

MINUTES
Town of Blowing Rock
Town Council Meeting
September 14, 2021

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, September 14, 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, Fire Chief Kent Graham, Parks and Recreation Director Jennifer Brown, Police Chief Aaron Miller, Planning Director Kevin Rothrock and Public Works Director Matt Blackburn. Via Zoom: 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 Sellers verified attendance via roll call.

THE PLEDGE OF ALLEGIANCE

SPECIAL ITEM

1. Virginia Powell Resignation

Council Member Matheson made a motion not to fill Council Member Powell's vacant seat, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

MINUTE APPROVAL

Council Member Harwood stated he had notified Town Clerk Hilari Hubner of a few corrections he had to the minutes from the August 10, 2021, regular meeting and the August 24th special meeting and read them into the record:

1. *Coffee Shop SUP: After closing the public hearing we need to note that the motion was approved unanimously*
2. *Coffee Shop SUP: Sue's motion was that the shop would serve only "coffee beverages" and "packaged pastries", not beverages and pastries.*
3. *COVID Discussion: Sue's motion was that masks are strongly recommended for "businesses/retail/restaurants" versus just retail and restaurants.*
4. *Under Council Member Harwood's official comments and reports Mr. Ethan Dodson's name was spelled incorrectly.*

Council Harwood made the motion to approve the minutes with corrections from the August 10, 2021 regular meeting, seconded by Council Member Matheson. Unanimously approved.

Council Member Harwood stated he also had the following changes to the August 24, 2021 special meeting minutes:

- 1. The minutes need to reflect the individual/individuals that called the emergency meeting. I believe it was Sue as mayor pro tem*
- 2. 1st paragraph: The purpose of the meeting was to discuss COVID-19 and potential actions. It was not to approve resolutions pertaining to the PARTF Grant.*
- 3. 5th paragraph: replace "insensitive" with "incentive"*
- 4. Council Member Matheson added in the fourth paragraph it reads he made a motion and second the motion, it needs to be changed to Mayor Pro-Tem Sweeting made the motion and Council Member Matheson seconded the motion.*

Council Member Harwood made a motion to approve the minutes with corrections from the August 24, 2021 meeting, seconded by Council Member Matheson. Unanimously approved.

REGULAR AGENDA ADOPTION

Council Member Matheson made a motion to approve the agenda as presented, seconded by Council Member Yount.

SPEAKERS FROM THE FLOOR

Homer Ketchie 245 Wonderland Drive (Blowing Rock) – Spoke about the Town parking issue and gave a few suggestions for parking deck locations and design options.

Catherine Reczek 184 Saddle Way Drive (Blowing Rock) – Spoke against the mask mandate.

Evenlight Eagles 612 Ransom Street (Blowing Rock) – Spoke about the COVID Virus and gave some information on studies done on Ivermectin and hydroxychloroquine as preventative measures for the virus.

Karen Winstead 129 Betsy Circle (Todd) – Spoke about COVID vaccine from a medical background and cautioned about pushing the vaccine. She provided information from her research to the Council.

Adam Zebzda 232 Robin Lane (Boone) – Spoke about the COVID Virus and urged the Town to do more in unify with the other municipalities.

Melissa Tausche 1741 Sunset Drive (Blowing Rock) – Spoke against COVID vaccination requirement for employees.

Tyler Bryson 152 Hill Top Way (Blowing Rock) – Spoke against mask mandates and employee vaccination requirement for employees.

Lee Rocamora 300 Laurel Park Road (Blowing Rock) – Spoke for the employee vaccination and/or weekly testing from a medical background as a preventative measure.

Deborah Boyd 214 Mockingbird Lane (Blowing Rock) – Spoke about the vaccine and the safety of the vaccine. She noted this is the most studied vaccine ever.

Terry McInnis 115 Locust Lane (Blowing Rock) – Spoke about COVID, encouraging education about the vaccine and consideration of the vaccine to protect others.

Council took a 10 minute recess.

