



# Town of Blowing Rock

Date: Tuesday, May 12, 2020, 6:00 p.m.

Location: Remote Meeting

## Agenda

<i>Item</i>		<i>Present &amp; Participants</i>
I.	<b>CALL TO ORDER – ROLL CALL FOR ATTENDANCE</b>	Mayor Charles Sellers
II.	<b>APPROVAL OF MINUTES – By Roll Call</b> <b>1. April 14, 2020 – Regular Meeting Minutes</b>  <b>REGULAR AGENDA ADOPTION - Vote by Roll Call</b>	Mayor & Council  Mayor
III.	<b>PUBLIC COMMENTS – emailed or mailed to the Town Clerk prior to 4:00pm on May 12<sup>th</sup>.</b>	Mayor/Town Manager will read, and Council will have the opportunity to respond
IV.	<b>PUBLIC HEARING:</b> <b>1. Speckled Trout – CUP 2018-01</b>	Planning Director Kevin Rothrock
V.	<b>BUSINESS MATTERS:</b>  <b>1. BRAHM Sculpture Request</b> <b>2. Ad Hoc 321 Committee Update</b>	Parks & Rec Director Jennifer Brown Planning Director Kevin Rothrock
VI.	<b>OFFICIALS REPORTS &amp; COMMENTS:</b> <b>1. Mayor</b> <b>2. Council Members</b> <b>3. Town Attorney</b> <b>4. Town Manager</b>	
VII.	<b>ADJOURNMENT/RECESS...<i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i></b>	

**Draft**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**April 14, 2020**

The Town of Blowing Rock Town Council met via Zoom virtual/phone session for their regular monthly meeting on Tuesday, April 14, 2020, at 6:00 p.m. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Doug Matheson and Virginia Powell. Others in attendance were Town Manager Shane Fox, Town Attorney Allen Moseley, Public Works and Utilities Director Matt Blackburn, Planning Director Kevin Rothrock, Fire Chief Kent Graham, Police Chief Aaron Miller, Parks and Recreation Director Jennifer Brown, Finance Officer Nicole Norman and Town Clerk Hilari Hubner who recorded the minutes.

**CALL TO ORDER**

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor verified attendance via roll call.

**REGULAR AGENDA ADOPTION**

Mayor Pro-Tem Sweeting made a motion to approve the agenda as presented, seconded by Council Member Matheson. Unanimously approved.

**MINUTE APPROVAL**

Council Member Matheson made a motion to approve the minutes from the March 12, 2020 regular and closed session Council meetings, seconded by Mayor Pro-Tem Sweeting. Council Member Harwood advised he would like to request a correction to the regular meeting minutes; on page 5, in the 7<sup>th</sup> paragraph it stated, "*Council Member Harwood advised he did have communication written or verbal*". Correction is: "*Council Member Harwood advised he did not have communication, written or verbal.*" Mayor Pro-Tem Sweeting made a new motion to approve as amended, seconded by Council Member Matheson. Unanimously approved.

**SPEAKERS FROM THE FLOOR**

None

**BUSINESS MATTERS:**

**1. Remote Meeting Policy**

Manager Shane Fox advised staff put together a policy for "Remote Meetings" to use during this time as well as potential use for the policy in the future. The proposed policy had been reviewed and approved by Town Attorney Allen Moseley. Manager Fox explained the policy allows Council to meet remotely either via audio or video as well as allows Volunteer Town Boards to conduct the meetings the same way. He further explained staff utilized a number of resources across the state including the School of Government and the policy was a standard one that has been passed around the State.

Manager Fox advised the policy does suffice under open meeting laws per NC General Statute Chapter 143.

Manager Fox explained the policy would go into effect when a State of Emergency is declared, both now and in the future.

Council Member Powell stated she didn't want to make this the new normal for the way meetings are conducted. She explained in her opinion it is "healthier" to meet face to face when possible.

Council briefly discussed and all understood this policy is for cases of the declaration of a state of emergency and if approved will be available for future use.

Council Member Harwood asked if the policy should include language stating that a meeting can be called by the Mayor, Mayor Pro-Tem or two Council Members. Manager Fox advised he could add that if Council would like him to.

After brief discussion the consensus amongst Council was to add that to the policy.

Manager Fox advised he wanted to reiterate to make sure all were aware that two ways were provided to the Public for them to be a part of the meeting, either emailing their questions/concerns or mailing them to the Town's address. No questions or concerns were sent this time. He further advised that is part of the policy, so he wanted to make sure all were aware of that.

Council Member Harwood made a motion to approve the policy with the addition to 5 1B; inclusion of the language a special meeting may be called by the Mayor, Mayor Pro-Tem or two Council Members, seconded by Council Member Powell. Unanimously approved.

### **OTHER BUSINESS**

- Mayor Sellers – Thanked Council Members, staff and everyone who had gone above and beyond. He felt the community had really pulled together.
- Mayor Pro-Tem Sweeting – Stated she had been concerned with businesses in Town suffering during the shutdown. She wanted Council to think about having a celebration when this is over to bring people back to Town. She advised she could discuss with the Chamber and see what their thoughts were. Thanked Manager Fox for his leadership and staff for their hard work.
- Council Member Matheson - Advised this was one of the first times he has ever known a time like this in our Town with it being so empty. He stated he was so very proud of the way everyone has had each other's back a keeping an eye out during this time. He reminded Council is asking people just coming into Town to quarantine for fourteen days to protect the people in Town. He further stated he was so proud of the way the Town and the county came together in the unique way to show support for the Greene family with "William's Parade". He also

thanked all the heroes in Town; Fire/EMT, Police and Town employees all working during this time.

