



Town of Blowing Rock

Date: Tuesday, December 15, 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 1. November 10, 2020 – Regular Meeting Minutes 2. November 10, 2020 – Closed Session Meeting Minutes REGULAR AGENDA ADOPTION – Vote by Roll Call CONSENT AGENDA 1. Budget Amendment - #2020-12 2. Tax Releases - #2020-02, #2020-03, #2020-04, #2020-05	Mayor & Council Mayor Mayor & Council
IV.	PUBLIC COMMENTS – emailed or mailed to the Town Clerk prior to 4:00pm on December 15th.	
V.	PRESENTATION 1. Blowing Rock Historical Society	Tom Obrien
VI.	PUBLIC HEARING 1. Tree City USA	Jennifer Brown, P&R Director
VII.	BUSINESS MATTERS: 1. CUP Thurtle Building – Minor amendment 2. Chetola Art Request 3. Parks and Recreation Advisory Committee	Kevin Rothrock, Planning Director Jennifer Brown, P & R Director David Harwood

<p>VIII.</p>	<p>OFFICIALS REPORTS & COMMENTS:</p> <ol style="list-style-type: none"> 1. Mayor 2. Council Members 3. Town Attorney 4. Town Manager 	
<p>IX.</p>	<p>CLOSED SESSION – NCGS 143-318.11. (a)(3) – Attorney/Client update on current litigation. NCGS 143-318.11. (6) – <i>to consider the qualifications, competence, character, fitness, conditions of appointment, or conditions of initial public officer or employee or prospective public officer or employee.</i> NCGS 143-318.11. (a)(5) <i>Discussion of potential property acquisition.</i></p>	
<p>I.</p>	<p>ADJOURNMENT/RECESS...<i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i></p>	

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
November 10, 2020

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, November 10, 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, Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Public Works and Utilities Director Matt Blackburn, Planning and Inspections Director Kevin Rothrock, Police Chief Kent Graham and Town Clerk Hilari Hubner who recorded the minutes. Others in attendance via Zoom virtual/phone session were Fire Chief Kent Graham, Parks and Recreation Director Jennifer Brown and Finance Officer Nicole Norman.

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

MINUTE APPROVAL

Council Member Matheson made a motion to approve the minutes from the October 13, 2020 regular and closed session minutes, seconded by Council Member Powell. Unanimously approved.

REGULAR AGENDA ADOPTION

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

CONSENT AGENDA

None

SPEAKERS FROM THE FLOOR

None

PRESENTATIONS

1. Tree City USA

BRAAC Chair Melissa Pickett gave a PowerPoint presentation on Tree City USA.

Following the presentation, Council Member Yount made a motion to send to Planning Board for their review and recommendation, seconded by Council Member Powell. Unanimously approved. **Tree City USA PowerPoint – Attachment A**

2. Tourism Management Plan

TDA Executive Director Tracy Brown did a power point presentation via zoom for the upcoming tourism management plan recently voted on by the TDA Board. **Tourism Management Plan PowerPoint – Attachment B**

BUSINESS MATTERS

1. Water Treatment Plant Bulk Tanks - Bid Award and Budget

Town Engineer Doug Chapman advised at the August meeting Council granted approval to Town staff to move forward with the bid process to replace the chemical bulk tanks at the Water Treatment Plant. The initial bid process began and ended during September 2020 and resulted in one bid being received from Gilbert Engineering. At the October 2020 Council meeting, the Council granted staff the approval to rebid the project, in hopes of obtaining multiple bids. This process began and ended during the month of October 2020. The second bid process did not result in additional bids received. The Town has received one bid for the proposed project, from Gilbert Engineering.

Mr. Chapman advised based on the urgency of the need for this replacement and available funding to accomplish the replacements, McGill recommends that Council approve awarding the project to Gilbert Engineering in the amount of \$208,650 and establish a 5% construction contingency in the amount of \$10,450.

Mayor Pro-Tem Sweeting asked for Manager Fox to explain the funding. Manager Fox explained \$100,000 was set in the budget as a place holder anticipating the potential repair/cleanup. He explained the remaining funds will come from the water/sewer fund balance which will be approximately 4% to 5% from that fund.

Mayor Pro-Tem Sweeting made a motion to approve the bid of \$208,650 with a 5% contingency, seconded by Council Member Matheson. Unanimously approved.

2. Retreat Location and Date

Manager Fox advised Council needed to discuss a location and date for the Winter Retreat. After brief discussion, Council Member Powell made a motion to hold Retreat at BRAHM on January 25, 26 and 27, 2021, seconded by Council Member Yount. Unanimously approved.