PUBLIC HEARING

1. Green Hill Estates Subdivision - #2021-04

Planning Director Kevin Rothrock stated Mr. Herbert Townsend is requesting a Special Use Permit for a 10-lot single-family subdivision off Green Hill Rd in the ETJ. The 6.54-acre subject property is zoned R-A, residential-agricultural and is located in the WS-IV water supply watershed. A new private road off Green Hill Road with cul-de-sac will provide access to the lots. The property is outside of the Town limits and will utilize wells and septic systems for the home sites.

The subject property is a 6.54-acre tract off Green Hill Road that is part meadow and part woods. With the property located in the water supply watershed the minimum lot size is ½ acre. Each proposed lot meets the minimum size requirement and minimum lot width of 100 feet. Street trees will be planted or retained every 30 feet on center along the road within the right-of-way.

Each lot will front on the proposed private road. Maintenance of the road will be the responsibility of the homeowner's association.

The Land Use Code has a limit on cul-de-sac roads of 550 feet in length unless no other practical alternative exists. The proposed road is 653 feet in length to the center of the cul-de-sac. Given the steep topography at the end of the proposed road and the property owner not having access beyond the subject property to connect to other public or private roads, there doesn't appear to be any other practicable alternative but to provide a cul-de-sac street at the proposed length of 653 feet to serve all lots.

Storm water detention is proposed for the increased run off from the proposed road. Details are not finalized on the design of the detention but most likely will be above ground

basins along the edge of the road. A berm is proposed to carry run off from lots eight (8) and nine (9) to the ditch along Green Hill Road.

With this property being in the ETJ, no water and sewer utilities are available so private wells and septic systems will be approved by the Watauga County Health Department. Ten (10) lots are proposed on the preliminary plat, but after septic permits are finalized the number of buildable lots may be reduced on the final plat.

At their meeting on August 19, 2021, the Planning Board recommended approval of the subdivision with the following conditions:

1. A berm or ditch must be installed along the rear of lots 8 and 9.
2. The road length is limited to 550 feet.
3. That the final location and number of lots will be determined by the septic systems evaluations.

Council Member Yount asked who maintains the ditch on Green Hill Road. Mr. Rothrock said it was DOT. Council Member Yount further asked where the water runoff go. Mr. Rothrock explained the water runoff goes to the ditch and then to the creek beside Wonderland Woods.

Mayor Pro-Tem Sweeting stated the Town has had complaints from neighbors south of that area before about water issues. She asked how the applicant proposes slowing down the water as the water must be skipping the ditch to get down Green Hill Road.

Mr. Rothrock clarified where the water runoff goes. He further clarified for the impervious of the road the applicant is required to detain that portion of the run off.

Mayor Pro-Tem Sweeting asked if the developer could come back to the Town and request to annex this property. Mr. Rothrock stated they could but would be responsible for extending water and sewer services to the property. Mayor Pro-Tem Sweeting asked if the applicant could then increase the number of lots. Mr. Rothrock stated there isn't a way to increase the number of lots.

Mayor Pro-Tem Sweeting asked if the applicant was required to notify the Blue Ridge Parkway of the development since the project would be 500 feet from their viewshed. Mr. Rothrock said there was not a requirement to notify them.

Council Member Matheson asked that the applicant spread out the water from the houses. Mr. Rothrock stated that was item number fourteen (14) in their SUP.

Patrick Warren, Project Engineer addressed the length of the road and explained the reason he did the initial design was esthetically the cul-de-sac would look better over the crest of the hill so it wouldn't be seen from Green Hill Road. He advised the other reason was to take that impervious area for the cul-de-sac and disperse into the woods behind the cul-de-sac rather than have all the water go down Green Hill Road. Mr. Warren stated

he respectfully request Council approve the road as designed. Mr. Warren further explained measures being taken to slow the water down and reduce the impact of the development.

Council Member Matheson asked what would happen if the land wouldn't perk, would the sight plan still stay as is. Mr. Warren advised they won't know for sure until the soil samples come back, but it could reduce the number of lots. He further advised the plat could change, but the road will not change. Mr. Warren mentioned the house sale prices are estimated at \$1.2 million to \$1.5 million in today's market.

