

**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 19<sup>th</sup> 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 21<sup>st</sup>. 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 1<sup>st</sup>. 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**