

MINUTES
Town of Blowing Rock
Town Council Meeting
May 11, 2021

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, May 11, 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, Fire Chief Kent Graham and Town Clerk Hilari Hubner who recorded the minutes. Others in attendance via Zoom virtual/phone session were Finance Officer Nicole Norman.

CALL TO ORDER

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

THE PLEDGE OF ALLEGIANCE

MINUTE APPROVAL

Mayor Pro-Tem Sweeting made a motion to approve the regular and closed session minutes from the April 13, 2021, seconded by Council Member Matheson. Unanimously approved.

REGULAR AGENDA ADOPTION

Mayor Sellers advised the Pine and Laurel Townhomes Public Hearing was pulled from the agenda per the applicant's request. He also advised there would be an addition to Business Matters, the Southern Gateway Greenhill Green Space group will present a proposal to Council. He further advised after the presentation Council will go into closed session to discuss and will come out of closed session with motion.

Council Member Harwood made a motion to approved regular agenda with the changes, seconded by Council Member Powell. Unanimously approved.

CONSENT AGENDA

1. 2014 Bond Extension Resolution – Public Hearing Date – June 8, 2021

Approve the resolution and set the Public Hearing date.

2. Mayview Madness Date Approval –

Parks and Recreation Director Jennifer Brown advised a request had been made from the Blue Ridge Conservancy to hold their annual Blowing Rock Mayview Madness 5K/Fun Run road race on Saturday, September 18, 2021.

The Fun Run will begin at 8:00 a.m. on Park Avenue and continue on Laurel Lane to Clark Street, loop around Davant Field and then return to the finish at the rear of Memorial Park.

The proposed route of the 5K Road Race will begin at 8:30 a.m. at the rear of Memorial Park, continue up to the Mayview area, follow Hwy 221 to Clark Street and finish at Bistro Roca.

The Blue Ridge Conservancy will coordinate activities with Parks and Recreation, Blowing Rock Fire and Rescue, and the Blowing Rock Police Department.

Council Member Powell made a motion to approve consent agenda as presented, seconded by Council Member Harwood. Unanimously approved.

SPEAKERS FROM THE FLOOR

Annie Whatley 367 Spruce Road advised she, and her husband are the owners of the Blowing Rock Café which has been in Blowing Rock since 1990. She explained she relocated from her previous business location in Foscoe, and when she purchased the property, the property had been vacant for two years and was from a bank foreclosure. She further explained they renovated the property, opened in sixty (60) days and if it wouldn't have been for the kindness, help and encouragement from the Council, Town Manager and Building Inspector at the time that renovation wouldn't have been possible. Ms. Whatley advised she was here to talk about the "Kilwins thing" and stated her and her neighboring business really need Council's help. Ms. Whatley explained last year the Kilwin's lines were versions of a picket line that nobody wanted to cross, businesses couldn't be seen or accessed. She further stated one business owner advised regular customers wouldn't come to the businesses because they didn't want to get in the crowds. Another business owner stated his customers couldn't get out of his shop because of the lines. Ms. Whatley advised this is nothing personal with anyone, Kilwin's has the right to operate their business how they chose to, but when they changed their business model and how they operate their business and it's negatively affected other business owners it's not right. She explained she tried putting tape down every six (6) feet on the sidewalk, tried sandwich boards which she put out every morning and brought in every night in hopes one of the two would help. She explained when the wind is blowing the sandwich boards are a safety hazard and can't be used. She advised she would send staff up to try to get the line to not block her entrance and ten (10) minutes later it was blocked again. She suggested perhaps there was a legal way to make sure the rules were observed or perhaps an ordinance requiring take out only is not permitted in the downtown district except in the case of a pandemic or damage to the business that they cannot safely have patrons in the businesses until said repairs are made. Ms. Whatley advised neighbors and relatives didn't come tonight to speak because they didn't feel it would help, but she felt they were wrong. Ms. Whatley advised she did try to work with the owner of Kilwin's first, but to no avail. Ms. Whatley further advised her business has lost approximately \$78,000 in gross sales this past year due to this issue. She commented some of the businesses may be forced to move out of Blowing Rock if something isn't done about this

issue. Ms. Whatley stated she knows it's not easy, if it were something would already have been done, but further stated the bottom line is her job is to keep her guests and staff safe and it's hard to do that if you don't have the revenue to do so. She thanked Mayor and Council for their time.