3. 2020-2021 Salary Update

Manager Fox advised each year as part of the Annual Budget process the Town Council considers implementing a COLA for each full-time employee, effective July 1st. For the Annual Budget 2020-2021, no COLA was recommended due to the uncertainty at the time given COVID-19 restrictions. During the annual budget presentation to the public in June 2020 it was agreed upon to revisit the potential for a COLA at mid-year. Manager Fox advised his recommendation for Council's consideration was implementing a 2.5% COLA for all full-time employees effective January 1, 2021. Also

approval of a one-time bonus/back pay, equivalent to the salary that would have been received during the timeframe of July 1st, 2020 to December 31, 2020, equaling 1.25% of the full-time-time employees' annual amount. Cost of both the 2.5% COLA and the 1.25% payout are \$99,370 for all Salaries and Benefits. The increase in Salaries and Benefits are to be covered by the increase in Sales Tax Revenue received over budget thus far for the 2020-2021 budget year.

Mayor Pro-Tem Sweeting advised she was an advocated for the salary increases, however had never believed in using the sales tax revenue for salaries because of the change/fluctuation that can occur. She asked how that looked for next year with continuing the salary increases.

Manager Fox advised he didn't note but the sales tax is net of the Watauga County fee that the Town currently pays back. He explained that for at least the last seven years the Town has used the excessive amount for one-time purchases. He further explained the Town is on pace and has no reason to believe any different that the 11-12% increase in exceeding budget is going to change going into 2021.

Council Member Matheson made a motion to approve as presented, seconded by Council Member Yount. Unanimously approved.

Council Member Yount thanked Manager Fox for his work.

4. Budget Amendment - #2020-11

Manager Fox advised the Budget Amendment was for the Bulk Tank replacement and the Salary increase just approved during the meeting.

Mayor Pro-Tem Sweeting made a motion to approve, seconded by Council Powell. Unanimously approved. **Budget Amendment - #2020-11 – Attachment C**

OTHER BUSINESS

- Mayor Sellers – thanked staff for their continued hard work and recommended everyone adhere to the Governors orders for social distancing during the holidays. Thanked our Veteran's for their service.
- Council Member Yount –thanked Mr. Tracy Brown and the TDA Board on starting the Tourism Management Plan and stated he felt it was one of the more important things to happen in a while.
- Council Member Harwood – thanked Moretz paving for going above and beyond during the paving and drainage work on Chestnut Drive. He thanked Mr. Yount for his service and wished him a happy Veteran's Day. He further congratulated Ray Pickett on his House seat win.
- Mayor Pro-Tem Sweeting – thanked Manager Fox and staff for their continued hard work through all. She gave a few updates on the policy goals management committee; broad band, medium income housing and working with DOT on transparency with DOT.

- Council Member Matheson – just finishing up with the League policy goals updates. He advised currently there have been 455 ideas come from 150 municipalities and they will start narrowing those down to soon to start getting ready for session to start in the spring. November 17th is the next call to get the latest updates on the COVID relief funds.
- Council Member Powell – recently met a visitor in Town that bragged on how friendly, caring and how many wear masks in Town. Congratulated all and stated their work is paying off.
- Manager Fox – thanked Council for their partnership in working to pull together some great projects despite the COVID situation. Highlighted some of the projects accomplished: crosswalks, paving, drainage, playground. Paving update – 2 streets left to pave, were delayed because of the rain, Pine Street and the intersection of Wallingford/Laurel Lane. Thanked staff for their ongoing work despite all going on.

Council took a ten-minute recess at 7:20 p.m. before going into closed session.

EXECUTIVE SESSION

At 7:30 p.m. Council Member Harwood made a motion to go into executive session *NCGS 143-3 18.11. (a)(3) – Attorney/Client update on current litigation*, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

ADJOURNMENT

At 8:35 p.m. Council returned to open session, Council Member Yount made a motion to allow Manager Fox to hand the lease agreement for the Ice House, seconded by Council Member Matheson. Unanimously approved.

With no further business Council Member Powell made a motion to adjourn, seconded by Council Member Matheson. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

- Tree City USA PowerPoint – Attachment – A**
- Tourism Management Plan PowerPoint - Attachment - B**
- Budget Amendment #2020-11 – Attachment C**



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Mr. Shane Fox, Mayor Sellers, and Members of Town Council
From: Nicole Norman, Finance Officer
Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2020-12)
Date: December 15, 2020

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2020-2021 for your consideration.

Section 1 (Water/Sewer Fund) allocates additional Water and Sewer Impact Fees towards Water and Sewer Line replacements/extensions at the 1150 Main St. Hotel Project as well as transfers interest earnings towards the line costs.

Section 2 (Water/Sewer Capital Projects Fund) also transfers interest earnings towards Water and Sewer Line replacements/extensions at the 1150 Main St. Hotel Project.