Mr. Ron Swift advised he had concerns about water drainage and asked why the applicant wasn't putting curb and gutter on the road. He said he didn't understand why anyone would want to pass this project knowing the land might not perk and he felt there were lots of problems with the project Council should consider.

Mr. Rothrock stated to Council Member Matheson's question this was just a preliminary plat and not the final plat. Mr. Rothrock further stated it will not be over ten (10) lots, the road will be build to town specs, he and the applicant's Engineer will certify and the Town Engineer and Public Works director will sign off on the final plat. Mr. Rothrock explained it's very customary through the county building lots to have some not perk and changes need to be made to the original plat.

Mayor Pro-Tem Sweeting asked since the project is only in the ETJ could Council require the applicant to get a storm water study. Mr. Rothrock stated no and the applicant's already doing storm water retention as well as meeting the code.

Mayor Pro-Tem Sweeting asked what legal limits Council could place to protect the residents down the road from water. Mr. Rothrock explained Council is doing it, the applicant is meeting what the ordinance requires. He further explained unless Council applies this to every other subdivision and makes other single homes detain stormwater that the standard can't be applied.

Town Attorney Allen Moseley advised there are some stormwater requirements in the SUP. Mayor Pro-Tem Sweeting asked if those would be cleared by the town engineer. Mr. Rothrock advised they would be and explained the process.

Council Member Yount asked if they meet code why is Council here if that is true. Mr. Rothrock explained in most communities it would be approved by staff for a ten (10) lot subdivision, but our code requires a SUP.

Town Engineer Doug Chapman stated when he originally reviewed the plans which showed drainage going to Green Hill Road, he asked the applicant to look at the storm water conveyance downstream to make sure it can convey downstream. He further stated he would require the engineer to look at all the culverts and ditches to make sure it can convey that amount of water. He explained the efforts that have been made by the applicant to make sure the water can be conveyed and not cause issues.

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

Council Member Harwood made a motion to approve the SUP #2021-04 with the modification that the second paragraph of item number thirteen (13) be removed, seconded by Council Member Matheson.

Further discussion:

Mayor Pro-Tem Sweeting said she would like the road length to be 550 as stated in the code.

Council Member Harwood stated the only thing that concerned him was the length of the road and he had asked Mr. Rothrock about our code and where that comes from. He explained he had done research with other municipalities about lengths of dead end cul-de-sacs and had yet to find a reason. It doesn't relate to fire hose pressure or any kind of emergency services. Council Member Harwood advised he didn't see any harm in the length of the road as requested and that is why he left in the motion as is.

Council Member Yount stated he was not for the motion because he didn't think the applicant knew where the water is going and doesn't think they care.

With no further comment, the motion stood. For the motion: Council Members Harwood and Matheson. Against the motion: Mayor Pro-Tem Sweeting and Council Member Yount. Mayor Sellers voted for the motion. Motion passed. **Green Hill Estates Subdivision - #2021-04 – Attachment A**

BUSINESS MATTERS

1. 140 Sunset LLC

Planning Director Kevin Rothrock explained that 140 Sunset, LLC is requesting a special consideration for parking at their proposed renovation project at 140 Sunset Drive, the former Moody Furniture Showroom building.

Through a zoning permit application, the owner is planning to keep the lower level as a retail space and convert the upstairs to two (2) apartments with two bedrooms in each. The owner plans to use these apartments for short-term rental, therefore requiring four (4) parking spaces according to the Land Use Code.

There are three (3) existing spaces in front of the building that the applicant plans to remove and use as a courtyard/common area to be used by the tenants and the general public. This would allow the Town to gain two (2) parallel public spaces in front of the building and prevent cars from pulling across the public sidewalk and avoid backing out into traffic and pedestrians.

The owner is requesting the Town Council support the proposed change in the parking arrangement in front of the building in exchange for a credit for the three (3) existing spaces lost towards the Land Use Code parking requirement for the proposed short-term rental use. The owner would still provide one (1) new parking space for the short-term rental use.

Mayor Pro-Tem Sweeting asked for clarification that the applicant was going to pay for curb and gutter. Mr. Wilson, applicant for the project explained there is currently a sidewalk, but it has a knock down curb. The applicant would like to work with the town on the best way to replace that and make that area a nice common area.

