

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-February 12, 2013

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, February 12, 2013 at 5:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, 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, 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 Matheson to approve the minutes for the January 8, and January 20-22, 2013 meetings with a correction to the January 8th minutes under Public Hearings #3 Land Use Code Amendment. Commissioner Matheson advised the draft minutes stated that Commissioner Klutz made the motion and seconded the motion as well. He asked that this be corrected. Commissioner Klutz seconded his motion. Unanimously approved.

APPOINTMENTS

Town Manager Hildebran stated that based on Council's discussion during their 2013 Retreat and follow-up with perspective appointments, the following are proposed for 2013 volunteer board appointments:

- **Planning Board (Appointments Effective March 2013 Meeting)**
 - Debbi di Santi, reappoint to three-year term ending 2016
 - David Laughter, reappoint to a three-year term ending 2016
 - Ray Pickett, reappoint to a three-year term ending 2016
 - Natalie Bovino, appoint to an unexpired term ending 2015 (ETJ)

- **Board of Adjustment (Appointments Effective March 2013 Meeting)**
 - Mark Klein, reappoint to a three-year term ending 2016
 - Annie Whatley, reappoint to a three-year term ending 2016
 - Suzanne Wilson, appoint to a three-year term ending 2016 (Alternate)
 - Joe Papa, appoint to an unexpired term ending 2014 (Alternate)

- **ABC Board (Appointment Effective July 2013)**
 - Robert "Bob" Miller, reappoint to a three-year term ending 2016

- **TDA Board (Appointments Effective March 2013)**

- Rob Dyer, reappoint to a three-year term ending 2016 (Lodging-Related)
- Kent Tarbutton, reappoint to a three-year term ending 2016 (Lodging-Related)
- Kent Tarbutton, reappoint as Chairperson for a one-year term

Town Manager Hildebran advised that all prospective members had agreed to accept their appointments.

Commissioner Yount made a motion to approve all appointments as presented, seconded by Commissioner Matheson. Commissioner Phillips commented that under the circumstances in which the prospective appointees were contacted regarding their reappointments, he didn't feel that other candidates should be sought if current members wished to be reappointed. Therefore, Commissioner Phillips stated he would be voting "no". In favor of the motion: Matheson, Yount, Steele, Klutz. Against: Phillips. Motion carried.

OLD BUSINESS

1. Town Code Amendment – Tours (Ord #2013-02)

Planning Director Rothrock stated that during the January Council meeting, a public hearing was held to discuss and consider a Town Code amendment to regulate walking tours downtown. At that time, Council decided to table a decision until further study was completed.

Since the January meeting, staff had revised the draft ordinance to address some of the comments that were received, including:

- Added that tour groups should cross streets at designated crosswalks
- Confirmed that the minimum liability insurance is required
- Removed any reference that a public hearing is required or that Town Council has to approve the walking tour
- Reduced the one-year permit fee to \$25.00 so the total fee including business license is \$50.00
- Amplification devices audible by the public are prohibited, including non-profit tours which are otherwise exempt by the ordinance (earphones/earplugs are allowed)

Commissioner Klutz commented that he did not feel this ordinance was needed at this time. He further stated that walking tours had probably been happening for years without anyone being aware and he didn't feel the town was being pro-active with this ordinance.

Planning Director Rothrock responded that parameters were needed to protect the Town should someone fall and get injured while attending a tour for example.

Commissioner Klutz again stated that he felt a walking tour was a service to the Town and community and he didn't like the idea of charging a fee, or liability insurance being required.

Commissioner Phillips mentioned in the summer the sidewalks were already overcrowded and he was concerned with enforcing the number of people attending a walking tour. Town Manager Hildebran stated enforcement would be complaint-driven and enforced by the Police Department.

Commissioner Yount inquired if the Town had ever experienced a problem with walking tours. Town Manager Hildebran stated he was not aware of any problems occurring.

Audience member Ginny Stevens commented that while the Blowing Rock Historical Society was trying to conduct walking tours as mentioned at the last meeting, problems had occurred from an overflow of people who wanted to join tours in progress which caused groups to overflow into people's yards, etc.