Please let me know if you need further details on the proposed amendment.

**2020-2021
Budget Amendment Ordinance 2020-12**

Be it ordained by the Town Council of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section 1. To amend the Water/Sewer Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-91-7120-503	Water Line Replacements/Repairs	\$ 10,000	\$ -	\$ 12,500	\$ 22,500
30-91-7120-504	Sewer Line Replacements/Repairs	\$ 10,000	\$ -	\$ 12,500	\$ 22,500
			<u>\$ -</u>	<u>\$ 25,000</u>	

This will result in a net increase of \$25,000 in the appropriations of the Water/Sewer Fund. As a result, the following revenue will be increased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-91-3400-331	Transfer from Water/Sewer Capital	\$ 75,584	\$ -	\$ 17,530	\$ 93,114
30-91-3400-374	Water Impact Fees	\$ 11,500	\$ -	\$ 3,719	\$ 15,219
30-91-3400-375	Sewer Impact Fees	\$ 19,780	\$ -	\$ 3,751	\$ 23,531
			<u>\$ -</u>	<u>\$ 25,000</u>	

Section 2. To amend the Water/Sewer Capital Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-5000-300	Transfer to Water/Sewer Fund	\$ 5,929	\$ -	\$ 17,530	\$ 23,459
			<u>\$ -</u>	<u>\$ 17,530</u>	

This will result in a net increase of \$17,530 in the appropriations of the Water/Sewer Capital Fund. As a result, the following revenue will be increased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-3400-329	Interest Income	\$ 57,745	\$ -	\$ 17,530	\$ 75,275
			<u>\$ -</u>	<u>\$ 17,530</u>	

Section 3. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Finance Officer for their implementation.

Adopted this 15th day of December, 2020.

Attested by:

Charles Sellers, Mayor

Hilari Hubner, Town Clerk

Town of Blowing Rock
Request for Council Action

FROM: Hilari Hubner, Tax Collector
SUBJECT: Spit Properties for Watauga and Caldwell Counties
TO: Town Manager Shane Fox and Town Council
DATE: December 15, 2020
REQUESTED BY:

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

BACKGROUND:

Every year tax releases happen from time to time in some sort of clerical error. This year we had a major software error that caused the split properties between Watauga County and Caldwell County causing the full value to be billed. The value and dollar amounts to be released will not effect the total tax budget as they were not intended to be billed.

ATTACHMENTS: Tax Releases – Caldwell and Watauga County Split Properties, Gibson and Klutz



TOWN OF BLOWING ROCK

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

Release Request No: 2020 - 02

Request Date: December 15, 2020 Caldwell County Spit Properties

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

Assessment Release	Total	Tax Year
Total value amount: \$4,740,279 for 14 parcels	\$17,925.89	2020

County: Caldwell

Date: December 15, 2020

Release Amount: \$17,925.89

Specific Reason for Release: Split Parcels were billed for full amounts in error due to a software issue.

Approved By: _____ Date: _____



TOWN OF BLOWING ROCK

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

Release Request No: 2020 - 03

Request Date: December 15, 2020 Watauga County Spit Properties

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

Assessment Release	Total	Tax Year
Total value amount: \$4,155,599 for 10 parcels	\$15,393.50	2020

County: Watauga

Date: December 15, 2020

Release Amount: \$15,393.50

Specific Reason for Release: Split Parcels were billed for full amounts in error due to a software issue.

Approved By: _____ Date: _____



TOWN OF BLOWING ROCK

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

Release Request No: 2020 - 04

Property Owner: Nancy Howie (Gwendolyn Gibson)

Address: 157 White Pine St

Parcel Number: 2817174900000 Request Date: December 15, 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
\$240,300	\$937.17		\$937.17	2020

Account Number: 1810198

County: Watauga

Date: December 15, 2020

Release Amount: \$937.17

Specific Reason for Release: Release Per Watauga County- Ms. Gibson purchased a property from Ms. Howie, but in error the Watauga County Tax office transferred this property into Ms. Gibson's name. The error was discovered, but not in time before the 2020 billing went out.

Approved By: _____ Date: _____



TOWN OF BLOWING ROCK

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

Release Request No: 2020 - 05

Property Owner: Lavaughn Klutz

Address: 368 Ransom Street

Parcel Number: 281707204000 Request Date: December 15, 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
\$182,100	\$710.19		\$710.19	2020

Account Number: 1799435

County: Watauga

Date: December 15, 2020

Release Amount: \$710.19

Specific Reason for Release: Release Per Watauga County- Brandon Walker purchased this property from the Klutz family and split out a portion of the parcel to divide the lot. The county failed to deactivate this parcel id which caused both Mr. Walker and the Klutz family to be billed for the property.