- Council Member Yount – Thanked Manager Fox and Staff and stated Manager Fox is carrying a huge personal burden, which he personally is aware of how difficult that can be, but Manager Fox has not let that get in the way.
- Council Member Powell – Advised this pandemic has personally given her family a perspective on where they want to be in such a situation. She explained she feels safe and proud to be on Council. Felt Council has been kept well informed by Manager Fox and the County. She further thanked all of Council and staff for their hard work during this time.
- Manager Fox – Thanked Council for their leadership during this time and well as thanked staff for all their hard work. He advised the projects that were approved prior to the COVID-19 pandemic, Paving, Bass Lake Sidewalk Project and Memorial Park, will still be happening.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

At 6:45 p.m. Council Member Yount made a motion to adjourn, seconded by Council Mayor Pro-Tem Sweeting. Unanimously approved.

**MAYOR** \_\_\_\_\_  
**Charlie Sellers**

**ATTEST** \_\_\_\_\_  
**Hilari Hubner, Town Clerk**

**ATTACHMENTS**

**Remote Meeting Policy – Attachment A**

## STAFF REPORT

TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CUP 2018-01 The Speckled Trout - Amendment

APPLICANT: The Speckled Trout, LLC

DATE: May 12, 2020 – remote electronic

### **REQUEST**

The Speckled Trout, LLC is requesting an amendment to their conditional use permit to renovate and expand the covered deck and the outdoor seating area. The property is located at 922 Main Street at the intersection of Hwy 221. The property is zoned CB, Central Business. The subject property is in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2807-98-2723-000.

### **BACKGROUND**

Speckled Trout made some significant modifications to the restaurant building and property the past few years including the addition of an antique wine cask displayed at the front entrance door. The wine cask was approved through the issuance of a conditional use permit in January 2019.

The new owners of the restaurant also purchased the adjoining parking lot to secure parking for their restaurant to offset the loss of parking in front of the building.

### **PROPOSAL**

The restaurant owners would like to expand the front deck 44 inches from its current location and construct a roof over the deck where its currently a fabric awning. The proposed addition would encroach about 3 feet into the 15-foot setback. The 15-foot setback is measured from the back of the proposed sidewalk along Main Street and Hwy 221 which is going to be constructed within the next several months.

The restaurant is limited to 40 outdoor seats and no additional outdoor seating is being proposed, just some of it relocated to the proposed expanded decking.

### **PLANNING BOARD RECOMMENDATION**

At the April 23, 2020 remote electronic meeting, the Planning Board recommended approval of the CUP amendment application with the following conditions:

1. The roof pitch on the deck roof must not be less than what is shown on the plans submitted and as close to 6:12 as possible.

## **ATTACHMENTS**

1. Draft CUP Amendment
2. Letter from Emily and Erica Brinker
3. Site plan from proposed Bass Lake sidewalk plans
4. Setback photos
5. Proposed building elevations

Draft

Speckled Trout

Conditional Use Permit No. 2018-01 - Amendment

NORTH CAROLINA

WATAUGA COUNTY

**MAJOR AMENDMENT TO  
TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT  
Speckled Trout  
CUP No. 2018-01**

On the date listed below the Town Council of the Town of Blowing Rock held a remote electronic public hearing to consider the following application:

Applicant: Emily Brinker and Erica Brinker

Project Name: Speckled Trout

Property Location: 922 Main Street

Tax Parcel Nos.: 2807-98-2723-000

Property Owners of Record: John Lett and Pat Boylan

Proposed Use of Property: Restaurant as currently used

Specific Request: To allow a deck extension and permanent roof structure over deck

Current Zoning Classification of Property: CB, Central Business

Meeting Date: May 12, 2020 – remote electronic

Having heard all of the evidence and arguments presented at the above-referenced hearing, the Blowing Rock Town Council finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:



1. The Applicant shall complete the development of the subject property in accordance with the site plans submitted to and approved by the Council, except as amended by the following conditions. Where said plans are in conflict with the provisions of the Land Use Code, the provisions of the Land Use Code shall prevail, except as specifically provided herein. Copies of said plans are made a part hereof as if fully rewritten herein, and shall be maintained in the Conditional Use Permit file in the Town Clerk's office. Any deviations from or changes in the plans must be pointed out to the Administrator in writing and specific written approval must be obtained as provided in the Blowing Rock Land Use Code.
2. Consistent with Section 16-4.10.3 of the Land Use Ordinance, the Board of Commissioners finds:
  - (a) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
  - (b) The use or development complies with all required regulations and standards of the Land Use Ordinance or with variances thereto, if any, and with all other applicable regulations.
  - (c) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.
  - (d) The use or development will not substantially injure the value of adjoining or abutting property.
  - (e) The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Town of Blowing Rock Comprehensive Plan, and any other duly adopted plans of the Town.
3. Consistent with Section 16-12.6.1.2.2, the Applicant is hereby permitted to expand the front deck and erect a permanent roof cover up to 44 inches from the existing deck limits, with the following specific conditions:
  - (a) No portion of the deck/roof structure shall be less than 10 feet from the back of the proposed sidewalk along Main Street or Hwy 221.
  - (b) The deck extension shall match the sketch plans submitted for review.
  - (c) The roof pitch of the deck roof shall not be less than the pitch depicted on the sketch plans and as close as possible to 6:12 as the existing roof slope will allow.
4. All signage shall conform to the Land Use Ordinance.
5. Outdoor seating is limited to 40 seats, as specified in Zoning Permit # Z-17-39.
6. The restaurant shall maintain one (1) van-accessible handicap space on the adjacent gravel parking lot area. The space shall meet the NC Building Code.
7. The dumpster enclosure shall be maintained in a neat condition and free of trash and debris.
8. The handrail placed around the outdoor seating area is subject to relocation by the owners for the future construction of a sidewalk along Main Street and Hwy 221.
9. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.



10. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect. All conditions of the original conditional use permit shall remain in effect, except as amended herein.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit Amendment, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: \_\_\_\_\_  
Charlie Sellers, Mayor

ATTEST: \_\_\_\_\_  
Hilari H. Hubner, Town Clerk

(CORPORATE SEAL)

**APPLICANT**  
The Speckled Trout, LLC

By: \_\_\_\_\_  
Emily Brinker

4-20-20

Dear Town of Blowing Rock,

We are excited to share a few modifications we would like to make to the exterior of our building. Our first renovation, in 2017, completely transformed the inside of The Speckled Trout and launched our reinvented menu. But we did not do much to improve the outside dining area of the restaurant.