Tom Kenney 204 Avery Avenue Morganton, NC, stated he works for Foothills Conservancy which is a non-profit land trust which does conservation work in the foothills and eastern Blue Ridge mountain region of NC. He advised Caldwell County is one of the counties they work with and included they work with local Governments as well as other State agencies. Mr. Kennedy advised he wanted to comment on the open space protection opportunity for the Hwy 321/Greenhill Southern Gateway. He explained he had been contacted by a few citizens to seek information and assistance to protect that significant space. Mr. Kenney advised he felt this area was a good place for the Town to consider preserving as it's very visible for residents and visitors as they come in and out of Town. He explained it's a portion of the Green Hill Park district and remains on the National Registry of historic places. He further explained it's a source of the Yadkin River and preserving would help the quality of water the river provides. Mr. Kenney advised he felt the proposal that will be presented tonight to preserve the green space would be a good for the town. He further advised he as well as Foothills Conservancy fully supports the proposal.

Mayor Sellers thanked both Ms. Whatley and Mr. Kenney for their comments and input.

BUSINESS MATTERS

1. History Walk

Tom O'Brien presented a power point presentation with the proposed history walk plan. He reviewed the original proposal from the December Council meeting. The proposal is for a private/public partnership for the Historical Society, Village Foundation and the Town. The Town would provide the property, Historical Society would provide the content for the history walk and the Village Foundation and Historical Society would provide the funding.

Council Members asked for some clarifications of two (2) of the ten (10) history marker locations. The two (2) locations were discussed, and Council Member Harwood agreed the Parks Strategy committee could look and those two (2) locations to make them fit.

Council Member Harwood asked how the fundraising cycle and potential start of construction would work. Village Foundation Member John Aldridge explained the whole amount of funding would be raised before construction would ever begin.

Council Member Harwood further asked for clarification what exactly was being asked of the Council. Village Foundation Member Jim Pitts advised they were asking for approval of the project to proceed, begin fundraising and thereafter build.

Council Member Matheson made a motion to approve and allow the Historical Society and Village Foundation to proceed, seconded by Council Member Yount.

Mayor Pro-Tem Sweeting advised there is some question about the current pavers from the Mayview Plaza project that have been damaged and who pays for that repair. She further explained Council needed clarification of who is expected to pay when the Town is taking on all these projects as there have been some question on who is responsible for repair. Mr. Pitts advised the maintenance would ultimately be the Town's responsibility, he further advised the problem occurring with the Mayview Plaza is a visual issue not a structural issue and should not take much time or money to repair. Mr. Pitts and Mr. O'Brien explained the walking pavers were "bullet proof" and the issues with the road pavers are esthetic.

Council Member Powell stated as with any project Council needs to be aware of the whole project to help promote it in a positive way. Mr. Pitts advised they had walked the proposed project with some of Town staff and would be glad to do so with any Council Members that wished to do so. He further advised they would keep staff and Council in the loop before construction begins.

With no further discussion, the motion stood; Council Member Matheson made a motion to approve and allow the Historical Society and Village Foundation to proceed, seconded by Council Member Yount. Unanimously approved.

2. Parks and Rec Advisory Committee – Citizen Member

During the December Town Council Meeting, Town Council approved the creation of the Parks and Strategy Committee. Town Council encouraged having a Town resident reside on the board. The Parks Strategy Committee would like approval to add a Town resident.

Mayor Pro-Tem Sweeting made a motion to approve adding a new member, seconded by Council Member Matheson. Unanimously approved.

3. BRAHM – Special Event

Parks and Recreation Director Jennifer Brown advised the Blowing Rock Art and History Museum is requesting to advertise their exhibit in the museum with a sign that replicates one of the photographer's pictures of the Brooklyn Bridge. The sign is 13' x 28" in size the sign and the length of time displayed exceeds the Town Code requirements.