Approved By: _____ Date: _____

Presentation Agenda - Staff Report

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: Blowing Rock History Walk

Date: December 15, 2020

Information:

The Blowing Rock Historical Society and the Village Foundation of Blowing Rock will describe a proposed history walk, asking the Council for conceptual approval. They are not asking for money, and if granted, they will invest in detailed plans and coordinate with appropriate Town staff, BRAAC and others before bringing a final detailed proposal to the Council. Mr. Tom O'Brien, Blowing Rock Historical Society President will present a PowerPoint to the Council with further details.

STAFF REPORT

TO: Mayor Charlie Sellers and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: Ordinance to Protect and Manage Public Trees
DATE: December 9, 2020

REQUEST

BRAAC is requesting review and approval of a Public Tree Ordinance to be eligible to apply on behalf of the Town of Blowing Rock as a Tree City USA member. The draft ordinance attached is proposed to be included in Chapter 16 - Article 22 – Screening and Trees. The additional language would be inserted at the end of the Landscape and Screening Ordinance of the Town Code.

Although we have a landscape ordinance, the Tree City USA standards require that the local government have an ordinance for the protection and management of public trees.

PLANNING BOARD RECOMMENDATION

At the November 19th meeting, the Planning Board recommended approval of the draft ordinance.

ATTACHMENTS

1. Draft Ordinance No. 2020-02
2. Copy of Tree City USA Standards

ORDINANCE NO. 2020-02

**AN ORDINANCE TO ESTABLISH AN ORDINANCE FOR PROTECTION AND
MANAGEMENT OF PUBLIC TREES**

WHEREAS, the Blowing Rock Appearance Advisory Committee is pursuing an application to Tree City USA on behalf of the Town; and

WHEREAS, a requirement of Tree City USA designation is to have an ordinance that protects and plans for management of public trees; and

WHEREAS, BRAAC is prepared to act as the Tree Board and work closely with the Town's Landscaping Department on public tree enhancements, protections, plantings, prunings, and other management processes; and

WHEREAS, the Planning Board and Board of Commissioners agree that this ordinance amendment is consistent with the 2014 Comprehensive Plan Update, and helps to promote the health, safety, and general welfare of the citizens of the Town of Blowing Rock.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Section 16-22.2 of the Land Use Ordinance is hereby added to read as follows:

"Section 16-22.22 Public Trees. This Article shall be known as the Public Tree Ordinance of the Town of Blowing Rock, North Carolina. The provisions of this Article are adopted under authority granted by N.C.G.S. 160A-174. This Article is applicable within the Town's Planning Jurisdiction and specifically applies to public areas, Town right-of-ways, and Town property.

16-22.22.01 The first purpose of this Article is to regulate the planting, maintenance and removal of trees and shrubs in public areas. In order to protect and conserve trees in public areas, this Article provides for the pruning, treatment and removal of trees, root systems and shrubs as the Tree Board deems necessary, acting under the authority of the Town Council. This Article is also intended to provide for the trimming and removal of trees in public areas when they obscure street lights, interfere with surface and subsurface utility lines, or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare as the Tree Board or the Planning Director determines, acting under the authority of the Town Council.

16-22.22.02 The second purpose of this Article is to express the Town's intent to use trees to create a more natural and congenial living environment. The Tree Board shall be

responsible for promoting the best use, selection and care of trees in public areas and for the administration of the long-range Parks and Recreation Master Plan.

16-22.22.03 Authorization Required.

- (a) No person, except as authorized herein, shall plant, maintain, remove, or otherwise disturb, any tree or shrub in any public area without first receiving written approval from the Tree Board. Exempted from this Article are public utilities providing electrical service within the Town that prune or cut trees or vegetation around electrical lines and fixtures to protect said lines and fixtures from damage from trees and vegetation. Routine maintenance of public areas by the Town or its subcontractors shall be coordinated with the Tree Board.
- (b) In cases of public vehicular safety, the chief of police or the director of zoning and inspections may immediately remove limbs obstructing traffic signs or impairing vehicular visibility.
- (c) In case of emergencies, including windstorms, ice storms and other disasters, permits may be waived by the ~~mayor~~ Town Manager, Tree Board, or the director of zoning and inspections during the immediate emergency period so as not to hamper emergency work.
- (d) The Tree Board may initiate tree and shrub planting or removal in public areas with the prior approval of the Town Council. Town residents may initiate tree and shrub planting or removal in public areas with the written approval of the Tree Board. Nearby property owners will be notified of planned tree and shrub planting or removal.
- (e) All plantings now and hereafter installed in public areas shall become the property of the Town and shall be under the control of the Town and subject to all regulations of the Town thereafter.