Locals and visitors alike come to Blowing Rock to enjoy the amazing climate and outdoor amenities. We are hoping to make some improvements to increase our outside dining area to give our guests more of what they are seeking.

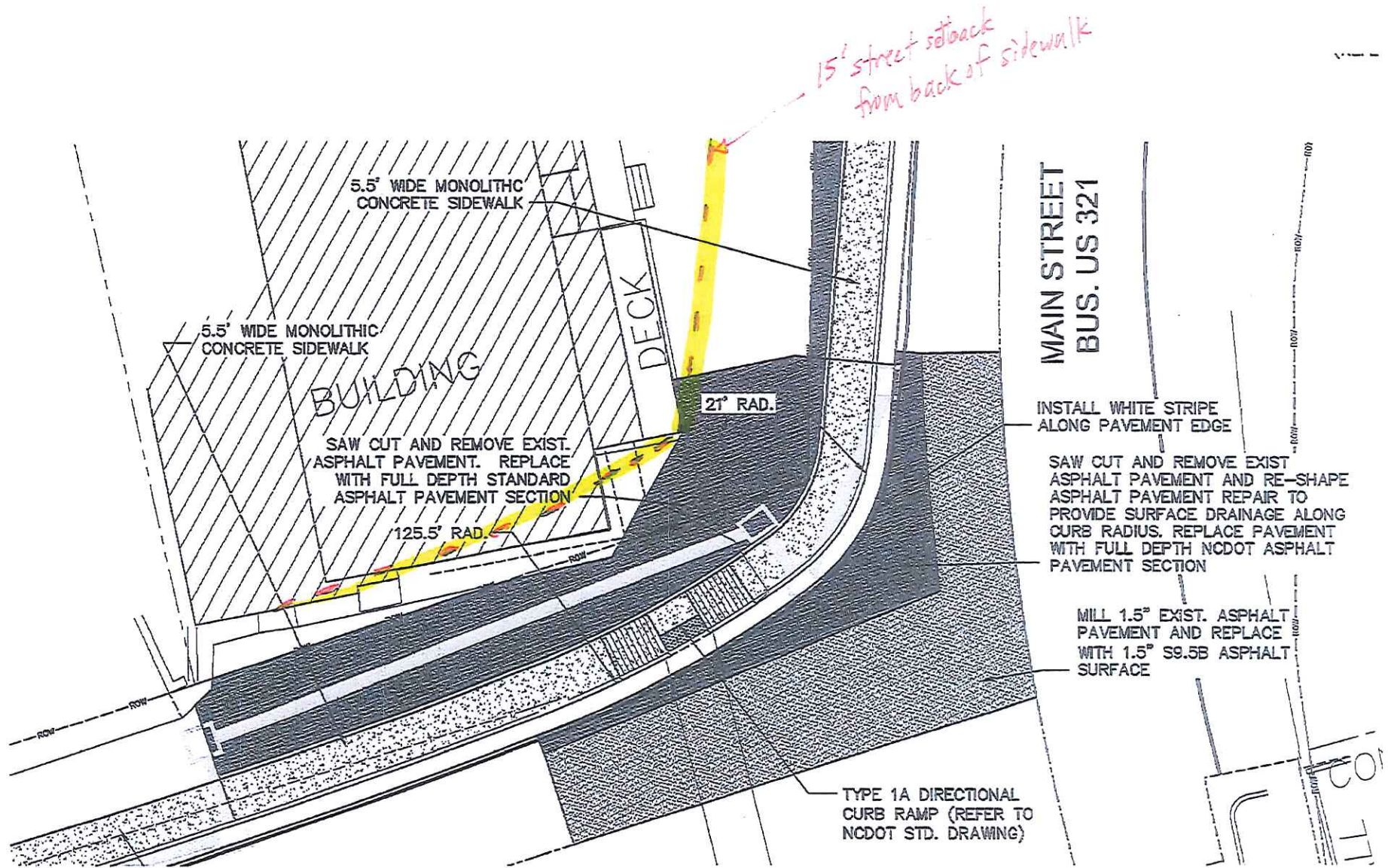
We are proposing expanding our covered deck to allow us 3 more tables. We would lose our current porch bar seats to accommodate the additional tables. This would bring our outside dining count to 40 which is our max. This includes 3 - 6 top picnic tables, 4 - 4 top tables and 3- 2 top tables on the porch. We will continue to use our perimeter railing and stools as our waiting area and prime people watching spots.

Our expansion would also allow us to replace our vinyl awning with a gable roof and cedar shake siding. This is in keeping with the building design on 221, as well as most of our neighboring establishments. A gable roofline would clean up the front entrance and provide balance to our façade.

