



Town of Blowing Rock

Date: Tuesday, July 14, 2020, 6:00 p.m.

Location: Remote Meeting

Agenda

<i>Item</i>		<i>Present & Participants</i>
I.	CALL TO ORDER – ROLL CALL FOR ATTENDANCE	Mayor Charles Sellers
II.	PLEDGE OF ALIGENANCE	Mayor Charlie Sellers
III.	APPROVAL OF MINUTES – By Roll Call <ol style="list-style-type: none"> 1. June 4, 2020 – Budget Work Session 2. June 9, 2020 – Regular Meeting Minutes 3. June 9, 2020 – Closed Session Meeting Minutes REGULAR AGENDA ADOPTION – Vote by Roll Call CONSENT AGENDA ADOPTION <ol style="list-style-type: none"> 1. Travel Policy for the ABC Store 2. Annual Tax Settlement Report and Order of Tax Collection 3. Tax Release/Refund – The Weedon Family Corporation – #2020-01 	Mayor & Council Mayor Mayor & Council
IV.	PUBLIC COMMENTS – emailed or mailed to the Town Clerk prior to 4:00pm on July 14th.	Mayor/Town Manager will read and Council will have the opportunity to respond.
V.	BUSINESS MATTERS: <ol style="list-style-type: none"> 1. Foggy Rock – CUP #2010-03 2. Food Trucks – Discussion 	Planning Director Kevin Rothrock Planning Director Kevin Rothrock
VI.	OFFICIALS REPORTS & COMMENTS: <ol style="list-style-type: none"> 1. Mayor 2. Council Members 3. Town Attorney 	

	4. Town Manager	
VII.	CLOSED SESSION – NCGS 143-318.11. (a)(3) – Attorney/Client update on current litigation	
VIII.	ADJOURNMENT/RECESS... <i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i>	

Draft
MINUTES
Town of Blowing Rock
Town Council Special Meeting
June 4, 2020

The Town of Blowing Rock Town Council held a budget work session on Tuesday, June 4, 2020, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, N.C. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Council Member Matheson, Virginia Powell and Town Manager Shane Fox. Others in attendance via Zoom/phone virtual were 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, Town Engineer Doug Chapman 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.

THE PLEDGE OF ALLEGIANCE

AGENDA ADOPTION

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

BUDGET PRESENTATION

Town Manger Fox reviewed with Council the budget for FY 20-21 via PowerPoint.

TOPICS DISCUSSED

- No fee increases for water/sewer
- No proposed tax increases
- Tax based increased \$33.6 million
- No major projects are planned for FY '20-'21
- No COLA or Merit increase for staff
- Phase 3 Debt Service was discussed
- Parks and Recreation revenue down appx. 50%
- Occupancy Tax revenue down appx. 50%
- Capital Outlay – Dispatch and one police car – no other capital outlay

ADJOURNMENT

There being no further business to discuss, Mayor Pro-Tem Sweeting made a motion to adjourn at 9:15 p.m., seconded by Council Member Matheson. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

ATTACHMENTS

Budget Power Point – Attachment A

Letter from Blowing Rock Civic Association – Attachment B

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
June 9, 2020

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, June 9, 2020 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Doug Matheson, Virginia Powell and Town Manager Shane Fox. Others in attendance via Zoom virtual/phone session were Town Attorney Allen Moseley, Town Engineer Doug Chapman, 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.

THE PLEDGE OF ALLEGINANCE

REGULAR AGENDA ADOPTION

Council Member Matheson made a motion to make the following addition to the agenda; add a closed session at the end of the regular meeting, pursuant to General Statute 143-318.11. (a)(3), seconded by Council Member Yount. Unanimously approved.

MINUTE APPROVAL

Mayor Pro-Tem Sweeting made a motion to approve the minutes from the May 12, 2020 regular meeting, seconded by Council Member Powell. Unanimously approved.

Council Member Matheson made a motion to approve the minutes from the May 21, 2020 special meeting, seconded by Council Member Yount. Unanimously approved.

CONSENT AGENDA

Budget Amendment to account for various items. **Budget Amendment - #2020-08**

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

SPEAKERS FROM THE FLOOR

Mayor Sellers read a letter from Debra McDowell. **Citizen Letter – Attachment - A**

PUBLIC HEARING

1. Budget Public Hearing

Council Member Harwood made a motion to go into Public Hearing, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

With no questions or emailed public comments, Council Member Matheson made a motion to close the public hearing, seconded by Council Member Powell. Unanimously approved.

BUSINESS MATTERS:

1. Budget Adoption

Town Manager Shane Fox gave the budget presentation via PowerPoint.

Mayor Pro-Tem Sweeting made a motion to adopt the budget as presented, seconded by Council Member Harwood. Unanimously approved. **Budget PowerPoint - Attachment B**

2. TDA Update

TDA Executive Director Tracy Brown gave an update via PowerPoint. **TDA Update – Attachment C**

3. Valley Blvd. Update

Planning Director Kevin Rothrock gave an update from Planning Boards review of the 321 study. Mr. Rothrock reviewed the bullet points compiled by members from the Planning Board meeting.

Mayor Pro-Tem Sweeting asked if the Planning Board was able to look at the comments from the Blue Ridge Conservancy about the water quality the Town received.

Mr. Rothrock advised some of them did, but he wasn't sure if all of them had. He explained that information can be taken into consideration and that McGill can focus on what the Blue Ridge Conservancy had done and come up with some recommendations.

Mayor Pro-Tem Sweeting advised she felt it would be good to help educate the Planning Board members on what is available. She further commented she felt this was great and asked that the plan was going forward.

Mr. Rothrock advised they would do whatever Council would like for the board to do. He explained Council's request was for the board to review the study and provide their consensus which is what this update is.

Mayor Pro-Tem Sweeting asked if the nineteen (19) recommendations that were in the land-use plus the Planning Board recommendations can be used as guidelines. Mr. Rothrock advised they could be. Mayor Pro-Tem Sweeting advised she felt this feedback was wonderful, she was glad they reviewed it, but was just sorry more members didn't do so.

Mr. Rothrock explained there were some new Planning Board members that started so he felt that was the reasoning and they needed to be brought up to speed first, which was done at their first Planning Board meeting.

Council Member Harwood stated he felt it was great that Planning Board had reviewed the study and felt they had some good recommendations. He further stated that sometimes good recommendations don't always translate into codes easily. He explained he was hesitant to send it back to the Planning Board because he feels they have already done the task Council has asked them to do.

Council discussed further a few different options.

Council Member Matheson asked Mr. Rothrock to incorporate the Planning Board's suggestions into the plan he brings to Council so both ideas are included.