16-22.22.04 Enforcement. The Tree Board acting under the authority of the Town Council shall have the general powers and duties to:

- (a) Discuss, coordinate and plan with the Landscaping Department to include all plantings, removal, maintenance and protection of all trees and shrubs in all public areas.
- (b) Guard all vegetation in any public area to prevent the spread of plant disease or pests and to eliminate conditions deemed by the Tree Board to be dangerous to the safety of persons or property.
- (c) Administer the provisions of this Article.
- (d) Accept requests for planting, removal, or maintenance of plantings in any public area, and accept or deny the request as required by the provisions of this Article.
- (e) Remove any vegetation placed without approval in a public area.

16-22.22-05 Abuse or Mutilation of Public Trees or Shrubs. Unless specifically authorized by the Tree Board, Landscaping Department, Town Council or exempted herein, no person shall intentionally damage, cut, carve, transplant, or remove any tree or shrub in a public area; attach nails, signs, advertising posters, or other contrivance to any tree or shrub in a public area; allow any gas, liquid or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit any fire to burn when such fire, or the heat thereof, will injure any portion of any tree or shrub in a public area. Exempted from this Article are public utilities providing electrical service within the Town who prune or cut trees or vegetation around electrical lines and fixtures to protect said lines and fixtures from damage from trees and vegetation.

16-22.22.06 Protection of Trees.

- (a) All trees in any public area near any excavation, construction, or street work, shall be protected in a manner specified by the Tree Board, Landscaping Department, Town Council or the director of zoning and inspections. Private projects shall bear the cost and responsibility of the protection requirements.
- (b) All trees in public areas shall, to the degree practicable, be pruned or trimmed only in accordance with standards established by the American National Standards Institute, Publication A-300, Tree Pruning Standards, 1995 edition or later.

16-22.22.07 Location of New Trees.

- (a) No street tree shall be planted nearer than ten feet from any fireplug or streetlight, nor within six feet of curb cuts or driveways.
- (b) No street trees, other than those species listed as small trees on the desirable trees list, may be planted under or within ten lateral feet of any overhead utility line, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other underground utility or within six feet of the edge of the paved street.

16-22.22.08 Removal and Maintenance.

- (a) The Town will maintain trees and shrubs and remove dead or diseased trees and shrubs in public areas as necessary.
- (b) No person shall remove trees or shrubs from public areas for any purpose without first procuring written authorization from the Tree Board, Landscaping Department, Town Council or the building inspector. Said person who obtains such authorization shall bear the cost of removal. Exempted from this Article are public utilities providing electrical service within the Town that prune or cut trees or vegetation around electrical lines and fixtures to protect said lines and fixtures from damage from trees and vegetation."

Section 2. The following definitions will be added to Section 16-2.2 General Definitions and will read as follows:

"Maintenance includes all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the ground.

Public area includes all public land, easements and rights-of-way owned or held by the Town, including easements and rights-of-way for streets, alleys, sidewalks, median strips and other Town facilities. This includes public areas having individual names, all areas owned by the Town or to which the public has free access as a park, public access, and other properties controlled and maintained by the Town.

Street tree means any tree within a public right-of-way.

Tree and/or shrub includes all woody vegetation presently or hereafter planted in any public area.

Tree Board means Blowing Rock Appearance Advisory Commission (BRAAC), whose purpose is expanded; in conjunction with the Blowing Rock Landscaping Department to include the short- and long-range management of trees within public street rights-of-way, Town-owned property, and other public property in the Town."

Section 3. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the ____ day of _____, 2020

Charlie Sellers, Mayor

ATTEST: _____

Hilari H. Hubner, Town Clerk

Tree City USA Standards

To qualify as a Tree City USA community, you must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. These standards were established to ensure that every qualifying [community*](#) would have a viable tree management program and that no community would be excluded because of size.

Four Standards for Tree City USA Recognition

 Standard 1 |  Standard 2 |  Standard 3 |  Standard 4

Standard 1

A Tree Board or Department

Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

Standard 2

A Tree Care Ordinance



A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1). It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Qualifying ordinances will also provide clear guidance for planting, maintaining and/or removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, [see Tree City USA Bulletin #9](#).

Standard 3

A Community Forestry Program With an Annual Budget of at Least \$2 Per Capita

City trees provide many benefits—clean air, clean water, shade and beauty to name a few—but they also require an investment to remain healthy and sustainable. By providing support at or above the \$2 per capita minimum, a community demonstrates its commitment to grow and tend these valuable public assets. Budgets and expenditures require planning and accountability, which are fundamental to the long-term health of the tree canopy and the Tree City USA program.