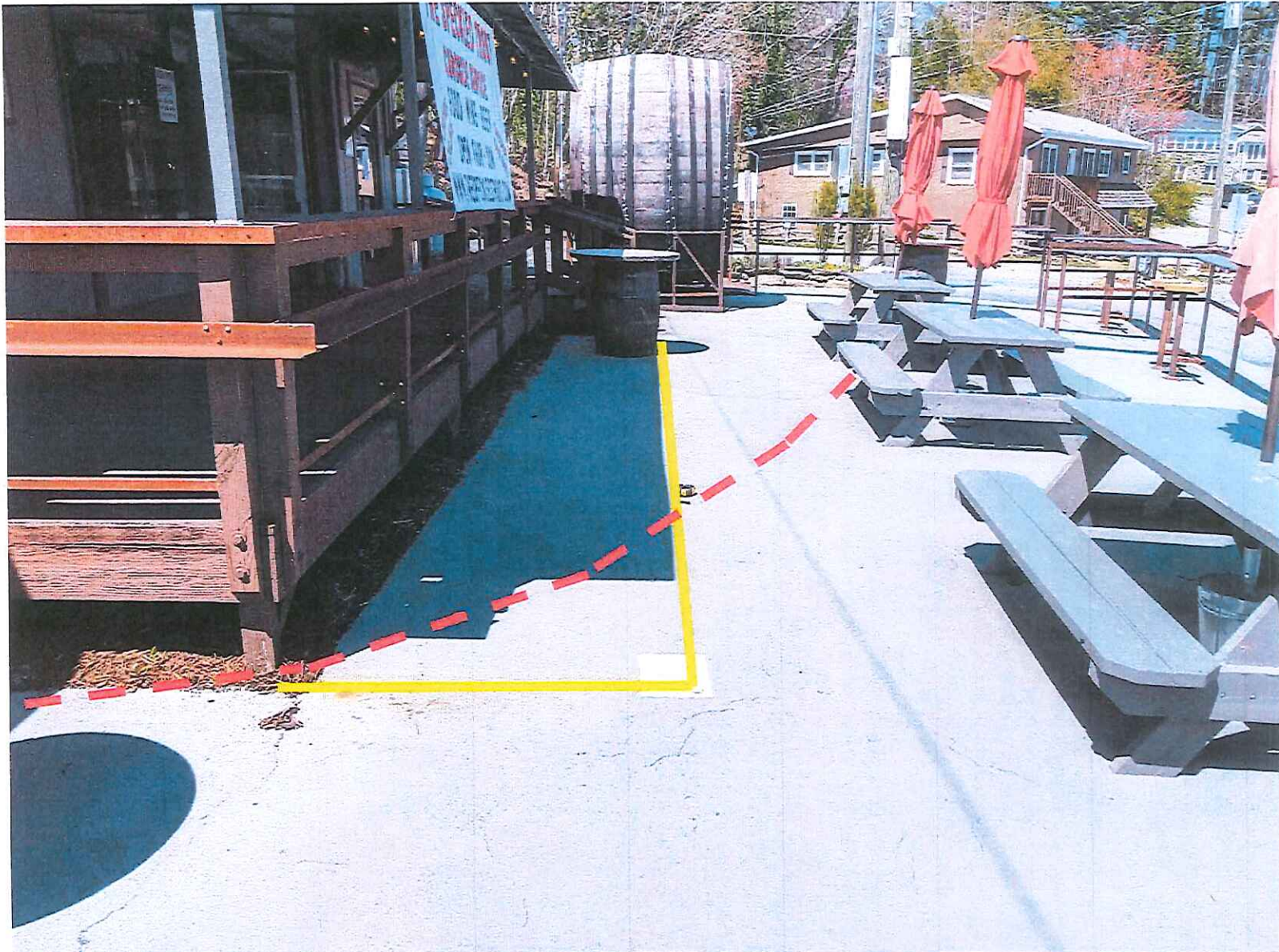
By expanding our porch 44" we would slightly encroach into the setback on the corner of the property line. We are asking for a variance in this corner so we can increase the deck all the way across. This will allow us to create a more aesthetically pleasing roofline on the Main St side and present a more polished establishment.