Council asked Mr. Rothrock to get a plan together by the August Council meeting for review.

4. Foggy Rock CUP Amendment

Mr. Rothrock advised Mr. Bert Myers is requesting a minor amendment to the conditional use permit issued for Foggy Rock restaurant to add an arcade in the basement. The arcade would have up to eight (8) video games and two (2) pool tables. No food service would be available, but customers could take a to-go box down there and/or use the area waiting on a table in the restaurant.

Mr. Myers plans to open the arcade no earlier than 5:00 p.m. before the dinner shift begins.

The current CUP limits the basement area to storage and equipment. The proposed arcade requires one (1) parking space for each video game. Mr. Myers proposes to jointly use the parking spaces available at Sunny Rock restaurant, since it closes at 1:30 p.m. daily. Sunny Rock has twenty-nine (29) parking spaces on site and are currently used for Foggy Rock overflow parking from time to time.

Section 16-4.17.1 of the Land Use Ordinance allows minor design modifications or changes to permits to be approved by Town Council without a formal application or public hearing.

Mayor Sellers asked if there would be alcohol served in that location. Mr. Rothrock advised Mr. Myers could if he wanted to based on the premises. He explained this area isn't designated for just kids, it's regular video games and a few pool tables.

Council Member Yount asked if that answered the question.

Mayor Pro-Tem Sweeting advised that didn't. She explained Council needed to ask this question because it's considered a remodeling which would mean Mr. Myers would have to get approval from the ABC Board she thought.

Mr. Rothrock advised they would have to change the permit they have to expand from the area they are serving in now.

Council Member Powell asking what kind of signage the applicant would be permitted to add or not to add.

Mr. Rothrock advised if the applicant would like to add a sign about the arcade being available it would have to fit within the current sign they have. He further advised he wasn't sure the applicant planned to advertise the arcade because of it being tied directly to his restaurant.

Council Member Powell asked if the applicant was already maxed out on the amount of signage allowed. Mr. Rothrock advised he wasn't sure, but if he were to do a sign he would have to do a panel below on his current sign.

Mr. Rothrock asked Chief Miller to answer Mayor Pro-Tem Sweeting's question about the ABC permit. Chief Miller advised he didn't think the requested change would require any changes to his ABC permit is still the permit for the property.

Mayor Pro-Tem Sweeting advised the State Law states that if you are remodeling the property you have to get re-approval. She further advised she could show Chief Miller the law.

Mayor Pro-Tem Sweeting asked Mr. Rothrock if they would be opening the arcade at 5:00 p.m. what time they were planning on closing it. Mr. Rothrock advised when the restaurant closes around 10 p.m. Mr. Rothrock further clarified it would be designated to operate with the restaurant and not like an independent arcade with it's own hours.

Mayor Pro-Tem Sweeting asked if the pool tables would require any parking. Mr. Rothrock advised it wouldn't, but even if it did Mr. Myers has more than enough parking.

Council discussed his ownership of Foggy Rock and the use of Sunny Rock (which he only leases) for parking for both restaurants.

Mayor Pro-Tem Sweeting asked the hypothetical question if the Sunny Rock building were to change hands or of the property owner were to choose to have a different business would Mr. Myers still have permission to use those eight (8) parking spaces.

Mr. Rothrock stated Mr. Myers would have to get permission or create parking on his own if that were to happen. He further stated he felt Mr. Myers had enough parking on the Foggy Rock side regardless.

Mayor Pro-Tem Sweeting advised she would feel better if the owner of the Sunny Rock building would give written permission now, so the applicant knows. Otherwise if the property owner were to choose not to renew their lease then Council would essentially have granted parking spaces on an area that the applicant doesn't own without written permission from the property owner.

Council Member Matheson advised he didn't feel Mr. Myers needed to get permission from another owner, this would be down the road if Sunny Rock sold.

Mayor Pro-Tem Sweeting restated she is asking for the property owner of the Sunny Rock building to grant the permission.

Council further discussed the parking. Mr. Rothrock advised if Sunny Rock and the parking were to "go away," the applicant should still have enough parking spaces on the Foggy Rock side. If he didn't though then he would have to pay into the parking fund.

Council Member Harwood advised he personally has never been a fan of the shared parking across properties or satellite parking. He explained he felt it became cumbersome as the ownership of the properties change. He further explained a lot of the info is in our files, but some of it is just in Mr. Rothrock's memory and he's just not a fan of any of that. He advised even if it's the same tenant in both locations, the CUP's in his mind need to stand on their own merits and their on their own property.

Council continued to discuss the parking.

Mayor Pro-Tem Sweeting asked Mr. Rothrock if he or the Myers had contacted the neighbors behind the restaurant to let them know what the plan was to go in that location.

Mr. Rothrock advised they had not.

Mayor Pro-Tem Sweeting advised the request is to change a storage unit into an arcade that would be facing the neighborhood behind them and out of transparency she felt the neighbors needed to be informed what the plan is.

Mr. Rothrock advised he respectfully disagreed, it was a laundry mat years ago and, in his opinion, didn't feel it was something they should have to notify the neighbors about. Mayor Pro-Tem Sweeting asked if he thought there would not be a lot of noise. Mr. Rothrock advised he didn't think there would be any more noise than a restaurant.

Council Member Powell asked about Fire capacity. Fire Chief Graham advised it was done by square footage, would be determined by the building inspector and posted with the CO for occupancy.

Council Member Yount made a motion to table until Mr. Rothrock could get with the applicant, get things addressed; the parking, alcohol, capacity, operating hours, signage

and encourage transparency to notify the neighbors, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

5. RTAC – Replace Council Member Albert Yount’s Spot

Manager Fox advised Council Member Yount has asked to go off the High Country Rural Transportation Advisory Committee (RTAC) Board and a new member needed to be selected.

Council Member Powell nominated Council Member Harwood to serve on the RTAC Board, seconded by Council Member Yount. Unanimously approved.

6. Code Amendment - SOE

Mayor Sellers advised this came about because the Town is currently under a State of Emergency (SOE), in which the Mayor has the ability to relax restrictions or enhance restrictions. He further advised that the restrictions cannot be relaxed or enhanced anymore than what the Governor’s orders are.