To meet this standard each year, the community must document at least \$2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen. At first this may seem like an impossible barrier to some communities. However, a little investigation usually reveals that more than this amount is already being spent on tree care. If not, this may signal serious neglect that will cost far more in the long run. In such a case, working toward Tree City USA recognition can be used to reexamine the community's budget priorities and redirect funds to properly care for its tree resources before it is too late.



An Arbor Day Observance and Proclamation

An effective program for community trees would not be complete without an annual Arbor Day ceremony. Citizens join together to celebrate the benefits of community trees and the work accomplished to plant and maintain them. By passing and reciting an official Arbor Day proclamation, public officials demonstrate their support for the community tree program and complete the requirements for becoming a Tree City USA!

This is the least challenging—and probably most enjoyable—standard to meet. An Arbor Day celebration can be simple and brief or an all-day or all-week observation. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.

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Tree City USA is an Arbor Day Foundation program in cooperation with:



TO: Mayor Charlie Sellers and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: CUP 1999-02 Thirtle Commercial Building – minor amendment
APPLICANT: Jim and Iris Thirtle
DATE: December 9, 2020

REQUEST

Mr. Jim and Mrs. Iris Thirtle are requesting a minor amendment to their CUP for the Thirtle Building at 110 Sunset Drive to allow their satellite parking spaces to be allowed within 900 feet of the building.

In May of 2003, Town Council approved an amendment to the CUP which changed the allowable use of the second floor from restaurant to retail, office, and residential use. In allowing residential use, the Council required that satellite parking be required for that use within 400 feet of the property. The Land Use Code was changed in later years to allow satellite parking in downtown to be within 600 feet of the property.

The Thirtles have had a residential use on the second floor for over 15 years and have utilized an agreement with First Citizens bank for satellite parking. The Thirtles are trying to sell the commercial building at 110 Sunset Drive and are able to provide up to 2 satellite parking spaces on their property at 284 Sunset Drive. The Thirtles request this minor amendment to secure satellite parking within 900 feet for the second-floor residential use.

ATTACHMENTS

1. Letter from Tony diSanti
2. Copy of CUP Amendment 1999-02
3. Aerial Map showing building and proposed parking location

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November 25, 2020

Mr. Kevin Rothrock, Planning Director
Department of Planning & Inspections
kevin@townofblowingrocknc.gov

**Re: E.J. (Jim) Thirtle and Iris M. Thirtle
Thirtle Commercial Building (Papillion Building)
110 Sunset Drive, Blowing Rock, NC 28605
Tax Parcel: 2807-97-2855-000
CUP 1999-02 Minor Amendment**

Dear Kevin:

On behalf of E.J. (Jim) and Iris M. Thirtle, this letter is to request a Minor Amendment and variance to their Conditional Use Permit, 1999-02, to provide off-site parking within 900 feet of the Papillion Building at 284 Sunset Drive for the duration of any residential use of the building which is set forth in the Minor Amendment approved May 13, 2003, recorded July 23, 2003 at Book of Records 864 at Page 620 of the Watauga County Register of Deeds Office, a copy of which is attached. The property located at 284 Sunset Drive is owned by Mr. and Mrs. Thirtle as trustees of their trust pursuant to a deed dated July 19, 2016 and recorded July 22, 2016 at Book of Records 1870 at Page 449 of the Watauga County Register of Deeds Office.

Mr. and Mrs. Thirtle and I will appreciate you scheduling this matter at the next meeting of the Blowing Rock Town Council which I understand will be December 8, 2020.

Thank you for your assistance.