Thank you for your support and consideration,

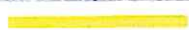
*Erica Brinker and Emily Brinker*



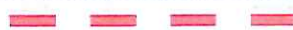


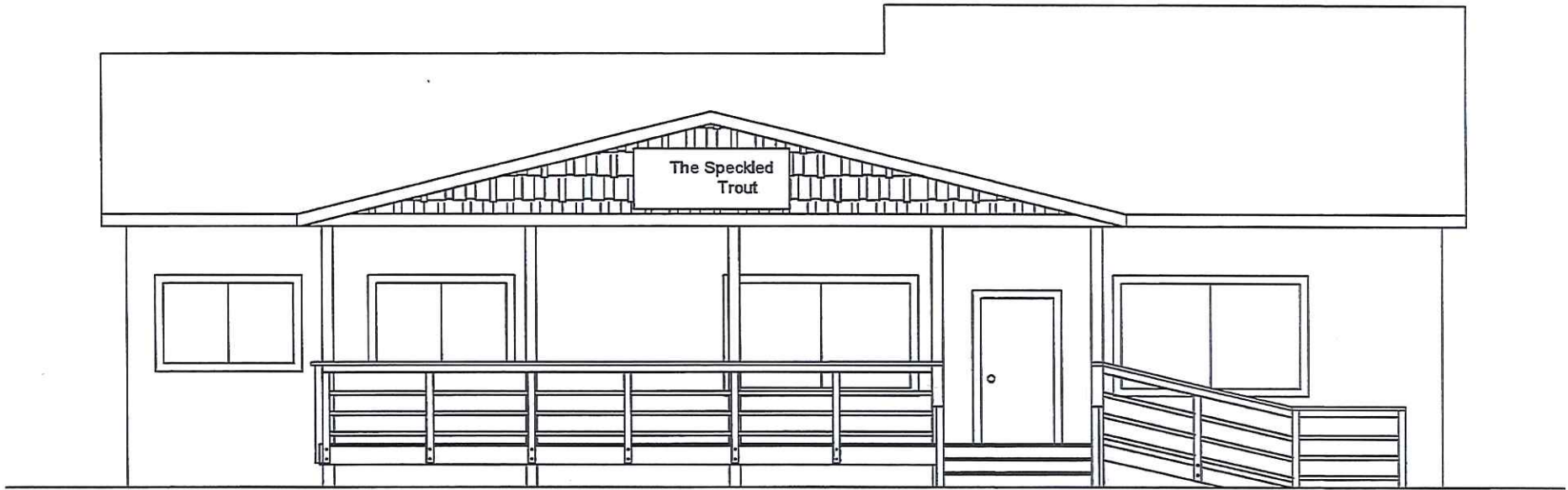


Proposed deck limits



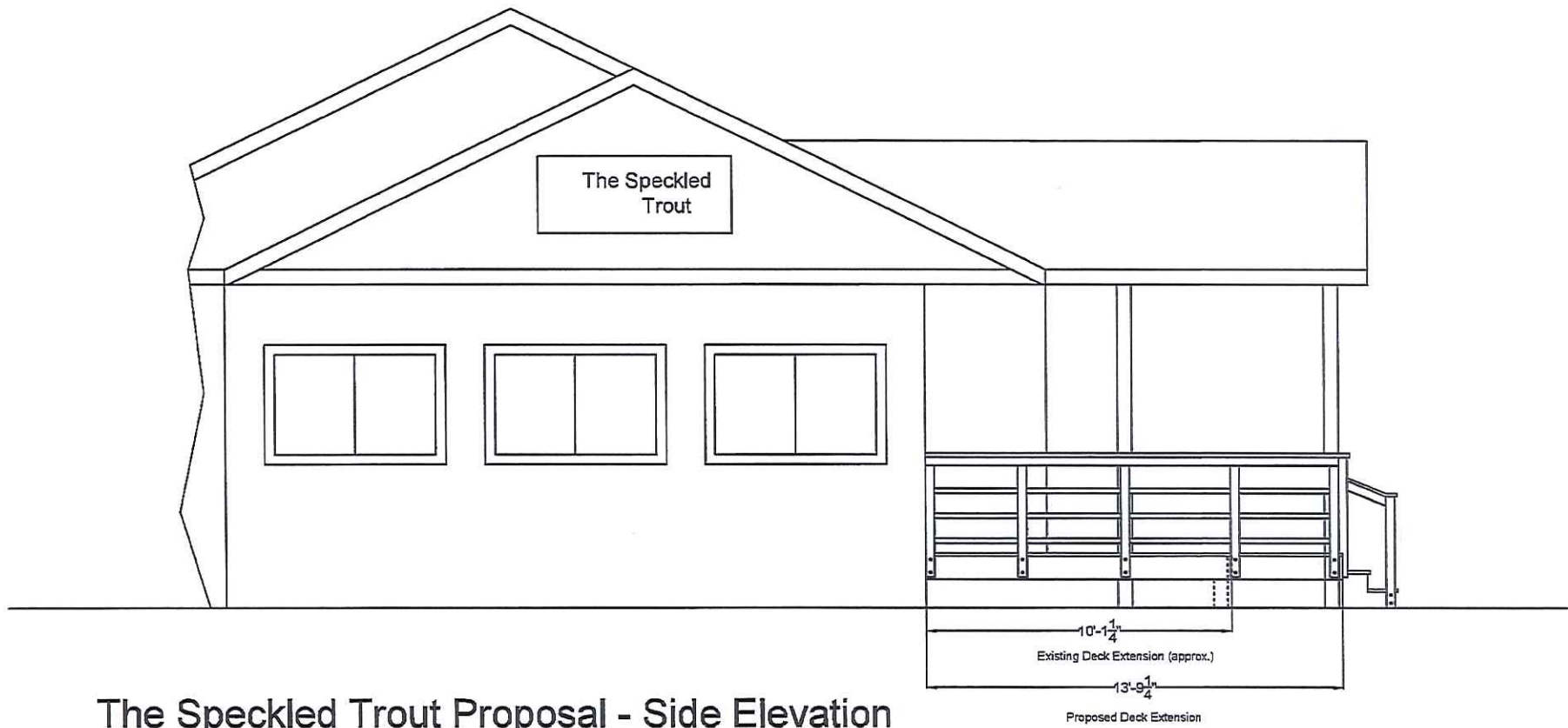