The Blowing Rock Art and History Museum is requesting an exception to the size of the sign and timeframe allowed to be hung for this exhibit.

Executive Director of BRAHM Lee Carol Giduz advised the picture is time-lapse black and white and the picture is from the exhibit and they had to get permission from the artist to use the photo. Ms. Giduz explained the reason for the request is BRAHM was the only place in Blowing Rock totally closed for six (6) months and they are trying to get people back. She further explained since BRAHM is located at the end of Main Street it is constantly referred to as the third church. Ms. Giduz stated she knew it was a very

unusual request and explained they started with BRAAC and moved up trying to get to the correct department.

Mayor Pro-Tem Sweeting asked what it would be made of. Ms. Giduz explained one of the billboard companies would make it out of high-density vinyl with cuts in to keep the banner from blowing. Mayor Pro-Tem Sweeting further asked how it would hang. Ms. Giduz advised it would be hung with grommets. Ms. Giduz stated it would be hung for approximately two (2) months and they chose black and white to be very low impact.

Council Member Powell asked what the normal time frame was for signs of this nature. Town Manager Shane Fox read the code for Special Event Signage.

Council Member Harwood asked Ms. Giduz to enlighten Council on the significance of this exhibit. Ms. Giduz stated this is a pretty amazing exhibit which was created by three (3) collectors of contemporary photography. The exhibit contains photographers from all over the world with the top photographers in the field. She further stated the show may travel to several museums after it leaves here, but that hasn't been confirmed yet. Recently there was a show at The Whitney and many of the photographers currently at BRAHM were located in that show. Ms. Giduz explained this is an exceptional show for BRAHM as well as a unique show. She further explained this is BRAHM's 10th year and they really want people back.

Council Member Matheson asked with no wording on the banner why it was not considered a piece of art. Ms. Brown advised BRAAC had the discussion during their meeting and felt it was a very gray area and didn't want to step on Mr. Rothrock's toes or the sign ordinances that must enforce. BRAAC ultimately felt this was a gray area, but felt it was more of a sign rather than piece of art.

Ms. Giduz stated for the record that because of it being a "gray area" BRAAC decided to neither approve nor disapprove the request.

Council Member Powell made a motion to approve, stating she really liked how Ms. Giduz respected the Town's ordinances, was only asking for the extra month, she did not feel it was a sign because there was no wording on the banner, she liked the color scheme, look and how it would have low impact on the Town, seconded by Council Member Harwood.

Council Member Yount stated as a veteran of the Council and the "battle" of building BRAHM he felt the contribution of BRAHM has far exceeded any doubt anyone ever had about the organization.

Mayor Pro-Tem Sweeting advised she felt Council needed to support Planning and Inspections, it looks like a banner, will be hung with grommets, the size usually allowed for a banner is sixteen (16) to thirty-two (32) square feet and this is three hundred sixty-four (364) square feet which is much larger than what is allowed. She restated she wanted to support Planning's decision that this didn't meet the Town guidelines.

Council Member Matheson stated he still hadn't come to the conclusion as to if Mr. Rothrock had made his determination before with the wording was included on the banner or after with the wording removed and asked for clarification. Mr. Rothrock advised he could not remember which he ruled on, but it did not matter, the banner was content natural and still a sign in his opinion.

Ms. Giduz clarified the banner would be up until the last day of the exhibit which is August 21st.

Council Member Harwood stated BRAHM is a wonderful cultural asset to the Town and any Town of any size would be proud to have it. He further stated they have been a fantastic corporate neighbor and the Town is literally "married at the hip" with the parking deck and use of the bathrooms. He advised the Council has turned a "blind eye" to lots of businesses during the pandemic to assist them during the difficult time. Council Member Harwood stated he would like to ask his fellow Council Members to vote yes for those reasons.

With no further discussion the motion stood; Council Member Powell made a motion to approve, seconded by Council Member Harwood. For the motion: Council Members Powell, Harwood and Yount. Against the motion: Mayor Pro-Tem Sweeting and Council Member Matheson. Motion passed.

