

MINUTES
Town of Blowing Rock
Town Council Meeting
January 12, 2021

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, January 12, 2021 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 Aaron Miller, Parks and Recreation Director Jennifer Brown and Town Clerk Hilari Hubner who recorded the minutes. Others in attendance via Zoom virtual/phone session were Fire Chief Kent Graham, 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

Mayor Pro-Tem Sweeting made a motion to approve the regular session minutes from the December 15, 2020, seconded by Council Member Matheson. Unanimously approved.

Council Member Powell made a motion to approve the closed session minutes from the December 15, 2020 meeting, seconded by Council Member Yount. Unanimously approved.

REGULAR AGENDA ADOPTION

Mayor Sellers advised there was one addition to New Business a resolution for the High Country Council of Government. Mayor Pro-Tem Sweeting made a motion to adopt the agenda as presented, seconded by Council Member Yount. Unanimously approved.

CONSENT AGENDA

1. Budget Amendment - #2021-1

To account for various items. **Budget Amendment #2021-1**

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

SPEAKERS FROM THE FLOOR

Mayor Sellers Read a letter from Roger and Diana Hill regarding the Cone Road storage yard.

Mr. Tom Lucido read a letter on behalf of the Civic Association about the strategic priorities to “Protect the Village” for the Valley Boulevard development.

Mr. Tim Gupton Mayview Park Homeowners regarding a land swap proposal to move the Cone Road storage yard. **Citizen Letters – Attachment A**

PRESENTATION

1. Blowing Rock Police Department

Blowing Rock Police Chief Aaron Miller introduced three new Police Officers; Gracie Brown, Caleb Lowrance and Matthew McBurney to Town Council and Town Clerk Hilari Hubner administered the oath of office to swear in the new officers.

Chief Miller presented Senior Officer Alan Hunt with the life saving award.

PUBLIC HEARING

1. Foggy Rock CUP 2010-03

Planning Director Kevin Rothrock advised Foggy Rock Restaurant is requesting an amendment to their conditional use permit to provide up to forty (40) seats of additional outdoor seating on the south side of the building. The arcade that was approved by Town Council in July 2020 will not be built and the basement will remain as storage. The gravel parking lot on the side and rear of the property will be paved with forty-three (43) parking spaces when complete. The property is in the WS-IV-PA water supply watershed.

The outdoor dining will be expanded on the front left of the building with a new covered porch area, and a seating area in front of the porch.

The required parking for the restaurant and proposed forty (40) outdoor seats is forty (40) parking spaces. The restaurant has thirty-three (33) existing paved spaces and several overflow parking spaces. Foggy Rock is proposing to formalize up to fourteen (14) gravel spaces and pave them for a total of forty-three (43) parking spaces. Some of the existing spaces in the upper lot will be removed and converted to landscaping.

A sixteen-foot opaque buffer is proposed along the King's Ransom subdivision. In addition, a planted buffer will be added along the stream culvert headwall where the stream opens up behind the building.

At the December 17, 2020 Planning Board meeting the CUP Amendment was approved as presented.

Council Member Harwood asked if all conditions of the 2010 amendment had been satisfied. Mr. Rothrock advised the only thing would be the dumpster screening. He explained he would ask there to be a better screening, built secure, plantings around to hide the dumpster and kept maintained.

Preston Spencer with 4 Forty Four gave a detailed presentation on the construction plan.

The applicant Mr. Bert Myers advised he had been excited about doing the first proposal with the arcade, but when COVID hit that changed their plan. He advised due to the pandemic customers have changed their habits and felt being able to provide more outdoor seating would be better.

Mayor Pro-Tem Sweeting asked for clarification on the location of the dumpster and relocation of the propane tank. Mr. Spencer showed on the site plan where they would be located.

Residents spoke via Zoom:

Judge Bob Burroughs – advised he was concerned with the excessive run off in addition to the already issue of flooding. He further advised he thought there would be a physical wall, but it appears the plan is to only do a planted wall. Judge Burroughs explained their neighborhood could not take any additional flooding and he felt would also be additional noise and he asked the CUP not to be granted.