Mayor Sellers explained the background of what brought this request; he is in favor of what the Council would like to do and what the citizens would like to see be done. He further explained he was elected to support everyone, both citizens and business owners, not just one group. During this situation he had received many calls and emails about the restrictions. Property owners had lots of questions about why the Town was allowing “day trip visitors” to walk the streets, but not allowing second homeowners the freedom to go to the store. He also had calls from hotel owners wondering why we were the only county in North Carolina with restrictions on short term rentals to the extent they were shut down completely. Mayor Sellers stated he felt like the 14-day quarantine had outlived its usefulness and that hotels needed to at least get back to some sort of order. He further stated moving forward, particularly assuming the Governor was going to move to phase 2 on that Friday. On Tuesday May 19th he sent an email to the Council stating that he was going to relax the restrictions on the 14-day quarantine and hotel short term rentals. He advised after the email was sent, he heard from all Council Members, all made good points and asked him to hold off until Council had their special meeting on May 21st. With that Mayor Sellers advised he pulled his request to relax the 14-day quarantine and hotel short term rentals.

Mayor Sellers advised he felt the process worked and all the Council worked well together during it. He stated that was probably one of the toughest decisions he’s ever had to make, but felt it was a good decision he had to make not to put it on the shoulders of the Council. He further stated the Council did step forward and more or less said they wanted it on their shoulders as well. He explained what Council would like to do is change the current code which states that the Mayor can call a State of Emergency, but anything other than that must require a majority vote from the Council.

Mayor Sellers stated moving forward “we are all in this for the Town, the citizens, the business owners and he is in agreement to do whatever he needs to do for those individuals.”

Mayor Pro-Tem Sweeting thanked Mayor Sellers for his leadership.

Manager Fox advised this change would be to amend Section 9.2 and 9.5 of the Town of Blowing Rock code of ordinances relating to the declaration of a State of Emergency.

Mayor Pro-Tem Sweeting asked if Town Attorney Moseley had reviewed the change. Manager Fox advised he had as he was the one to finalize the document.

Council Member Matheson advised he was against this change because he felt as a whole Chapter 9 needs to be reviewed and changed. He explained this is an outdated code of ordinances that was set up for Blowing Rock when the Town mainly just dealt with blizzards being the reason for a State of Emergency. He further explained he thinks there is a lot of things in the entire section 9 that needs to be addressed and updated. He advised he would like to see our Emergency Service Director, Police Chief, Planning Director and Town Manager look at Chapter 9 and bring back their recommendations to Council. He further advised he felt “we have been operating off the cuff” because nobody knew what needed to be done, but taking what has been learned and incorporating into what needs to happen will make for a better plan going forward.

Council Member Yount advised when he read Mayor Sellers email regarding relaxing the restrictions it hit him like a freight train. He explained he gets as much feed back from the citizens as Mayor Sellers does and likes to be kept in the loop on what is going to happen. He further advised he agrees with Council Member Matheson that Chapter 9 needs to be revised. He further stated that he would like to say this needed a Sunset clause.

Council Member Powell advised she agreed Chapter 9 is old and it wasn't set up for the current type of Government we have as the Town has changed since this was originally set up. She stated to Mayor Sellers that he didn't consult with Council when he wrote his email. Mayor Sellers advised that was correct. Council Member Powell advised that wasn't what he had just said. Mayor Sellers clarified what he meant was he had talked to each Council Member after the fact.

Council Member Powell stated this unfortunately wasn't the type of State of Emergency that could be foreseen like a blizzard could be. She explained this is new territory, Council was listening to the Health Department, and as hard as it was to do, they were all upholding them and their recommendations. She advised she didn't think this request needed to have a sunset clause. Instead felt it needed to be incorporated because the Town has evolved to a different type of Council. She further stated this would comply with how the Council is now set up and the Council needs to be able to go virtual immediately to do what needs to be done.

Council Member Yount advised he wasn't asking for a Sunset to do away with this once finished, but to instead incorporate when Chapter 9 was revised.

After brief discussion. Mayor Sellers recapped the SOE entitles the Town to certain monies from the state and the Mayor declares the State of Emergency, but with this change the Mayor will not have the option to relax those requirements.

Council Member Yount made a motion to update the SOE to reflect the change going forward, seconded by Mayor Pro-Tem Sweeting. For the motion: Mayor Pro-Tem Sweeting, Council Members Yount, Harwood and Powell. Against the motion; Council Member Matheson. Motion passed.

OTHER BUSINESS

- Mayor Sellers – Thanked Council Members, staff, citizens and business owners – we are all in this together and will be for a while. He asked that citizens and visitors observe the Governor’s guidelines on social distancing and wearing of masks. Thanked the Village Foundation for the Blowing Rock Relief Fund – they raised well over \$100,000 in 3-4 weeks to help the business in Town during the pandemic. The 1888 Museum – thanks to Historical Society for jumping to the plate on redoing parts of the Museum. The park is looking great and he hopes in July it will be completed and ready for children to be able to enjoy.
- Council Member Yount – would like a press release to be done on the new dispatch that goes live on July 1st. Chief Miller advised one will be going out very soon.
- Council Member Harwood – stated he was extremely appreciative of Manager Fox, Finance Officer Nicole Norman and staff for their hard work on a very tough budget year.
- Mayor Pro-Tem Sweeting – asked if the Pickle Ball rules were posted – people hadn’t been following the rules is why she asked. She advised she had received some complaints about Hwy 321 and the way it looks. She explained there are some buildings with garbage in front, mowing that needs to be done, gutters falling down, rugs that need to be cleaned up and recently a building with a board placed across the front door. Lots of people will be coming into Town over the next few weeks and she would like it to look a little nicer. She asked for clarification on if the Town charges 811 to locate utility lines. She had noticed the number of those that were done in Public Work’s monthly report and felt it was a high number to not charge. Public Works Director Matt Blackburn advised the Town is a member of 811 and they get calls when someone needs a line located, it’s usually only done on Town property or in right of ways and it’s not very many. He further stated it takes about 10 minutes or so for the guys to do it.
- Council Member Matheson – thanked staff for all their hard work the past few months.
- Council Member Powell – Thanked staff for all their hard work. She advised during the pandemic she has felt safe and fortunate to “pandemic” in Blowing Rock. She felt because of the pandemic there has been more foot traffic and would like Public Works to look at the hedges and clearing the right of ways as some areas have gotten dangerous. Mr. Blackburn advised he and Manager Fox would take a look and come up with a plan to take care of that.

EXECUTIVE SESSION

At 8:25 p.m. Council Member Matheson made a motion to go into executive session NCGS 143-3 18.11. (a)(3) – *discussion of existing and potential litigation*, seconded by Council Member Yount. Unanimously approved. No action was taken.