4. 4th of July Parade

Parks and Recreation Director Jennifer Brown advised during the February 11, 2020 Town Council meeting, Town Council approved moving the 4th of July and Christmas parades to 10:00 a.m. and blocking parking along the parade route. Due to COVID all events including both parades were cancelled.

Ms. Brown advised staff is asking for direction as to whether to have the 4th of July Parade or not for 2021. She explained options and cost for a shuttle to provide additional parking have been explored for parades. Tanger Outlets have agreed to allow the Town to use their parking lot for additional parking. For 2021 Tanger will not charge a fee and the following years they will charge a fee of \$500.00. To contract a shuttle for the day from Tanger to Downtown for eight (8) hours for approximately would cost \$1,000.

Ms. Brown further noted the Blowing Rock Country Club has been contracted and they are having their own event without Town participation.

Council briefly discussed and consensus was for staff to start work planning like there would be a parade and will wait until the Governors orders on restrictions to see if the parade will be able to occur.

5. 321 Landscape Contract

Parks and Recreation Director Jennifer Brown advised currently, 321/Valley Boulevard landscaping is under contract with DOT and will be maintained until July 15, 2021, at which time the maintenance responsibility will be turned over to the Town.

Two options were presented to Town Council on the landscaping maintenance of 321/Valley Boulevard during the January 21 Town Council Retreat. One option would be to maintain the directed staff to bid out the landscaping maintenance with an RFQ (Request for Quote). The cemetery landscape maintenance was included as an alternate to the 321-landscaping maintenance.

On March 5, 2021, the RFQ was advertised, March 22, 2021 Landscape Director, Cory Cathcart, met with potential contractors in case there were questions, and on April 5, 2021 the bids were due. Staff received two quotes for the 321-landscaping maintenance and the cemetery maintenance and received one quote for just the maintenance of the cemetery. A scoring system was utilized, and each bid was scored by three Town employees, Landscape Director, Cory Cathcart, Finance Director, Nicole Norman, and Ms. Brown. Each company was scored based on the following factors:

- Contractor's experience, knowledge, and performance with similar landscape projects. 20 points
- The experience of the contractor's proposed staff to perform the type of work required. 20 points
- Contractor's understanding of the project scope and their responsibility in delivering the services for the advertised project. 20 points
- Contractor's ability to meet requirements and schedule in contract. 25 points
- Contractor's related experience with the Town of Blowing Rock review. 15 points

Ms. Brown advised staff's recommendation is to award 321/Valley Boulevard landscaping and cemetery maintenance to Estate Maintenance based on the scoring of the bids.

Mayor Pro-Tem Sweeting advised she was very impressed with the bid application and bid process and felt it was the most efficient way it had ever been done.

Manager Fox stated given the size of the project the bidder was asked to include the assets they own, years of experience etc. He further stated it was basically a resume of the individuals that will be working within the project.

Council Member Matheson asked for a quick highlight of the detail of what the bidders had to bid on. Ms. Brown reviewed the scope of work including approximately 624 trees, appx 7,000 shrubs, native grass and perennial varieties and 16 miles of turf maintenance. Ms. Brown advised the bidders had to break out between mowing, string trimming, edging, blowing, weeding and all work would be on a weekly occurrence.

Mayor Pro-Tem Sweeting made a motion to approve and award the Hwy 321 Landscaping contract to Estate Maintenance, seconded by Council Member Matheson. Unanimously approved. **Landscape Contract - Attachment A**

6. Greenhill Gateway Green Space Presentation

Jimmy Addison stated he was speaking on behalf of a citizens group; including he and his wife Dinny, Lee and Wayne Vason, Sandy Burkes-Campbell, Betty Howe and Ann and Alex Bernhardt. He advised the proposal is for the Town to accept approximately a little over two (2) acres of property with rights to maintain and keep a space green at the southern entrance to Town. Mr. Addison further advised the group felt it would benefit the Town as it would benefit both tourism and neighborhoods.