15-foot setback



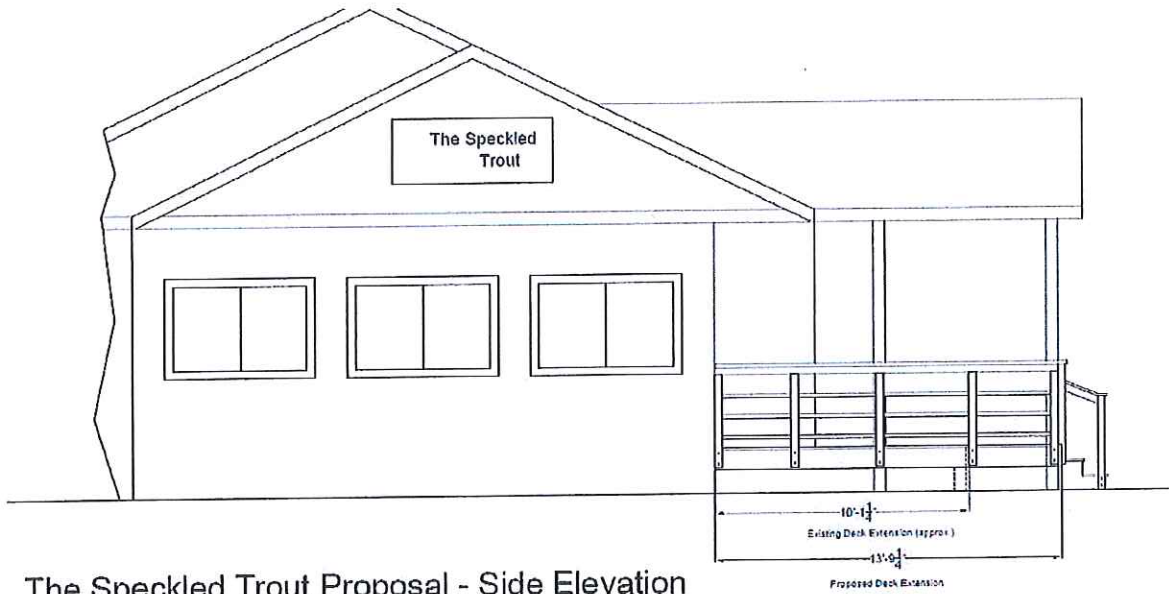


The Speckled Trout Proposal - Front Elevation

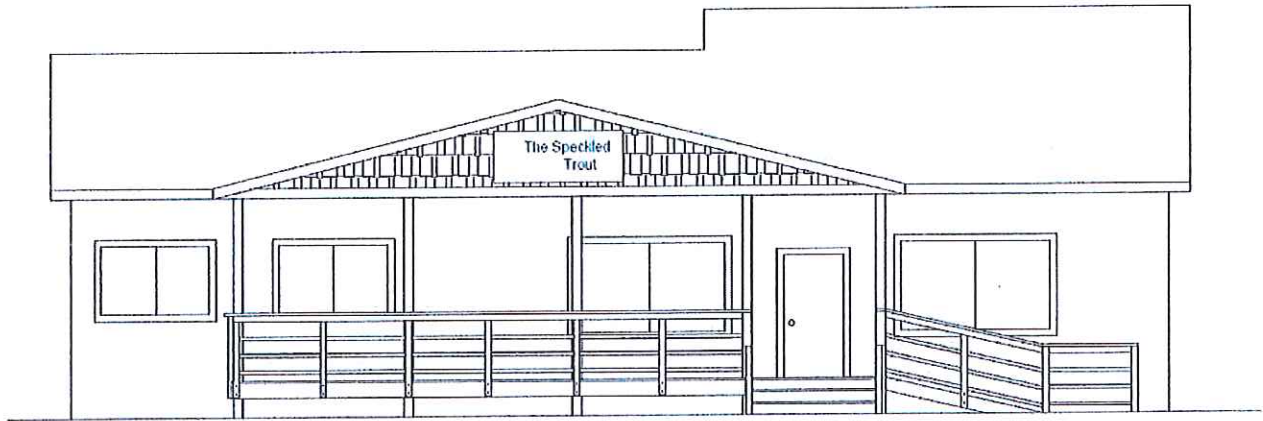




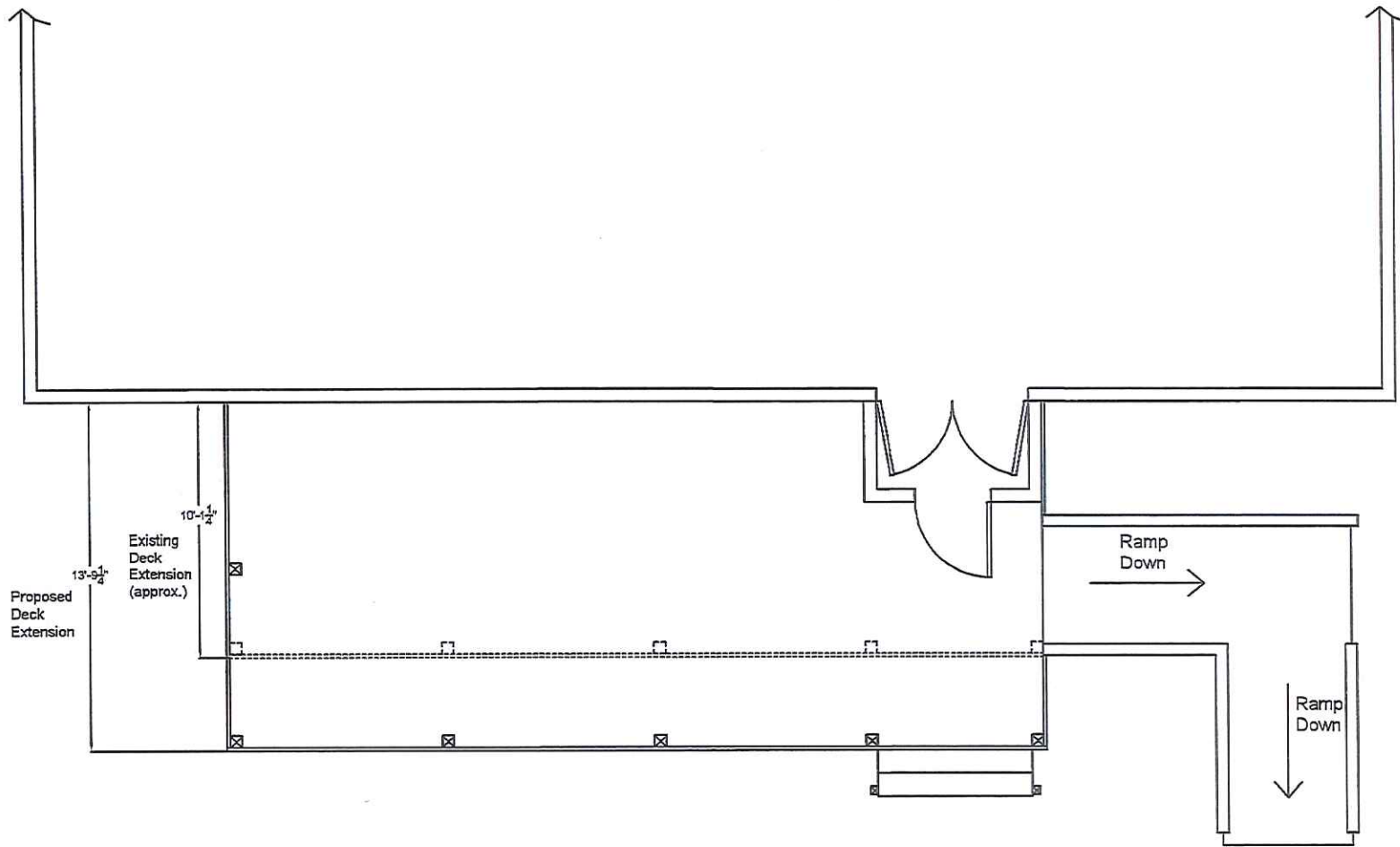
The Speckled Trout Proposal - Side Elevation