Page (2)
Kevin Rothrock
November 25, 2020

di Santi Watson Capua Wilson & Garrett, PLLC



Anthony S. di Santi

Cc: E.J. (Jim) Thirtle and Iris M. Thirtle
iristhirtle@gmail.com

Sue Glenn
sue.glenn.brnc@gmail.com

Exhibit B

Thirtle Building

CUP 1999-02 Minor Amendment

Having heard all of the evidence and arguments presented at the above-referenced hearing, 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. The Applicant shall complete the development of the subject property in accordance with the plans submitted and approved by the Board, 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. The Applicant is hereby authorized to have residential and office use on the second floor of the Papillon Building. When the Applicant chooses to change the use of the second floor to retail, he/she need only obtain a zoning permit when a conditional use permit would otherwise be required for a change in use. The Board of Commissioners, however, no longer permits restaurant use for the first or second floors, without the specific authorization by an amendment to this conditional use permit.
3. In accordance with Section 16-298 of the Land Use Ordinance, the Applicant shall provide ongoing and continuing proof and documentation that off-site parking has been secured within 400 feet of the Papillon Building for the duration of any residential use on the second floor of the building. Two signs shall be erected on such property designating parking spaces for the exclusive use of the parties occupying the second floor of the Papillon Building. The Applicant shall provide the Zoning Administrator with satisfactory written evidence that he has the permission of the owner or other person in charge of the off-site parking spaces to use said spaces. If at any time this off-site parking is no longer available for the benefit of the residential use of the second floor of the Papillon Building, other satellite parking spaces must be secured with acceptable documentation submitted to the Zoning Administrator within 30 days. Failure to maintain this off-site parking requirement shall result in termination of residential use on the second floor of the Papillon Building. Any future satellite parking areas must also have signs erected specifying that the parking spaces are for the exclusive use of the occupant of the second floor of the Papillon Building.
4. Before any building permit is issued, the Applicant shall submit a revised site plan, in such form as shall be required by the Zoning Administrator, that incorporates the terms and conditions of this Conditional Use Permit.
5. 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.
6. 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.

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

Exhibit B

Thirtle Building

CUP 1999-02 Minor Amendment

Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: Terry D. Lentz
Terry Lentz, Mayor Pro-Tem

ATTEST: Barbara G. Beach
Barbara G. Beach, Town Clerk

(CORPORATE SEAL)



OWNER AND APPLICANT

By: E. J. Thirtle

By: Iris M. Thirtle

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Barbara G. Beach came before me and acknowledged that she is Town Clerk of the Town of Blowing Rock and that by authority duly given and as the act of the Corporation the foregoing instrument was signed in its name by its Mayor Pro-Tem and sealed with its corporate seal, and attested by its Town Clerk.

WITNESS my hand and official seal this, the 18th day of July, 2003.

Linda M. Steen
Notary Public

My commission expires:

8-04-07

NOTARIAL SEAL:



Exhibit B

Thirtle Building

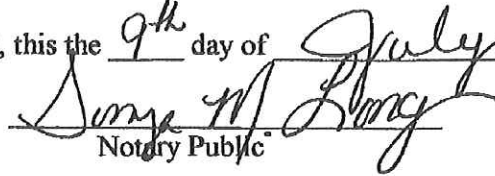
CUP 1999-02 Minor Amendment

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that E. J. Thirtle and wife, Iris M. Thirtle, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

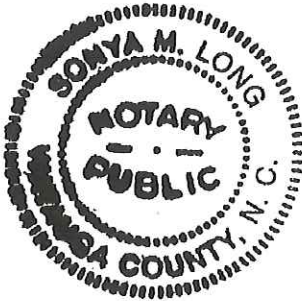
WITNESS my hand and official seal, this the 9th day of July, 2003.


Notary Public

My commission expires:

11-02-2003

NOTARIAL SEAL:



NORTH CAROLINA - WATAUGA COUNTY

The foregoing certificate(s) of

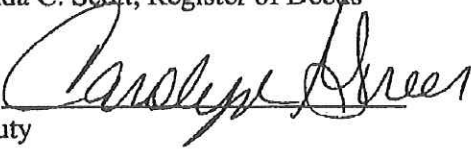
Linda M. Steen, Notary Public, Watauga County, NC,
Sonya M. Long, Notary Public, Watauga County, NC,

is (are) certified to be correct.

This the 23 rd day of July 2003.

Wanda C. Scott, Register of Deeds

BY:
Deputy



Red Arrow = Thirtle Commercial Building at 110 Sunset Drive

Yellow Arrow = Satellite Parking at 284 Sunset Drive





May 20, 2004

Town of Blowing Rock
Mr. Kevin Rothrock
PO Box 47
Blowing Rock, NC 28605

RE: E. James and Iris Thirtle

Dear Mr. Rothrock,

Please accept this letter as confirmation that First Citizens Bank in Blowing Rock has extended 2 permanent parking spaces to Mr. and Mrs. Jim Thirtle in our private parking lot. They will have the right to these spaces for as long as they need them.

If we should ever need to cancel their right to use these spaces, we will inform you in writing. Should you need any additional information, please do not hesitate to contact me at 828-263-5976.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Craig".

Susan D. Craig
Vice-President

Cc: file

CHESTER E. WHITTLE JR.

Attorney and Counsellor at Law
756 West King Street
P. O. Box 494
Boone, North Carolina 28607

FAX 828-264-6640

Telephone 828-264-6661

June 7, 2004

Mr. & Mrs. Jim Thirtle
P. O. Box 43
Blowing Rock, NC 28605

Dear Jim and Iris:

Kevin Rothrock called to tell me that he had received my letter and that he has reported to the powers that be that you are in compliance.

He also volunteered that, so far as he was concerned, he had no problem with you parking on Sunset or Main after hours, when shops on those streets are closed, but suggested that you wait a month or two before you do that. He said certain people were angered by the fact that, although you obtained some reserved spaces, you never even once used them when you knew full well what the CUP provided.