ADJOURNMENT

At 9:30 p.m. Council returned to open session, with no further business Council Member Powell made a motion to adjourn, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments - June 9, 2020

- Budget Amendment #2020-08 – Attachment A**
- Letter from Debra McDowell – Attachment B**
- FY 2020-2021 Budget PowerPoint – Attachment C**
- TDA Update PowerPoint – Attachment D**
- Valley Blvd. Update – Attachment E**
- Code Amendment - SOE – Attachment F**

Town of Blowing Rock
Request for Council Action

FROM: Edith Nations, Blowing Rock ABC Store
SUBJECT: Travel Policy for the ABC Store
TO: Mayor and Council
DATE: July 14, 2020
REQUESTED BY:

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

BACKGROUND:

In accordance with North Carolina General Statute 18B-700 (g2), the ABC Store must have a personnel travel policy in place. The travel policy must be approved by the board's appointing authority annually. Since the Town of Blowing Rock is the appointing authority for the ABC Board, it is necessary for the Blowing Rock Town Council to approve the policy. Also, as result of the Town of Blowing Rock being the appointing authority, the Town of Blowing Rock travel policy may be used. The ABC Board has requested the Town of Blowing Rock Board of Commissioners approve this policy for their use.

ATTACHMENTS: Town of Blowing Rock Travel Policy from the Employee Handbook Sec 15. Travel Expenses

STAFF RECOMMENDATION:

In accordance with North Carolina General Statute 18B-700 (g2), the ABC Store must have a personnel travel policy in place. The travel policy must be approved by the board's appointing authority annually. Since the Town of Blowing Rock is the appointing authority for the ABC Board, it is necessary for the Blowing Rock Town Council to approve the policy. Also, as result of the Town of Blowing Rock being the appointing authority, the Town of Blowing Rock travel policy may be used. The ABC Board has requested the Town of Blowing Rock Board of Commissioners approve this policy for their use.

PRELIMINARY REPORT FOR FISCAL YEAR 2019-2020

TO: TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS

FROM: Hilari H. Hubner, TAX COLLECTOR

DATE: JULY 6, 2020

In accordance with NCGS 105-373(a)(1)(a&b), I respectfully submit the following Report:

Attached to this Report is (1) a list of the persons owning real property whose taxes for 2019 remain unpaid, along with the principal amount owed by each person; and (2) a list of the persons not owning real property whose personal property taxes for 2019 remain unpaid, along with the principal amount owed by each person.

In compliance with NCGS 105-373(a)(3), attached hereto is a Report entitled "Settlement for Current Taxes for Fiscal Year 2019-2020" dated July 6, 2020 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2019-2020.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,

Hilari H. Hubner, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 14th DAY OF JULY, 2020.

NOTARY PUBLIC _____

My Commission Expires:

Report 1 in accordance with NCGS 105-373(a)(1)(a):

Persons Owning Real Property Whose Taxes for FY 2019-2020 Remain Unpaid

<u>Bill Number</u>	<u>Name</u>	<u>Account #</u>	<u>Levy</u>	<u>Penalty</u>	<u>Total Due</u>
12	Gorge View Club & Co	33436	\$ 84.63	\$ 5.47	\$ 90.10
74	Brower, Kenneh	113138	\$ 1,463.28	\$ 95.09	\$ 1,558.37
99	KCS Holdings LLC	125744	\$ 597.09	\$ 38.82	\$ 635.91
188	Schweitzer, G.M.	157679	\$ 258.96	\$ 16.82	\$ 275.78
192	Dresser, Donyel	157910	\$ 254.28	\$ 16.55	\$ 270.83
207	Ampko LLC	160519	\$ 235.56	\$ 15.33	\$ 250.89
220	American Investment Services	162488	\$ 376.74	\$ 24.51	\$ 401.25
221	American Investment Services	162488	\$ 246.87	\$ 16.04	\$ 262.91
222	Walker, Robin Lynn	162502	\$ 253.89	\$ 16.48	\$ 270.37
801	Dunlap, Donald	1045657	\$ 667.29	\$ 43.35	\$ 710.64
290	Griffin, John C. Jr	1065515	\$ 39.21	\$ 2.52	\$ 41.73
297	Isenhour, Douglas Dwight	1085984	\$ 1,450.51	\$ 43.52	\$ 1,494.03
354	Triplett, Harold and Mary	1163302	\$ 463.71	\$ 30.15	\$ 493.86
425	McLean, Arlon J.	1330158	\$ 126.36	\$ 8.23	\$ 134.59
451	Wysor, Robert E IV and Deborah	1364314	\$ 1,569.75	\$ 102.02	\$ 1,671.77
459	Elkins, Nathaniel B and Doris	1374776	\$ 645.06	\$ 41.94	\$ 687.00
471	Brower, Elsa Tolley and James	1398585	\$ 795.60	\$ 51.73	\$ 847.33
486	Beverley, G W (HEIRS)	1501048	\$ 20.67	\$ 1.37	\$ 22.04
499	Dickson, Robert T and Roye Ann	1501048	\$ 3,740.49	\$ 243.11	\$ 3,983.60
539	Griffin, Ronald and Gwen	1508092	\$ 25.47	\$ 1.14	\$ 26.61
655	Ayoub, James	1519756	\$ 2,196.09	\$ 142.74	\$ 2,338.83
720	Dunlap, Jane Fonvielle	1524738	\$ 873.21	\$ 56.76	\$ 929.97
763	Donna Halstead Personal Trust	1532715	\$ 909.87	\$ 59.12	\$ 968.99
788	Puckett, Joel Scott	1536149	\$ 559.65	\$ 36.39	\$ 596.04
790	Deal, Wilson E.	1536258	\$ 108.81	\$ 7.10	\$ 115.91
839	Greer, Gail C.	1541425	\$ 2,056.86	\$ 133.72	\$ 2,190.58
967	Pirtle, Darlene	1554908	\$ 8.00	\$ 0.24	\$ 8.24
1029	Hock, Ruth A	1564455	\$ 4.37	\$ 0.15	\$ 4.52
1120	Triplett, Harold Gene	1577395	\$ 742.95	\$ 48.28	\$ 791.23
1189	Sanders, David V.	1585255	\$ 582.66	\$ 37.87	\$ 620.53
1333	Hernandez, Carlos	2847.79	\$ 2,847.79	\$ 42.72	\$ 2,890.51
1387	S and A Acquisitions LLC	1604602	\$ 10,033.53	\$ 652.17	\$ 10,685.70
1433	Moss, R. Giles	1609137	\$ 1,000.74	\$ 65.07	\$ 1,065.81

Report 1 in accordance with NCGS 105-373(a)(1)(a):