Mayor Pro-Tem Sweeting asked if Mr. Wilson had been given a written agreement from Mr. Moody that was between him and the Town about how many parking spaces he had in front of his building. Mr. Wilson advised he did not. Mayor Pro-Tem Sweeting asked Mr. Rothrock if he was aware of the said agreement. Mr. Rothrock said he was aware of the minutes from 1981-1987 that he found and shared with anyone that asked about it. He stated he wasn't aware of an agreement that had been recorded and had not been able to find anything.

Council discussed the parking spaces and the golf cart space. Council Member Matheson said he would like to see the golf cart space be left.

Mayor Pro-Tem Sweeting said she felt what the applicant was proposing was very kind.

Mr. Wilson explained the idea for the building is to have retail on the bottom and short-term rental on the top.

Council Member Harwood asking Mr. Wilson if the applicant was definitely planning on having retail on the bottom and two (2) short term rental units on the top.

Mr. Wilson said the retail on the bottom was a yes, but the applicant was still trying to determine if they would have two smaller rental units on top or one big rental unit.

Council Member Harwood asked Mr. Rothrock if there were any existing parking credits for this property. Mr. Rothrock stated they have three (3) parking spaces only, they aren't required to buy an additional because the building will be retail on the bottom. He further stated they will be losing three (3) spaces in the proposed common area but have parking available in the back of the building.

Council Member Harwood said he ran some numbers and got they would need four (4) upstairs and six (6) retail spaces.

Mr. Rothrock explained they aren't required to provide more.

Council Member Harwood felt we have the cart before the horse usually we talk about a development and then the parking and felt like we are talking about parking before we have a SUP.

Mr. Rothrock explained it's a zoning permit and they don't need a SUP.

Mr. Wilson explained the applicant was not changing anything about the building only changing the parking in front to a common area. People won't be pulling across the sidewalk anymore with two (2) parallel spaces. Two (2) parking will be in the back for STR and retail tenant spaces making for four (4) spaces total. Mr. Wilson commented he felt they had outlined everything they planned.

Mayor Pro-Tem Sweeting made a motion to accept their request as outlined and the applicant can see if they can indeed get two (2) or three (3) spaces and leave the golf cart space, seconded by Council Member Yount.

Further Discussion:

Mayor Pro-Tem Sweeting stated this has been a safety issues for years, it's unsightly and she felt one of the things the town has been trying to do is move retail down Sunset and this is a great way to start.

Council Member Harwood thanked Mr. Wilson and Mr. Rothrock for explaining he had a better understanding now.

With no further comment, the motion stood: Unanimously approved.

2. COVID Discussion -

Manager Shane Fox gave an update on the current COVID Status in the county. He stated one week ago the mandatory vaccine, testing or resignation was put into place.

Council Member Sweeting asked how the testing set up was going. Manager Fox explained testing hadn't started yet, he had been working with the Health Department on when training can take place and have nailed down the best days for testing to take place on Mondays and Wednesdays.

Council Member Yount asked Manager Fox if he or Department Heads had listened to the reasons some resist vaccines and testing.

Manager Fox explained information was sent out to employees when the vaccine first became available and at that time approximately half the staff received the vaccine when it was available. When the incentive was put into place eight (8) more employees were vaccinated. He further stated no employee doesn't feel the virus isn't real, but some just have strong feelings for not receiving the vaccine.

Mayor Sellers asked Council when they plan to stop the mandate, when the staff are at

70% or 75% of the employees are vaccinated. He would also like to suggest a two (2) week additional grace period for testing to begin with the hopes of perhaps having more employees get vaccinated. Manager Fox could report via email a weekly status update and how many additional employees have been vaccinated.

Mayor Pro-Tem Sweeting advised she had spoken with Jennifer Greene with the Health Department about when to remove mandates and she stated that was based on data. She explained Ms. Greene said this change will depend on hospitalization numbers levels of transmission and infection rates and there is no way to predict until the data is available.