Mayor Lawrence stated that he thought it would be good for the Town to have guidelines in place should there be an interest in walking tours later.

Commissioner Matheson mentioned that he would like something in the ordinance regarding crowd control.

Commissioner Steele said that based on what he was hearing from other members of Council, some wanted to move forward with the ordinance in order to have some guidelines in place, while others wanted to wait until a problem arose. Commissioner Steele stated he knew of only one person that had expressed an interest in holding a walking tour and the only problem that he could see would be with (walking tour) attendees being on people's lawns and he felt the police would be called if this happened. Commissioner Steele stated he felt an ordinance wasn't needed at this time. It was the consensus of the Council to not move forward with the adoption of Ordinance #2012-02 at this time.

2. Resolution to Support 2013-2015 State Funding for Clean Water MTF (Res #2013-02)

Town Manager Hildebran expressed that during the January Council meeting, this item had been deferred pending action from the NC League of Municipalities at their Advocacy Goals Conference. At their meeting on January 24, 2013, NCLM members had approved an advocacy goal to "seek legislation to increase Clean Water Management Trust Fund appropriations and restore the fund's recurring appropriation" in the 2013-14 Legislative Biennium.

Mr. Hildebran presented Council with Resolution #2013-02 supporting the NC Clean Water Management Trust Fund and encouraging the Governor and the General Assembly to consider an increase in recurring funding for the 2013-2015 Biennial Budget for consideration.

Mr. Hildebran further reviewed the establishment of North Carolina's Clean Water Management Trust Fund (CWMTF) and how funds were appropriated. He advised that the Town had been a recipient of such funds over the past ten years in the total amount of \$241,000.00.

With no further discussion, Commissioner Steele made a motion to approve Resolution #2013-02 as written, seconded by Commissioner Phillips. Unanimously approved.
Resolution to Support 2013-2015 State Funding for Clean Water MTF (Res #2013-02) – Exhibit A

NEW BUSINESS

1. ARHS – Temporary Access Road Request (Res #2013-03)

Town Manager Hildebran stated that as Council is aware, Appalachian Regional Healthcare System (ARHS) plans to construct a new 112-bed state-of-the art post-acute care facility to replace the aging Blowing Rock Hospital. The facility would be approximately 83,350 square feet and located on a portion of a 68-acre tract at the intersection of US 321 and Edmisten Road.

In order to expedite the project, prior to construction of a new permanent access road to the site, a temporary access road to enter the property would be necessary. The North Carolina Department of Transportation (NCDOT) was currently working with ARHS to fund and construct a temporary access road to the facility site. With the project being located in Blowing Rock, NCDOT requires a resolution from the local government requesting assistance.

Commissioner Klutz asked if a stop light would be installed. Mr. Hildebran stated there were no plans for one that he was aware of since only construction traffic would be entering the site.

Commissioner Yount inquired why NCDOT was asking for the Town's support regarding the temporary access and would this make the Town liable in some way. Mr. Hildebran stated the road would not be the Town's responsibility.

After reading the resolution, Mayor Lawrence stated if adopted, the Town would be showing support for the construction of the temporary access road into the site only.

With no further comments, Commissioner Phillips made a motion to approve Resolution #2013-03 as written, seconded by Commissioner Steele. Unanimously approved.
ARHS – Temporary Access Road Request (Res #2013-03) – Exhibit B

2. Schedule of Fees/Charges – Adjustments

Town Manager Hildebran expressed that during the 2013 Planning Retreat, Council agreed that various adjustments were needed in the Schedule of Fees/Charges. He then reviewed the proposed changes:

- **Off-street Parking In-Lieu fee**

Due to economic conditions, reduce downtown off-street parking in-lieu fee by 50%, with a 3-year sunset provision - \$15,000.00 per space to \$7,500.00 per space through February 2016.