Persons Owning Real Property Whose Taxes for FY 2019-2020 Remain Unpaid

<u>Bill Number</u>	<u>Name</u>	<u>Account #</u>	<u>Levy</u>	<u>Penalty</u>	<u>Total Due</u>
1455	Triple Tree Development LLC	1610533	\$ 853.32	\$ 55.47	\$ 908.79
1456	Triple Tree Development LLC	1610533	\$ 797.55	\$ 51.83	\$ 849.38
1457	Triple Tree Development LLC	1610533	\$ 764.79	\$ 49.74	\$ 814.53
1458	Triple Tree Development LLC	1610533	\$ 391.95	\$ 25.48	\$ 417.43
1459	Triple Tree Development LLC	1610533	\$ 414.96	\$ 26.96	\$ 441.92
1460	Triple Tree Development LLC	1610533	\$ 874.77	\$ 56.86	\$ 931.63
1537	Jones, Dennis Lee	1615401	\$ 1,204.32	\$ 78.27	\$ 1,282.59
1551	Raymond, Karen M	1616775	\$ 563.16	\$ 36.58	\$ 599.74
1699	Charlotte Kelly Living Trust	1628820	\$ 345.54	\$ 22.45	\$ 367.99
1862	Watts, Smith	1645479	\$ 2.73	\$ 0.17	\$ 2.90
2085	Terry, David L,	1734693	\$ 1,545.18	\$ 100.44	\$ 1,645.62
2223	Irrevocable Raymond Family Trust	1748893	\$ 367.77	\$ 23.92	\$ 391.69
2291	Heirs of Stella Dobbins	1752513	\$ 62.27	\$ 1.88	\$ 64.15
2413	Sassafras Valley, LLC	1760388	\$ 199.29	\$ 12.93	\$ 212.22
2446	Boone Brewing Company, LLC	1761785	\$ 4,548.70	\$ 295.69	\$ 4,844.39
2457	239 Sunset, LLC	1762078	\$ 3,825.90	\$ 248.66	\$ 4,074.56
2579	Green Life Construction And	1764766	\$ 273.00	\$ 17.76	\$ 290.76
2752	Miller, Karla O.	1774617	\$ 3.44	\$ 0.15	\$ 3.59
2899	CWBR1150, LLC	1785521	\$ 3,358.68	\$ 218.31	\$ 3,576.99
2965	Alexander S. Holden Revocable	1794144	\$ 835.38	\$ 54.33	\$ 889.71
	Total		\$ 56,472.65	\$ 3,474.40	\$ 59,947.05

Report 2 in accordance with NCGS 105-373(a)(1):

Persons Not Owning Real Property Whose Taxes for FY 2019-2020 Remain Unpaid

<u>Bill Number</u>	<u>Name</u>	<u>Account #</u>	<u>Levy</u>	<u>Penalty</u>	<u>Total Due</u>
885	Victorian Inn	1545193	\$ 9.14	\$ 0.60	\$ 9.74
1178	Sandee Ashby Revocable Trust	1584100	\$ 5.85	\$ 0.36	\$ 6.21
1182	Dollivers INC	1584694	\$ 379.51	\$ 24.69	\$ 404.20
1888	Gymboree Retail Stores INC	1651106	\$ 69.54	\$ 4.51	\$ 74.05
2010	A Holden Designs LLC	1730449	\$ 77.65	\$ 5.03	\$ 82.68
2011	WA Realty INC	1730472	\$ 6.82	\$ 0.44	\$ 7.26
2202	Knight, Daniel W.	1748005	\$ 8.45	\$ 0.53	\$ 8.98
2219	The New Public House Inc.	1748827	\$ 359.89	\$ 23.40	\$ 383.29
2222	SBW Foods Incorporated	1748885	\$ 134.67	\$ 8.75	\$ 143.42
2417	Cousins and Construction Corp	1760478	\$ 5.24	\$ 0.34	\$ 5.58
2726	NCR Corporation	1774003	\$ 11.66	\$ 0.77	\$ 12.43
2775	New Castle Carpentry INC	1774964	\$ 4.29	\$ 0.27	\$ 4.56
		TOTAL	\$ 1,072.71	\$ 69.69	\$ 1,142.40

**SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEAR 2010-2019
FISCAL YEAR 2019-2020**

TO: TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS

FROM: Hilari H. Hubner, TAX COLLECTOR

DATE: July 6, 2020

CHARGES TO TAX COLLECTOR:

- 1. Total amount of all delinquent taxes placed in the Tax Collector's hands for collection of the 2019 tax year. \$ 191,917.08

- 2. All late listing penalties and costs charged by the Tax Collector: \$ 784.73

- 3. All interest on taxes charged by the Tax Collector: \$ 37,320.53

Total Charges: \$ 230,022.34

CREDITS TO THE TAX COLLECTOR:

- 1. All sums deposited by the Tax Collector to the credit of the Town: \$ 109,236.81

- 2. Releases allowed by the governing body (including refunds and reductions in valuations): \$ 2,333.95

- 3. The principal amount of taxes constituting liens against real and personal property: \$ 84,824.83

- 4. The interest and charges amount outstanding on taxes constituting liens against real and personal property: \$ 33,626.75

Total Credits: \$ 230,022.34

Respectfully submitted,

Hilari H. Hubner, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 14th DAY OF JULY, 2020

NOTARY PUBLIC _____

My Commission Expires:

FY 2019-2020 BREAKDOWN OF SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEARS 2010-2018

Charges to the Tax Collector:

Year	Beginning Balance	Levy Added	Total Tax placed in the Tax Collector's			Charges Assessed
			Hands for Collection	Interest Assessed		
2018	\$ 41,366.52	\$ -	\$ 41,366.52	\$ 4,145.41	\$ 1.34	
2017	\$ 34,056.30	\$ -	\$ 34,056.30	\$ 5,162.74	\$ 2.22	
2016	\$ 21,170.94	\$ -	\$ 21,170.94	\$ 4,091.87	\$ 300.72	
2015	\$ 5,441.11	\$ -	\$ 5,441.11	\$ 1,122.98	\$ 12.80	
2014	\$ 5,017.69	\$ -	\$ 5,017.69	\$ 1,639.10	\$ 5.35	
2013	\$ 33,252.58	\$ -	\$ 33,252.58	\$ 3,197.98	\$ 34.89	
2012	\$ 16,966.18	\$ -	\$ 16,966.18	\$ 2,478.21	\$ 238.98	
2011	\$ 16,735.30	\$ -	\$ 16,735.30	\$ 5,796.51	\$ 183.51	
2010	\$ 17,910.46	\$ -	\$ 17,910.46	\$ 9,685.73	\$ 4.92	
TOTALS:	\$ 191,917.08	\$ -	\$ 191,917.08	\$ 37,320.53	\$ 784.73	

Credits to the Tax Collector:

