reliance, and entrepreneurship. The children could learn how to plant and raise some of their own food. This program would be named "Fields to Meals".

Commissioner Steele commented that he liked the idea very much, however, the old firehouse had been viewed as a place to hold the farmers market before and the building had been deemed unsafe due to electrical problems, the garage doors needed to be replaced, bathrooms needed to be brought to compliance, etc. Commissioner Steele thought even though \$50,000.00 would be a beginning, it would not cover all the costs to upgrade the building.

Ms. Brown stated that she had walked through the building with Building Inspector John Warren and also with Public Works Director Mike Wilcox to talk about needed improvements. She stated that she was unsure if the grant would be received, but if they did receive the money, it would be a nice start to improving the building.

Mr. John Aldridge also spoke in favor of the grant and stated the Chamber of Commerce supported the idea.

Mr. Charles Hardin, Chamber Executive Director commented it would be helpful to have a year-round location for the farmers market.

Ms. Laurin Carter also spoke in favor of the year-round farmers market, stating that produce such as nuts, fruit, etc. could be obtained in Asheville to sell at the market in the winter months.

#### **SPEAKER FROM THE FLOOR**

Ms. Regina Pelsmaeker a resident of 426 Wallingford Street stated that she and her family were disturbed as early as 7:00 a.m. on Saturday morning during the Mayview Madness Race by race officials speaking into a bull horn and by loud music. She had asked race officials to be quieter so as not to disturb residents in the area; to no avail. She had then called Mayor Lawrence to complain. Ms. Pelsmaeker stated she was not against the race, however, she felt that neighborhoods should not be disturbed so early on a Saturday morning.

Mayor Lawrence thanked Ms. Pelsmaeker for her comments and stated that she did have a point and during future events such as this, stipulations could be further discussed regarding bull horns and loud music.

#### **ADJOURN**

With no further business to discuss, the meeting was adjourned at 7:08 p.m.

**MAYOR** \_\_\_\_\_  
**J.B. Lawrence**

**ATTEST** \_\_\_\_\_  
**Sharon Greene, Town Clerk**

#### **ATTACHMENTS** (10-08-13)

Budget Amendment Ord. 2013-13 – Exhibit A

Resolution – Designation of Applicant's Agent – Exhibit B