The Speckled Trout Proposal - Side Elevation

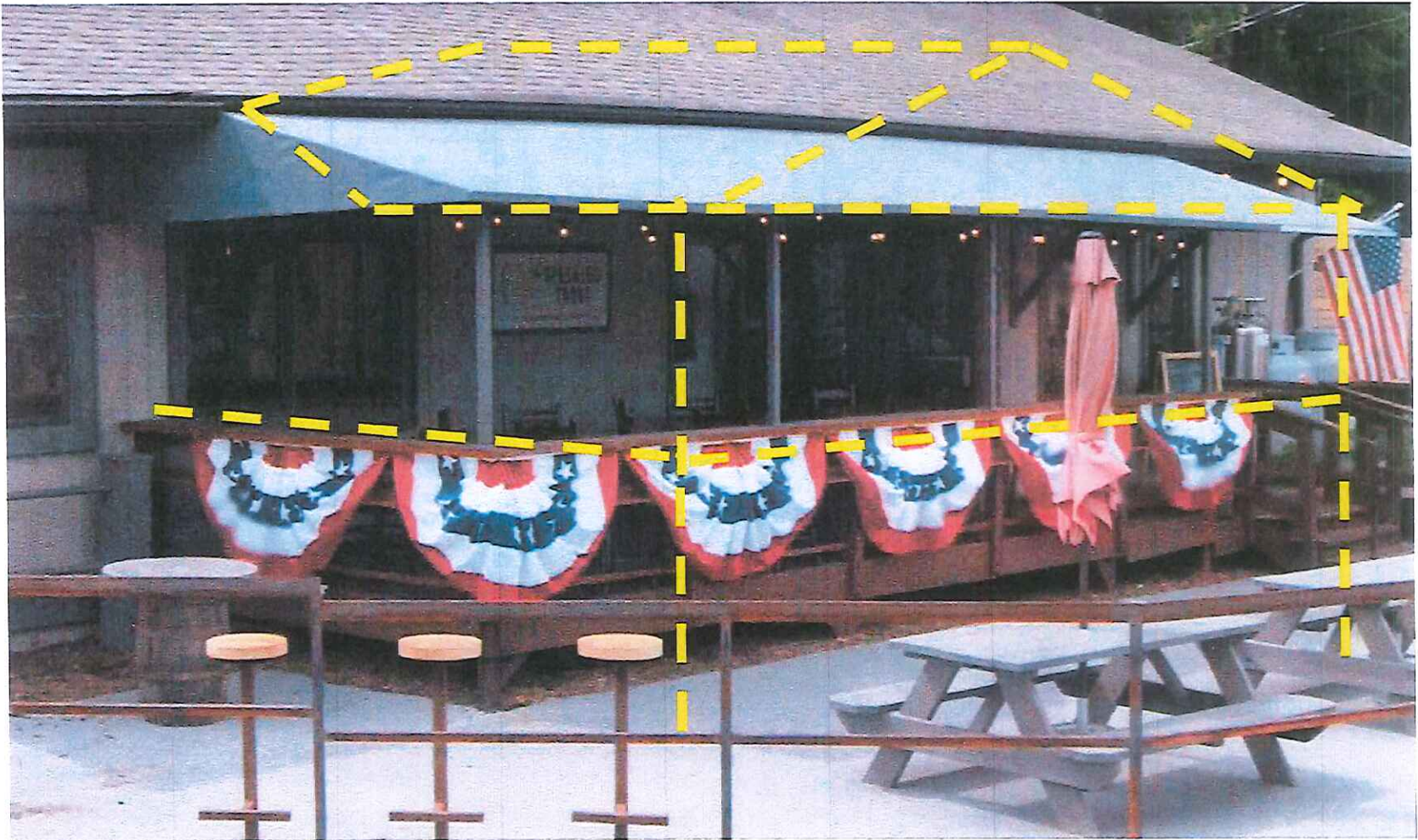


The Speckled Trout Proposal - Front Elevation



The Speckled Trout Proposal - Deck Floor Plan







# DRAFT

## Planning and Zoning Board

### Minutes

Thursday, April 23, 2020

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, April 23, 2020 for their regularly scheduled meeting via a Webex virtual meeting platform. Vice-Chairman Carter called the meeting to order at 5:30 pm. Members present were Kim Hartley, Sam Glover, Pete Gherini, Mike Page, and Harrison Herbst. Member Joe Papa was absent. Staff members present were Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

Vice-Chairman Carter asked if there were any changes to the agenda. *Ms. Hartley made a motion to approve the agenda, seconded by Mr. Gherini.* **All members were in favor of the motion.**

Vice-Chairman Carter asked if there were any changes to the minutes. *Mr. Herbst made a motion to approve the minutes, seconded by Mr. Glover.* **All members were in favor of the motion.**

New members Pete Page and Bill McCarter were sworn to the Board.

Vice-Chairman Carter asked if there were any nominations for Chairman. Mr. Page nominated Mr. Gherini. *Mr. Page moved to elect Mr. Gherini by acclimation.* **All members were in favor of the motion.**

Vice-Chairman Carter asked if there were any nominations for Vice-Chair. *Mr. Page nominated Mr. Carter, seconded by Mr. Gherini.* **All members were in favor of the motion.**

Chairman Gherini turned the meeting over to Mr. Rothrock.

#### 1. 2018 – 01 The Speckled Trout

Mr. Rothrock gave the staff report. The Speckled Trout, LLC is requesting an amendment to their conditional use permit to renovate and expand the covered deck and outdoor seating area. The property, located at 922 Main Street at the intersection of Hwy 221, is zoned CB, Central Business and in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2807-98-2723-000.

Speckled Trout made significant improvements to the building and property during the past few years, including the addition of an antique wine cask to frame the entrance door. The wine cask was approved through the issuance of a conditional use permit in January 2019. The new restaurant owners also purchased the adjoining parking lot to help offset the loss of parking in front of the building.

The restaurant owners would like to expand the front deck 44 inches from its current location and construct a roof over the deck in place of the existing fabric awning. The proposed location would encroach roughly 3 feet into the 15-foot setback. The 15-foot setback is measured from the back of the proposed sidewalk along Main Street and Hwy 221, scheduled to be constructed within the next several months.

The restaurant is limited to 40 outdoor seats and no additional outdoor seating is proposed, however, some seats will be relocated to the proposed expanded deck.