Year	Total Amount Deposited	Releases and Write Offs	Principal Amount of Tax Constituting Liens on		Interest/charge Outstanding	Total due
			Real/Personal Property			
2018	\$ 17,392.52	\$ 1,426.43	\$ 23,265.57	\$ 3,428.75	\$ 26,694.32	
2017	\$ 14,240.51	\$ -	\$ 20,188.44	\$ 4,792.31	\$ 24,980.75	
2016	\$ 9,813.87	\$ 23.16	\$ 11,566.55	\$ 4,159.95	\$ 15,726.50	
2015	\$ 2,967.34	\$ -	\$ 2,543.33	\$ 1,066.22	\$ 3,609.55	
2014	\$ 2,173.69	\$ -	\$ 2,974.67	\$ 1,513.78	\$ 4,488.45	
2013	\$ 30,296.14	\$ 40.03	\$ 3,841.17	\$ 2,308.11	\$ 6,149.28	
2012	\$ 14,778.72	\$ 363.15	\$ 2,551.57	\$ 1,989.93	\$ 4,541.50	
2011	\$ 10,880.71	\$ 274.20	\$ 6,385.28	\$ 5,175.13	\$ 11,560.41	
2010	\$ 6,693.31	\$ 206.98	\$ 11,508.25	\$ 9,192.57	\$ 20,700.82	
TOTALS:	\$ 109,236.81	\$ 2,333.95	\$ 84,824.83	\$ 33,626.75	\$ 118,451.58	

STATE OF NORTH CAROLINA

TOWN OF BLOWING ROCK

ORDER OF COLLECTION

TO THE TAX COLLECTOR OF THE TOWN OF BLOWING ROCK

You are hereby authorized, empowered, and commanded to collect the 2020 taxes set forth in the tax record files in the Town of Blowing Rock Tax Office and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Blowing Rock and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers for and on account thereof, in accordance with law.

Witness my hand and official seal, this 14th day of July 2020.

MAYOR _____
Charlie Sellers

Attest:

Hilari H. Hubner, Town Clerk

**SETTLEMENT FOR CURRENT YEAR TAXES FOR
FISCAL YEAR 2019-2020**

TO: TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS

FROM: Hilari H. Hubner, TAX COLLECTOR

DATE: JULY 6, 2020

CHARGES TO TAX COLLECTOR:

1. Total amount of all taxes placed in the Tax Collector's hands For collection for the 2018 tax year:	\$ 4,402,776.49
2. All late listing penalties and costs charged by the Tax Collector:	\$ 239.71
3. All interest on taxes charged by the Tax Collector:	\$ 11,110.69
Total Charges:	<u>\$ 4,414,126.89</u>

CREDITS TO THE TAX COLLECTOR:

1. All sums deposited by the Tax Collector to the credit of the Town:	\$ 4,347,047.43
2. Releases allowed by the governing body (including refunds and reductions in valuations):	\$ 2,353.93
3. The principal amount of taxes constituting liens against real and personal property:	\$ 61,246.01
4. The interest and charges amount outstanding on taxes constituting liens against real and personal property:	\$ 3,479.52
Total Credits:	<u>\$ 4,414,126.89</u>

Respectfully submitted,

Hilari H. Hubner, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 14th DAY OF JULY, 2020

NOTARY PUBLIC _____

My Commission Expires:



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

Release Request No: 2020 - 01

Property Owner: The Weedon Family Corporation

Address: Property Tax

Parcel Number: 028118 Request Date: June 26, 2020

I Hereby Request Release of Tax Under G.S. 105-381 for the Following Year(s):

Assessment Release	Tax Release	Interest	Total	Tax Year
\$145,400	\$494.36		\$494.36	2016
\$145,400	\$537.98		\$537.98	2017
\$145,400	\$552.52		\$552.52	2018

Account Number: 096317

County: Caldwell

Date: June 26, 2020

Release Amount: \$1,584.86

Specific Reason for Release: Release Per Caldwell County- .637 acres was double taxed and should only have been assessed in Watauga County correction created two noncontiguous parcels: 02 8 1 18 (.4 acres) and 02 8 1 18A (.49 acres).

Approved By: _____ Date: _____



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

Tax Refund Request No. 2020-01

Refund Request pursuant to NC General Statute 105-381 For Year 2016, 2017 and 2018

Year	Tax	Int/Penalties	Total Paid	Total Refund
2016	\$494.36		\$494.36	\$494.36
2017	\$537.98		\$537.98	\$537.98
2018	\$552.52		\$552.52	\$552.52

Specific Reason for Refund: Per Caldwell County .637 acres was double taxed and should only have been assessed in Watauga County. Correction created two noncontiguous parcels: 02 8 1 18 (.4 acres) and 02 8 1 18A (.49 acres).

Person Receiving Refund: The Weedon Family Corporation C/O Susan Ritchie 141 Plemons Rd. Crandall, NC 30711

Check No. _____ Check Amt. \$ _____ Date Pd _____

Council Meeting Date: _____ Date Approved: _____

Approved By _____ Tax Collector _____

TO: Mayor Charlie Sellers and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: CUP 2010-03 Foggy Rock Restaurant – minor amendment
APPLICANT: Burt Myers
DATE: July 6, 2020

REQUEST

Mr. Bert Myers is requesting a minor amendment to the conditional use permit issued for Foggy Rock restaurant to add an arcade in the basement. The current CUP limits the basement area to storage and equipment. The arcade would have up to 8 video games and 2 pool tables. No food service would be available, but customers could take a to-go box down there and/or use the area waiting on a table in the restaurant. Mr. Myers also wants to have a bar service in the arcade area and will have an employee attending at all times the arcade is open.

Given the changes to the physical set up of the business, the applicant will seek approval from the ABC Commission prior to operating.

Mr. Myers plans to open the arcade no earlier than 5:00 PM before the dinner shift begins, and close the arcade when the restaurant closes, typically by 10:00 PM.

The parking for the restaurant requires 33 spaces and there are 33 on site. The proposed arcade requires one (1) parking space for each video game and requires one (1) space for each pool table for a total of 10 additional spaces. There are at least 12 other gravel parking spaces available on the lower portion of the property that meet the width and depth and maneuverability requirements in the Land Use Code. Spaces in the grass or double-parked spaces for employees are not included in the 12 spaces. All parking for the restaurant and the proposed arcade can be provided on the Foggy Rock property.

Neighboring properties and those within 150 of the restaurant property were mailed a public notice explaining the request for the arcade and they could share comments or concerns with the Town Clerk or Planning Director by email.

ATTACHMENTS

1. CUP 2010-03 amendment
2. Aerial of Foggy Rock Restaurant

NORTH CAROLINA

WATAUGA COUNTY

**MAJOR AMENDMENT
 TO TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
 Foggy Rock Restaurant
 CUP No. 2010-03
 (Amendment to CUP No. 2007-08)**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock considered the following application for a proposed major amendment to the Conditional Use Permit that was previously approved for the Holli’s Biscuits Restaurant (CUP No. 2007-08), approved on September 11, 2007, and recorded at Book of Records 1335, Page 761 of the Watauga County Public Registry.