So, be careful and best wishes to you.

Yours very truly,



Chester E. Whittle, Jr.


CEWJr/smm

ArcGIS Web Map



12/10/2020, 10:53:52 AM

 Planning & Zoning Jurisdiction (ETJ)

 Roads





Town of Blowing Rock

Request for Council Action

FROM: Jennifer Brown, Director of Parks & Recreation
SUBJECT: Public Art Request 2020-1
TO: Town Council
DATE: December 15, 2020
REQUESTED BY: Blowing Rock Appearance Advisory Commission

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

BACKGROUND:

Chetola Resort and Spa hosted a Sculpture Walk in 2019. During this event, a sculpture was approved by Town Council to install on Main Street near Chetola for a year until the next Sculpture Walk event. Due to COVID, Chetola cancelled their 2020 Sculpture Walk Artwalk.

Chetola is requesting to leave the current sculpture up on Main Street until their next Sculpture Walk, which will hopefully be in 2021.

BRAAC RECOMMENDATION:

Recommend that the sculpture remain until the next Sculpture Walk. BRAAC approved their request during their December 8, 2020 meeting.

December 8, 2020

To: Mayor Charlie Sellers, Blowing Rock Town Commissioners and Town Manager, Shane Fox
From: David Harwood
Re: Parks & Recreation Advisory Committee and Parks Strategy Plan

Background:

Blowing Rock is recognized for our public spaces, the quality of our landscaping, our park facilities and now the wonderful, new playground. In recent years, Town Council has considered many improvements to the parks and implemented some of them. There are many competing users that want new amenities or our existing ones improved. These users and supporters include BRAAC, tourists, Village Foundation, BRCA, parents, athletes, hikers, citizens, music groups and pickleball players. I am of the opinion that a solid, multi-year strategy for our parks, with an action plan, is needed so that we can plan accordingly for continued maintenance, but also for improvements and new amenities. Such a strategy will allow the Town and Council to make informed decisions when opportunities are presented for partnerships and potential land acquisition. Additionally, there are North Carolina Parks and Recreation Trust Fund Grant (PARTF Grant) funds available which can significantly help offset the costs of such improvements. These grant funds would be administered through the High Country Council of Governments (HCCOG) and they would also assist with the grant writing and application process.

Request:

I am requesting that Town Council authorize the formation of a Parks & Recreation Advisory Committee. The committee will include the following individuals:

- Council Representative David Harwood
- Town Representative Shane Fox
- Parks & Rec Representative Jennifer Brown
- BRACC Representative Melissa Pickett
- Planning Board Representative Pete Gherini

Mission:

During the period of 12/15/20 until the Council's Winter Retreat on 1/25/21, the initial mission of this small committee will be:

1. Determining the feasibility of applying for a 2020-21 PARTF Grant by the May 2021 deadline. If the feasibility is positive, then identifying potential projects that can be submitted within the May 2021 deadline. The committee would then prepare a strategy of responsibilities and deadlines to accomplish this task within the given timeframe. If the May 2021 deadline is unfeasible, then the committee would devise a roadmap for submission in May 2022.
2. Preparing a process to create a "Parks Strategy Plan" for Blowing Rock's park system. This is not a new Master Plan, as one was done in 2018, but incorporating that Master Plan and updating it as necessary. The strategy plan would have a longer-term goal (6 - 10 months) and would start after the completion of the May 2021 PARTF submittal, or sooner, if we don't submit for a grant in 2021. Ultimately, the Parks Strategy Plan will:
 - Identify what's broken and needs repair. Prioritization of those repairs and deferred maintenance
 - Identify what we want but don't have - not just assets, but potentially processes, procedures, etc.
 - Examine landscaping and tree care. Identify areas of need and a path to proper implementation and correction.
 - Determine desired, new assets and a prioritization of those items. Identify potential funding sources for those additions
 - Provide a strategy for evaluating opportunities when presented to the Town (i.e. History Walk, Legion Hill, pickleball, Cone Road, etc.)
 - Identify potential land acquisition and sources of funding
 - Provide a plan for public input
 - Provide ideas for expansion of the committee to include key stakeholders.

- Updating/realignment of the 2018 Master Plan
- Strategize on how to get our partners (BRACC, BRCA, Village Foundation, Chamber, etc.) aligned in purpose by identifying needs and desires for which they can assist.

Presentation:

The Parks and Recreation Advisory Committee will present the feasibility for PARTF application and seek endorsement for proceeding with the Parks Strategy Plan to Council at the Winter Retreat. The committee will seek guidance for next steps from Council at that time.

Thank you!