L.K. Richmond – advised she has the same concerns as Judge Burroughs. She explained she was unclear exactly where the gas tank would be moved to. Ms. Richmond further advised with only having six (6) parking spots in the upper lot, this will require customers to have to walk up some sort of pathway which will be an inconvenience to them.

David Owens – advised he as well as Robbie Ray were the two most impacted by the buffer. He explained he and Mr. Ray have discussed the vegetative natural barrier vs. wall and both agree if done properly the vegetative natural barrier would be better. He explained that type of barrier would be much easier to maintain. Mr. Owens advise both he and Mr. Ray would like to ask to impose on the project team some opportunity for those most effected to look at the plan. He further asked Mr. Rothrock if his proposal satisfies the code. Mr. Rothrock advised it did. Mr. Owen advised he supported the project and restated he would like Council to allow him and Mr. Ray to impose on making sure the barrier is effective in providing proper privacy.

Margaret Deaton – asked if smoking was going to be allowed in the outdoor seating area. The applicant, Mr. Myers, advised smoking would not be allowed. Ms. Deaton further asked if she could also be included in looking at the buffer area as well since she too is closely impacted.

Colleen Taber – advised she too was concerned about the rain and runoff, especially in her yard and Judge Burroughs yard with the large amount of flooding. She explained with the increased occupancy she was concerned with how this might affect them and asked if there was a way to do some type of berm to keep water from coming down their property. Ms. Taber stated it did concern her the 2010 requirement was that trees be provided for a visual and sound barrier but have yet to be done. She further stated she would like to know what the guarantee was that the new barriers would be done. Ms. Tabor commented a tree barrier may be more attractive, but thought a concrete barrier was what is really needed. Ms. Taber concluded that she was still unclear on the location of the dumpster and wanted clarity on the buffers as without them felt it was an invasion of privacy.

Mayor Sellers thanked the citizens for their input.

Council Member Matheson asked Mr. Rothrock if lighting would be required in the parking area. Mr. Rothrock advised there would need to be some sort of lighting provided. The lighting options were discussed further.

Mr. Rothrock advised he would like to address Ms. Taber and Ms. Richmond's question about the dumpster location. He explained the dumpster will be in the same location it currently is in. He further explained his recommendation would be to either bury the propane tank or move the tank behind the dumpster and screen it in.

Mayor Pro-Tem Sweeting asked for clarification for Ms. Richmond about the six (6) parking spaces up top it's actually eleven (11). Mr. Rothrock confirmed that was correct.

Mayor Pro-Tem Sweeting asked if the municipal engineer could address the runoff concern Judge Burroughs has and what recommendation he would have.

Mr. Alan Crease stated he does not believe the runoff will increase substantially, if at all. He explained that is because of some additional buffers and removing impervious areas where the culvert area is as well as the upper parking lot. Mr. Crease advised if the project is approved, he could provide Mr. Rothrock some post development and post runoff calculations to assure with the project there would not be additional runoff.

With no further questions or comments, Mayor Pro-Tem Sweeting made a motion to close the public hearing, seconded by Council Member Matheson. Unanimously approved.

Mayor Pro-Tem Sweeting made a motion to approve the plan as presented with the conditions as approved by the Planning Board in addition would ask the Myers to work with Mr. Ray, Mr. Owens and Ms. Deaton regarding the vegetative opaque buffer they would like, would also ask the traffic flow be changed to one way with the North access as the entrance and the South access as the exit only. In addition, would like Mr. Crease to Submit a runoff calculation and present to Mr. Rothrock addressing Judge

Burroughs concerns as well as the other homeowners, seconded by Council Member Powell.

Further Discussion:

Council Member Harwood asked for additional discussion on the traffic flow. Council briefly discussed and Mr. Rothrock advised delivery trucks would need to still come in the South entrance because of where they have to go, but agreed it wasn't unreasonable to request for normal traffic flow.

Council Member Harwood advised the wording "working with the neighbors" is vague and wanted the applicant to be clear what is being asked of them.