Applicant: Burt Myers

Project Name: Foggy Rock Restaurant

Property Location: 8180 Valley Blvd

Tax Parcel No.: 2817-05-9999-000

Property Owners of Record: 8180 Valley Blvd, LLC.

Proposed Use of Property: Restaurant

Current Zoning Classification of Property: GB, General Business

Meeting Date: September 14, 2010

Having heard all of the evidence and arguments presented at the above-referenced meeting, the Board 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. Based on the parking provided, no more than 12 outdoor seats may be used on the existing deck. Any modifications to the deck to bring into compliance with the NC Building Code must be completed prior to use.
2. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. The existing propane tank shall be painted, buried, or screened with landscaping and perpetually maintained.

- 3. The Land Use Ordinance requires a total of 33 parking spaces for the proposed project. The Applicant will provide at least 33 spaces on site, including 2 handicap-accessible spaces.
- 4. The restaurant is bound by the restrictions of the Town Code and noise ordinance regarding service and/or consumption of food or beverages outside a fully enclosed structure. In addition, no amplified live outdoor music shall be permitted on site.
- 5. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
- 6. All sidewalk requirements required through CUP 2007-08 have been completed.
- 7. The dumpster screening shall be painted to match the building materials. Shrubbery shall be added around the sides of the screening to soften the appearance.
- 8. The Applicant is required to comply with the Town Code recycling ordinance and to properly dispose of recyclables.
- 9. Based on the available parking, the basement of the restaurant building may be used for storage and equipment areas only.
- 10. 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.
- 11. 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 (CUP 2007-08) shall remain in effect, except as amended herein.

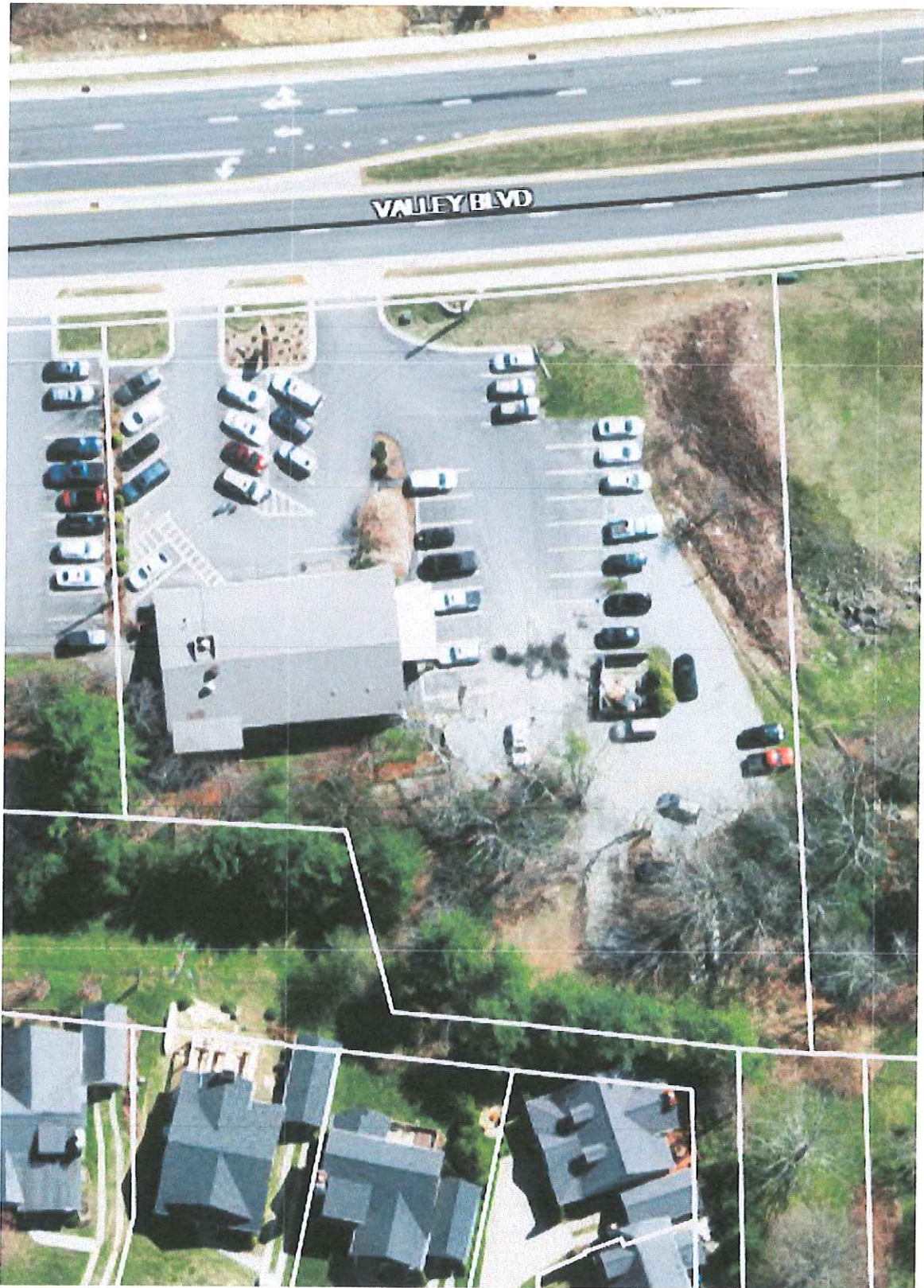
IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together with all of its conditions as binding upon them and their successors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

TOWN OF BLOWING ROCK

By: _____
 J.B. Lawrence, Mayor

ATTEST: _____
 Sharon H. Greene, Town Clerk

(CORPORATE SEAL)



TO: Mayor Charlie Sellers and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: Food Trucks/Itinerant Merchants
DATE: July 8, 2020

Food trucks are considered itinerant merchants and the Land Use Code and Town Code address them in different ways.

- The Land Use Code used to allow itinerant merchants for the sale of produce (only) on vacant lots along Valley Blvd. In 2002, when the first store front produce business (Ma's Produce) operated along Valley Blvd, a change was made to the Land Use Code to remove itinerant merchants as a permissible use.
- Chapter 8 of the Town Code does not allow itinerant merchants in Central Business unless part of a charity event (School, Non-profit or Church-related) or a charity organization (Boy Scouts selling hot dogs) at a special event (Art in the Park, or Farmers Market).