Chairman Gherini asked if there were questions for staff. Mr. Page asked if the permissive variance for the setback is allowed as a matter of course. Mr. Rothrock confirmed. Mr. Page asked if it is necessary that the Planning Board and Town Council vote on this. Mr. Rothrock said yes. Mr. Page noted that parts of the roof are not a 6/12 pitch and asked if the Board needed to approve that. Mr. Rothrock suggested that the Board stipulate the roof pitch not be less than what is proposed up to a 6/12 pitch. Mr. Page said he is ok with this.

Mr. Page asked if the stools are included in the 40 outdoor seats. Mr. Rothrock said that they are included and may need to be removed to keep the number of outdoor seats at 40. Ms. Emily Brinker, co-applicant, said they will remove the stools.

Chairman Gherini asked if there were any other questions or comments. Ms. Brinker said that they would like to make the roof steeper if possible. Mr. Page said he is not objecting to the roof pitch as shown. Ms. Hartley asked if the new roof material will match the existing roof material. Ms. Brinker confirmed.

Chairman Gherini asked for a motion to close the public comment. *Mr. Herbst made a motion to close the public comment, seconded by Mr. McCarter. All members were in favor of the motion.*

*Mr. Page made a motion to approve as presented with the proviso that the roof line not be a lesser pitch than that shown on the preliminary drawings, seconded by Mr. Herbst. All members were in favor of the motion.*

### **Other Business**

Chairman Gherini noted before the stay-at-home order the Board was discussing the Ad Hoc 321/Benchmark recommendations and Mr. Rothrock had asked the Planning Board members for their input. Chairman Gherini added that he thinks the Planning Board owes the Town Council a recommendation. Mr. Rothrock said he will send the study back to the Board and ask that they use 'reply all' to relate recommendations.

Chairman Gherini asked if this will require a sub-committee. Mr. Rothrock said to work with all Board members to hear initial thoughts, then send to the Council. Chairman Gherini asked for a timeframe. Mr. Rothrock said to allow a week to ten days to get feedback from Planning Board.

Chairman Gherini asked if any new projects are in the pipeline. Mr. Rothrock said nothing new. Mr. Rothrock advised the Board that the grading had begun on the Blue Ridge Hotel project and that the Moody parking lot has been paved, but the landscaping must be installed. Mr. Rothrock advised that 1150 Main Street is moving along well; that the front building should be complete by July. Mr. Rothrock also advised that Chestnut at Blowing Rock, the project on Chestnut Drive at the old hospital site, is nearing completion on the site work and they are working to complete the shell of all the buildings.

Ms. Erica Brinker, co-applicant for The Speckled Trout, said they would like to push this request through to Town Council as soon as possible so they can complete the project during the shutdown. Mr. Rothrock advised that it would go before Town Council on 5/12/2020. Ms. Brinker asked if they need anything else from them. Mr. Rothrock said he would contact them directly.

Chairman Gherini asked if there will be a meeting in May. Mr. Rothrock said he was not sure, but if there is a meeting we can use this Webex format.

*Having no further business Mr. Carter made a motion to adjourn, seconded by Mr. Pete Page. **All members were in favor of the motion.***

Chairman Gherini adjourned the meeting at 5:55 p.m.

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Chairman Gherini

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Tammy Bentley  
Planning & Zoning Support Specialist

# Town of Blowing Rock

## Request for Council Action

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FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Public Art Request  
TO: Town Council  
DATE: May 12, 2020  
REQUESTED BY: Blowing Rock Art & History Museum

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Public Hearing       Yes    No    Not required    NA  
Properly Advertised    Yes    No    Not required    NA

### BACKGROUND:

The Blowing Rock Art and History Museum has selected an artist to exhibit their outdoor sculpture through the 34th Outdoor Rosen Sculpture Exhibition. BRAHM will carry insurance and it will be bolted down to the existing concrete pad outside of BRAHM.

BRAAC approved the sculpture during their April BRAAC meeting.

### ATTACHMENTS:

1. Public Art Application

# Town of Blowing Rock

## Public Art Application

### Applicant Information

Contact Name: Lee Carol Giduz

Contact Address: PO Box 828, Blowing Rock, NC 28605

Contact Phone Number: 828-295-9099 x.3008

Contact Email Address: lee.carol@blowingrockmuseum.org

### Artwork Information

Title of Artwork: Blue Nautilus

Artist Contact (Please attach bio if available) I can try to get from ASU but it is a bit hard right now

Name: Gretchen Lotz

Address: Orlando, FL

Phone Number:

Email Address:

Artwork Type: Sculpture

Dimensions: 31" x 31"

Media: Bronze

Acknowledgment plaque: Yes, acknowledging it as part of the 2020 Rosen Collection

Desired Location:

Please attach the following documentation to the application:



1. Photographs and drawings which fully illustrate the proposed artwork



2. Proposed location map – Sculpture pad on the east side of BRAHM where the current Rosen piece is located
3. Proposed site plan – no change to site, artist to install
4. Photos of the proposed site – I can get this later but am working remotely and cannot submit at this time
5. Proposed landscape plan – town maintains landscaping at the site
6. Proposed lighting plan if applicable – current up lighting will be used

7. Description of site preparation including grading, landscaping, seating, lighting, signage, etc. – nothing new, site to remain as is currently
8. Any proposed budget items that will not be funded by the project itself N/A
9. Proposal to maintain the art project and any landscaping, lighting, signage, etc. for the life of the proposed art piece

This is a temporary installation for one year. It should require no maintenance during the year. Signage with title, artist name, and material will be added at the site but will be in the same location and of the same material as the current signage.

**Exclusion Of Liability:**

The Town of Blowing Rock shall not be held liable to any parties, including but not limited to artists or donors for any losses, claims, injuries or damages from theft, damage, vandalism or bodily injury arising out of or in any way related to a public art project. The Town will require that all donors or artists sign a waiver and release which evidences this understanding and agreement.

I have read the Exclusion of Liability above and agree to the terms.

Signature Lee Carol Giduz

Date 4/6/20