Mr. Addison explained the property in detail and advised they had worked with the current property owner John Winkler who had agreed to work with the group. Mr. Addison stated his group had run into three (3) areas of contingency, time, money, and title. He explained the title would not do much good to be held with their group as eventually the members of the group will all be gone, time as Mr. Winkler needed to get started with his development as he had been very generous in deferring the start to try to help the group out and money which the group has raised since mid-February \$282,000 in pledges which is enough money to purchase the green space. Mr. Addison further stated they had been to numerous local groups and local conservancy agencies and all have been very helpful. Mr. Addison advised due to time and title constraints it makes the most sense all around and is in the Town's best interest for the Town to own it.

Mr. Addison referenced a second letter with the detailed proposal that had been sent to all of Town Council. He stated the group didn't feel this donation would cost the Town any money and would be a big \$282,000 gift to the Town, which the money was raised on short notice. Mr. Addison further listed the benefits their group felt this property would provide to the Town.

Council asked for some clarification to accessing the property and discussed the easement factors in accessing the property in detail.

Council Member Harwood advised Mr. Addison had stated this property would boost tourism, but by his calculations the Town would lose approximately \$80,000 to \$120,000 in ten years with the loss of property taxes. He asked Mr. Addison to explain his thoughts. Mr. Addison advised the group felt this property would help attract people to the Town as well as they felt it was hard to tax drainage property which is what the property is.

Council discussed further options and hypothetical scenarios for uses of the property with the stipulations provided by the Greenhill group.

Ms. Addison advised the whole groups mission and idea is to preserve this property.

At 8:20 p.m. Council recessed for fifteen minutes before going into closed session to discuss the Greenhill group's proposal.

OTHER BUSINESS

NONE

- Mayor Sellers – Hoping this year the Town could get back to some sort of normal. His thoughts and prayers were with the families and friends of the Watauga County Sheriff Deputies that were killed in the line of duty on April 28th and well as the family of the family that was lost.
- Council Member Yount – Reminded of the Memorial Day service.
- Council Member Harwood – None
- Mayor Pro-Tem Sweeting – None
- Council Member Matheson – Asked the Manager to look into a ordinance for deliveries in Town. Along with business owners holding parking spaces on Main Street with chairs, cones etc. Advised there are some bills being introduced to the House/Senate regarding STR and Tree Ordinances. Asked Council to stay in touch with Senator Ballard and Representative Pickett.
- Council Member Powell – Advised her favorite thing is reading the Department Reports, loved seeing our Fire and Police Departments with the flag honoring the officers during the processional and funeral for the officers. She stated she will not be re-running for Council in the 2021 and wanted to thank everyone for the last four years. She further stated she is fully working hard and committed for the next seven months.
- Town Attorney Moseley – Gave an update on the status of the DOT property purchase. Within approximately 30 days of closing on the property.
- Manager Fox – Outpouring of support from the community to law enforcement and the families over the last few weeks has been unbelievable. As well as the internal support. Wanted to thank Cleveland County for sending support up to help cover our Police Department to allow all officers to attend the funerals. AppalCart will resume the weekend of Memorial Day weekend on May 28th and run through the end of October. ABC Store is up \$72,000 or 51% over the previous year. The TDA up 26% over last year. Budget is in balance and very close to being ready to be distributed to Council.

EXECUTIVE SESSION

At 8:20 p.m. Council Member Harwood made a motion to go into executive session *NCGS 143-318.11. (a)(3) – Attorney/Client update on current litigation*, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

At 9:20 p.m. Council returned to open session. Council Member Matheson made a motion to accept the donation of the said property with this condition; that the Gateway Green Space shall be preserved and maintained in a natural state of vegetation provided that the natural state of vegetation may be enhanced by the removal, replacement, and addition of vegetation such as trees, plants and flowers along with an easement conveyed to the Town from Greenhill Road for the purpose of maintaining the donated property. Seconded by Council Member Powell. Unanimously approved.

Mr. Harwood thanked the group for all their hard work, time and effort they put into the project.

Mayor Sellers advised details and questions can be discussed with Manager Fox and Town Attorney Allen Moseley.

Mr. Addison advised he would have to go back to their donors to see how they wanted to proceed.

ADJOURNMENT

Council Member Matheson made a motion to adjourn at 9:45 p.m., seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

Landscape Contract - Attachment A