- **Summer Day Camp**

In order for a more customer-friendly streamlined approach, staff proposed to have an all-inclusive rate which would include field trip fees and a required t-shirt for field trips. Currently, the Town charges taxpayers \$50 per week and non-taxpayers \$110 per week with an additional charge for an optional t-shirt (\$10 one-time fee) and field trips (amounts vary per week per field trip). Staff proposes to change the rate to \$60 per week for taxpayers and \$120 per week for non-taxpayers which would include a t-shirt and field trips. Not only would this be more convenient for the customer, it would also make the administrative process much easier and insure all participants a t-shirt for identification and safety.

- **Robbins Swimming Pool**

The proposed adjustment differentiates the child, adult and senior daily rates between the Blowing Rock taxpayer and non-taxpayer by adding a \$1 increase to the non-taxpayer and adding a \$5 increase to the pool pass rate for non-taxpayers. This is expected to recover slightly more than the revenue that was lost due to the county's decrease in allocations to the Town.

Also, the proposal includes a non-swimmer reduced rate to enhance customer satisfaction and respond to customer demand for this option.

2012 Daily Fees

\$3 for children under 12/55 and over

\$4 for 12-54

Regular price for non-swimmers

Proposed 2013 Daily fees

\$3 for children under 12/55 and over
(BR Taxpayers)

\$4 for 12-54 (BR Taxpayers)

\$4 for Children under 12/55 & over
(Non-taxpayer)

\$5 for 12-54 (Non-taxpayers)

\$2 for non-swimmers

2012 Pool Pass Fees

Individual \$50

Family of 4 \$90

Family of 5 \$110

Family of 6 \$120

Proposed 2013 Pool Pass Fees

Individual

\$50 – Taxpayer/\$55 Non-taxpayer

Family of 4 \$90 –

Taxpayer/\$95 Non-taxpayer

Family of 5

\$110 – Taxpayer/\$115 Non-taxpayer

Family of 6 \$120

Taxpayer/\$125 Non-taxpayer

Commissioner Yount expressed that he had a problem with changing the in-lieu parking fee since there were others who had paid into the parking fund at the full amount. He asked for further clarification regarding a business changing use and the parking requirements. Mr. Rothrock explained that the businesses already in town were grandfathered in and did not need to change their parking to meet current requirements, and unless a retail business changed use to a restaurant, no further parking spaces would be required. If a restaurant were to be proposed and depending on the size; additional parking spaces would be required. He also advised that new construction of any business would be subject to the parking requirements.

Commissioner Yount stated that he would like for the parking requirements to be dealt with on a case-by-case basis during the CUP process.

Mr. Rothrock stated the Town needed some guidelines to go by should someone come in with an application so that he would be able to tell them what would be required. Commissioner Phillips made a motion for approval of all proposed changes to the Schedule of Fees/Charges as presented, seconded by Commissioner Klutz.

Commissioner Steele commented that during the current economic time, he wished there were no roadblocks of any kind when a new business wanted to come to town, but he understood why the Town needed certain guidelines.

Mayor Lawrence called for a vote on the motion. In favor of Commissioner Phillip's motion: Phillips, Steele, & Klutz. Against: Yount & Matheson. Motion carried.

3. Wastewater Treatment plant CIP Phase II – Change Order #2

According to Town Manager Hildebran, in May 2012, Town Council authorized the execution of a contract with Green Construction Inc for \$408,998 to construct improvements to the Wastewater Treatment Plant.

As the project has moved forward, some additional unexpected items requiring attention had been identified. The additional work included clarifier repairs, sludge pump station repairs, electrical upgrades, lighting, drainage, sludge return replacement, air valves, a new portable hoist and associate labor.

Change Order # 2 would include a deduction of \$19,825.00 for sludge removal savings and new work totaling \$28,266.14 for a net contract increase of \$8,441.14. The change order would also extend completion time by 14 days to April 4, 2013.

Mr. Hildebran advised that all additional costs would be funded from a budgeted project contingency of \$40,900. The revised contract amount with Greene Construction, Inc would be \$444,481.70. With increased engineering services for the scope of work, McGill Associates proposed a not to exceed fee of \$2,500, leaving the project contingency balance of \$2,916.30. Mr. Hildebran stated the project was still under

budget and that Doug Chapman was present to answer any questions that Council might have.