After some discussion Mayor Pro-Tem Sweeting amended her motion to added to develop a reasonable solution. The motion was amended as follows:

Mayor Pro-Tem Sweeting made a motion to approve the plan as presented with the conditions as approved by the Planning Board in addition would ask the Myers to work with Mr. Ray, Mr. Owens and Ms. Deaton regarding the vegetative opaque buffer to come up with a reasonable solution, would also ask the traffic flow be changed to one way with the North access as the entrance and the South access as the exit only. In addition, would like Mr. Crease to Submit a runoff calculation and present to Mr. Rothrock addressing Judge Burroughs concerns as well as the other homeowners, seconded by Council Member Powell. Unanimously approved **Foggy Rock #2010-03 – Attachment C**

BUSINESS MATTERS

1. Loan RFP Results – Purchase of DOT Property

Manager Fox advised following land acquisition cost from the NCDOT for land located on HWY 321 and the intent for Council to purchase the land for future needs, a request for proposals was released to eight (8) area banks seeking a rate for financing the amount of \$442,250. Proposals were received from three (3) of the eight (8) banks requested with three (3) no bid responses being received. Manager Fox advised the low bid was submitted by United Community Bank with rate of 1.89%. They included a closing costs range of \$116-1,500 and no prepayment penalty in the case of early repayment if the loan. Through the rate is higher than BB&T, when the closing costs are factored in the United Community Bank proposal is approximately \$1,500 less.

Council Member Powell asked if there were any penalties for pre-payment if the loan were to be paid off sooner. Finance Officer Nicole Norman advised there would not be.

Council Member Matheson made a motion to approve as presented, seconded by Council Member Yount. Unanimously approved. **High County Council of Government Resolution – Attachment D**

2. High Country Council of Government Resolution

Manager Fox advised the HCCOG has requested that all their twenty-six (26) members adopt a new resolution as their charter hasn't been updated since 1974. He explained the purpose is to clean up some of the language in there as well as the number of members required to be present for meeting purposes. Manager Fox read the resolution.

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

OTHER BUSINESS

- Mayor Sellers – thanked staff for their continued hard work, the Council and to the citizens their hard work advised he hoped 2021 would be a great new year. Reminded all that the Council Retreat would be held via zoom January 25, 26 and 27th at Town Hall. Citizens can tune in via the Town Council YouTube channel.
- Council Member Yount – He advised he has the sign competed for the New River identifying it. He will take to BRACC for approval.
- Council Member Harwood – thanked the Council again for allowing the parks and recreation strategy committee to be formed. They had a meeting last week and again today and will be having weekly meetings to get ready for the Town Council Retreat. Really talking about ways of moving forward with a Part F grant that will be presented at the Retreat.
- Mayor Pro-Tem Sweeting – has had some complaints about trash, asked Manager Fox to let the Town residences know what the Town has been doing regarding trash pick up on the weekends. Public Works director advised typically on the busier weekends the Town will get trash on Main Street. This time of year when it's not too busy they don't typically pick up on the weekends. She advised the Town crew did a great job of clearing Main Street sidewalks, but asked who was responsible for the sidewalks Hwy 321. Mr. Blackburn explained they had been short handed and not gotten to that area yet, but will soon.
- Council Member Matheson – Watauga County Parks and Rec is doing a food drive if anyone would like to a drop off as well as they will give information for the new recreation center. Thanked the employees who have worked the last three holidays. The way it looks now local municipalities are going to be left out again on COVID relief funding.
- Council Member Powell – thanked Manager Fox and Chief Miller for their assistance in getting in touch with the Park Service for safety concerns with residents regarding the sledding hill near the parkway. She further stated the TDA occupancy numbers had confirmed the increased in tourist in the area last year. She thanked the staff and citizens for their patients as it is hard on all.
- Manager Fox – thanked Town staff for their had work on the holidays with various issues. He recapped there was a water leak on Labor Day, Thanksgiving Day, Christmas Eve with snow and advised there was a crew on staff 24/7 from Christmas Eve through the Monday after Christmas, additional water leaks around New Years and recently more snow. Update on the Audit – has been submitted

to the LGC and awaiting for approval. Audit numbers will be reviewed on the first day of retreat.

EXECUTIVE SESSION

None

ADJOURNMENT

With no further business Council Member Powell made a motion to adjourn at 8:10 p.m., seconded by Council Member Yount. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

Citizen Letters – Attachments A

Budget Amendment #2021-1 – Attachment B

Foggy Rock CUP Amendment #210-08 – Attachment C

High County Council of Government Resolution – Attachment D