Council Member Harwood proposed instead of immediate termination, give the employees a two (2) week unpaid leave to think about getting vaccinated, getting tested before returning to work or if they don't choose either option, they can seek employment elsewhere.

Council Member Matheson said Council was trying to start a policy the same as the Town of Boone and would like to see a two (2) week grace period put into place and not have to have another meeting on this. He further suggested have testing open to all, not just unvaccinated employees.

Council Member Matheson made a motion while testing is being set up to grant a two (2) week grace period at the end open testing to all employees who are asymptomatic and after two weeks go back to the original mandate that was put in place on September 7th and this will begin on Friday, September 17th, seconded by Council Member Yount.

Council discussed further at length. Council agreed the action to fire or discipline the employees is the Town Manager's responsibility.

With no further comments or questions the motion stood: Unanimously approved.

OFFICIALS REPORTS & COMMENTS

- Mayor Sellers – Gave Council a quote from Watauga Medics for them to look over and think about discussing at a future Council meeting. He thanked former Council Member Virginia Powell for her service. He acknowledged the last eighteen (18) months have been very difficult and extended his thanks to Manager Fox and the Town employees for all they have done.
- Council Member Yount – None
- Council Member Harwood – Thanked former Council Member Virginia Powell for her service also thanked his fellow Council Members for their service. He thanked the employees and stated he has great admiration for them. He said he didn't want any of his comments to be misconstrued as anything but admiration for them. He stated his first priority is to the town services we provide for the citizens and was trying to find the best way to protect that. He commented he didn't think there

was anybody in public administration that he respects more than Manager Fox and if Council goes the route of letting the decision of the employees be in his hands he was very comfortable with that.

- Mayor Pro-Tem Sweeting – Agreed with Council Member Harwood. She stated the virus doesn't care if you are a republican, democrat or independent, this virus cares more about people. Those with comorbid conditions, immunosuppression, children and healthy individuals. Testing has been done on babies, children and adults no one has been injured or died from being tested. The unvaccinated employees are a safety risk to those vaccinated, immunocompromised (chemo patients, transplant patients on dialysis) especially children under twelve (12) who can't be vaccinated. Research has showed unvaccinated can affect up to five (5) to seven (7) others due to the Delta variant. We are in a public health emergency with the COVID pandemic the health of the public should take priority over the individual. Vaccination and masking is the way according to the scientist, physicians and nurses to end this pandemic.
- Council Member Matheson – Thanked former Council Member Virginia Powell for her service. He thanked the board and stated he knows we have all had a hard week. He stated the board tries to make the best decisions for the town and knows there isn't a member on the board that doesn't love this town. He stated sometimes the Council gets unjustly beat up for doing what they think is right and thanked every Council Member for their service. He further stated he was glad that at least when we all disagree, we can still be friends. Another stimulus package should be coming out, but the school system has put in for the most of it. He has a League Board of Directors meeting Thursday.
- Town Attorney Allen Moseley – None
- Manager Shane Fox – The last eighteen months (18) have seemed never ending and the last week has been very difficult for everyone. Audit is coming to an end and will be submitted to the LGC the end of October. Parks and Rec was approached by the Blowing Rock School Principal, Patrick Sukow, about the possibility of Parks and Rec helping with their overflow issue for after school. Parks and Rec took on the task and are being funded for the school. It has been a great addition and has been well received from parents and appreciated by the school. Landscaping is looking great on Sunset Drive, will soon be moving to the Jenkins/Four Forty 4 side and will move up to the Fire Department. PARTF grant will be decided at the end of the month.

EXECUTIVE SESSION

Council Member Harwood made a motion to go into closed session at 9:30 p.m. pursuant to NCGS 143-318.11.(a)(5) discussion of potential property acquisition, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

Following executive session, Council directed Manager Fox to proceed with an agreement with Mr. Buxton to purchase his land on Hwy 321/Valley Blvd.

ADJOURNMENT

Mayor Pro-Tem Sweeting made a motion to adjourn at 10:15 p.m., seconded by Council Member Matheson. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

Green Hill Estates Subdivision - #2021-04 – Attachment A