Commissioner Yount expressed his dismay with the change order. He commented this was happening too frequently. Mr. Chapman explained that there were several unforeseen items that were in need of repair during Phase II of the project.

Town Manager Hildebran also stated that the change order did not have to be approved, but the repairs were recommended in order for the wastewater plant to run more smoothly.

Commissioner Yount advised that he understood that these things happen, but if he had not questioned it, he would not have known this wasn't actually a change order to the project, but rather additional work.

Commissioner Klutz questioned the age of the clarifier that was being repaired. Mr. Chapman advised the clarifier had been replaced 3 to 4 years prior.

Commissioner Yount advised that he understood the changes, but this should never have been represented as a change order. Commissioner Steele stated that he understood this to be additional work needed outside the original contract.

After further explanation regarding the change order request from Mr. Chapman, Commissioner Yount made a motion to approve Change Order #2 as presented, seconded by Commissioner Steele. Unanimously approved. **Wastewater Treatment Plant CIP Phase II - Change Order # 2 – Exhibit C**

4. Tax Collectors 2012-13 Delinquent Report & Advertisement of Tax Liens Order

Pursuant to North Carolina General Statute 105-373, a list of unpaid taxes on real property was presented to Council along with an order to advertise the 2012 past due taxes beginning March 21, 2013 if approved.

Commissioner Klutz made a motion to accept the report as presented and to begin advertisement of unpaid taxes on March 21, 2013. The motion was seconded by Commissioner Phillips. Unanimously approved. **Tax Collectors 2012-13 Delinquent Report & Advertisement of Tax Liens Order – Exhibit D**

SPEAKERS FROM THE FLOOR

Ms. Ginny Stevens invited Council and those present to the Town's 124th Birthday Party to be held on Monday, March 11, 2013 at Town Hall beginning at 3:30 p.m.

DEPARTMENTAL UPDATES

Town Manager Hildebran reminded Council about the Intergovernmental Meeting to be held on March 4, 2013 beginning at 5:00 p.m. The location of the meeting was yet to be determined.

Ms. Stevens also mentioned that a permanent name/marker would be placed on the little white pictorial museum, naming it "The 1888 Cottage," if Council agreed. All members agreed.

Commissioner Phillips stated that he and Commissioner Steele had attended the Watauga County Board of Commissioner's meeting recently and were invited to attend their Retreat to be held in March to listen to discussion regarding an ambulance base in Blowing Rock.

Commissioner Matheson also stated that he had met with two Watauga County Commissioners to discuss this matter as well.

Town Manager Hildebran reminded Council that no more than two Councilmen could attend the meeting without public notice and that EMS Director Graham would also be attending.

Commissioner Steele responded that he felt it would be beneficial for everyone if Blowing Rock and Watauga County worked closer together and developed a more personal relationship.

Mr. Hildebran then invited Mr. Ron Hudspeth with ARHS to come forward to give a brief update on the proposed post-acute care project.

Mr. Hudspeth stated that ARHS hoped to begin construction on the new project in the early summer once their conditional use permit was approved. He advised that Vannoy Construction Co would be the general contractor and the projected opening date would be the late fall of 2014. With this new addition, 59 new jobs would be created.

After the construction of the post-acute care facility, ARHS hoped to begin with Phase II, which would be a retirement community facility.

At 6:05 p.m., Commissioner Steele made a motion to move to executive session pursuant to NCGS 143-318.11 (5), seconded by Commissioner Klutz. Unanimously approved.

ADJOURN

At 6:36 p.m. Council returned to their regular meeting, there being no further business to discuss, the meeting adjourned.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (02-12-13)

Resolution to Support 2013-2015 State Funding for Clean Water MTF (Res #2013-02) – Exhibit A

ARHS – Temporary Access Road Request (Res #2013-03) – Exhibit B

Wastewater Treatment Plant CIP Phase II - Change Order # 2 – Exhibit C

Tax Collectors 2012-13 Delinquent Report & Advertisement of Tax Liens Order – Exhibit D