Over the past several years when special events were occurring downtown, we have allowed food trucks at Tanger Shoppes in coordination with the Special Event since the on-site food service at Tanger has been limited.

In the past few weeks as business are allowed to open back up as Covid-19 restrictions have eased, we have considered it reasonable for food trucks to be located at Tanger since they still do not have a full-time restaurant presence on-site.

City of Lenoir

Food trucks are allowed on private property - if zoned properly and meet health department regulations. Food trucks are regulated through a Special Events permit and **attached is a map** showing where food trucks are allowed in downtown Lenoir with the specific guidelines included. This was a pilot program initiated in 2017.

According to Scott Hildebran, the City of Lenoir also allows food trucks in parking spaces along a street adjacent to the courthouse.

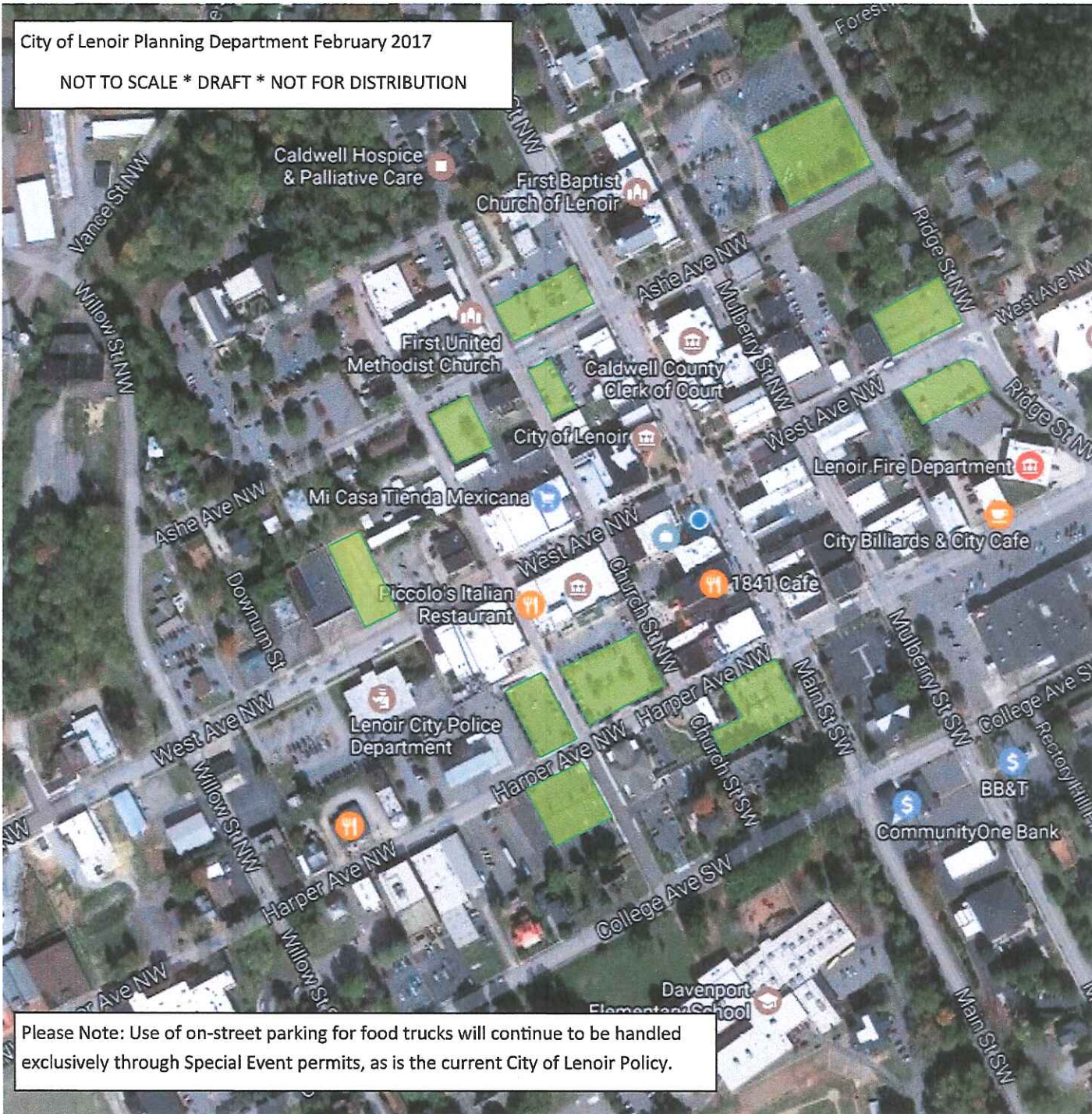
Procedure/Next Steps

After discussion of the issues with itinerant merchants, food trucks and other similar vendors, Council can provide staff with some direction to send the discussion to Planning Board for further study and the drafting of an ordinance, if desired. After Planning Board provides a recommendation, a public hearing is required before adopting an ordinance to amend the Land Use Code and Town Code.

Attachments

- City of Lenoir Downtown Food Truck Map

City of Lenoir Planning Department February 2017
 NOT TO SCALE * DRAFT * NOT FOR DISTRIBUTION



Please Note: Use of on-street parking for food trucks will continue to be handled exclusively through Special Event permits, as is the current City of Lenoir Policy.

Pilot Program for Food Trucks on City-Owned (or leased) parking lots in the Downtown:

1. Adopt an ordinance establishing a pilot program for 1 year (after 1 year — evaluate, codify program with any changes deemed necessary).
2. Must have permit issued by the City (Fee: \$75/year).
3. Only good for improved parking lots that the City of Lenoir owns, or improved parking lots that the City leases (when allowed by lease terms).
4. Must have all inspections/permits from County Health Department.
5. Operations must be contained within two adjacent marked spaces.
6. No parking or serving on landscaped islands.
7. Only signs permanently affixed to the food truck are permitted. Absolutely no wind-blown signs (flags, banners, streamers, etc.) are allowed.
8. Absolutely no evidence of the food truck shall remain in the parking lot after operation (e.g. no trash, cooking oil, etc. may be dumped or left).
9. Must park and serve in such a way that public health, safety and general welfare is not negatively impacted — no blocking ingress/egress or serving customers where they have to stand or queue into moving traffic. Lenoir Police Department may ask food truck operators to move at any time for any public safety concern.
10. Permits for utilizing public parking lots ARE NOT VALID during special events, unless the food truck is permitted and allowed under the special event permit.
11. Permits may be revoked by the City Manager for violation of the above rules, following one written notice of violation to the food truck operator.
12. A maximum of 10 permits will be issued during the first year of the pilot program, to allow staff and Council to observe operations and continue to evaluate and monitor the program.