



Town of Blowing Rock

Date: Tuesday, August 9, 2022, 6:00 p.m.

Location: 1036 Main Street, Blowing Rock, NC 28605

Agenda

<i>Item</i>		<i>Present & Participants</i>
I.	CALL TO ORDER – ROLL CALL FOR ATTENDANCE	Mayor Charles Sellers
II.	PLEDGE OF ALLEGIANCE	Mayor Charles Sellers
III.	APPROVAL OF MINUTES – By Roll Call 1. July 12, 2022 – Regular Meeting and Closed Session Minutes REGULAR AGENDA ADOPTION	Mayor & Council
IV.	CONSENT AGENDA: 1. Blue Ridge Conservancy 5K – Mayview Madness	Mayor & Council
V.	PUBLIC COMMENTS..... <i>comments shall be limited to three (3) minutes</i>	
VI.	PRESENTATION: 1. Water Line Break Recap 2. John Muir Scenic Byway	Manager Shane Fox Clay McCreary
VII.	REGULAR AGENDA: 1. Maple Street – One-Way 2. Chetola Public Art 3. Larry Pickett – Request to connect to water without annexation	Police Chief Aaron Miller Parks & Rec Director Jennifer Brown Planning Director Kevin Rothrock
VIII.	OFFICIALS REPORTS & COMMENTS: 1. Mayor 2. Council Members	

	3. Town Attorney 4. Town Manager	
IX.	CLOSED SESSION – NCGS 143-318.11. (a)(3) – <i>Attorney/Client privilege</i>	
X	ADJOURNMENT/RECESS... <i>Mayor Charles Sellers</i> <i>entertains a motion and second to adjourn or recess the meeting.</i>	

Town Council Meeting - Tuesday July 12th 2022

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, July 12, 2022, 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 Doug Matheson and Council Members Albert Yount, Melissa Pickett and Pete Gherini. Council Member David Harwood was unable to attend. Others in attendance were Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Emergency Services Director Kent Graham and Town Clerk Hilari Hubner who recorded the minutes. Planning Director Kevin Rothrock was present via Zoom.

Tue, 7/26 10:42AM • 1:33:01

SUMMARY KEYWORDS

ordinance, planning board, short term rental, outdoor dining, kevin, violations, permit, council, complaints, restaurants, alternate, property, zoning permit, parking, eb, seats, blowing, required, people, question

SPEAKERS

Kevin Rothrock, Allen Moseley, Charles Hardin, Doug Matheson, Lindsay Long, Tom Barrett, Shane Fox, Cobb Milner, Albert Yount, Melissa Pickett, Pete Gherini, Charlie Sellers, Doug Chapman, EB Springs

Please Note the first 15-20 minutes of the meeting were unable to be recorded due to technical issues.

Mayor Sellers welcomed everyone and a motion to approve the June 14, 2022, minutes was made by Council Member Yount and seconded by Council Member Gherini. Unanimously approved. A motion to approve the Mid-Year Retreat Minutes held on June 28, 2022, was made by Mayor Pro-Tem Matheson, seconded by Council Member Pickett. Unanimously approved. Agenda adoption: motion made by Council Member Gherini, seconded by Council Member Yount. Unanimously approved.

Lindsay Long 07:57

Ms. Long Spoke about an issue she had with parking/traffic from a recent wedding being held at Gideon Ridge Inn. She explained she's had issues from time to time with other events, but this one in particular was a big problem. She stated had anyone on Gideon Ridge Road needed EMS or the Fire Department, they wouldn't have been able to get through. It lasted for an hour and forty-five minutes.

Charlie Sellers 08:08

Thank you Ms. long I feel that we are a small community and we all do work together and I'm sure that can happen. Good evening Mr. Springs

EB Springs 08:44

113 Mockingbird Lane. Is there otherwise lawful on the effective date of this chapter may be continued. What does that mean? Does that mean you have to have been doing let's say non-conforming use short term rentals, does that mean you have to be doing a short-term rental all the day the ordinance takes effect? Well, there's a judge over in Boone Superior Court that says no you don't have to be doing it until the rule takes effect. Of course, he didn't give any other input or advice. Right. So what is required? You know, you do it for one weekend five years before that, is that enough? You rent for two weekends six months before is that enough? It's not clear and attach to a copy of the ordinance. More specifically, is my suggestion for replacement ordinance, I would ask that the Council please refer this to the Planning Board for their input and your consideration. That's all I'm here to do.

Charlie Sellers 11:01

Thank you Mr. Springs. Get Kevin input.

Shane Fox 11:05

Absolutely.

Charlie Sellers 11:15

My apologies that my that was my alarm that went off. I don't have my grandkids here to show me how to cut the darn thing off. Moving right along we've got two public hearings this evening. One is short term rental permitting. And is Kevin gonna be on for this?

Shane Fox 11:41

He's coming on right now.

Kevin Rothrock 11:43

Hello Kevin. I did not hear any public hearing I just got back on and now I can hear.

Charlie Sellers 12:00

We just started with you, Kevin. We've not had any. We're gonna let you make the presentation on this. And then we'll go into the public hearing. Sorry, guys, sorry for the electronics. Okay. Kevin, can you hear us now? Yeah. Okay. We, yes, we just started with you. We've not opened the public hearing yet. Your first.

Kevin Rothrock 13:21

Okay. Let's read the staff report and be glad to answer questions after that. We came to you and in May and shared a very similar coordinates drafted at that time. That goes back to North Carolina Court of Appeals recently decided that general statutes prohibit communities from requiring parental registration for short term rental uses. Involved in this case the City Wilmington. And they had permitting requirement to register short term rental with the city, and also required a lottery with those

property owners who want to rent. The lottery process to limit the number of short term rentals, by distance requirements and both of those processes were deemed invalid by the North Carolina Court of Appeals. We brought a draft ordinance to you in May. And then we came back, you asked us to take a look at it and send it back to the Planning Board to keep a permitting process but not a registration. We started out a few years ago with the registration process. And so we've made a few changes to our ordinance to allow them to keep permitting and because short term rentals are a permitted use in the use category. And so we changed some things that we originally deleted from the text and went to Planning Board with that. And you have a draft ordinance in front of you. Subsection eight where we have a zoning permit would be renewed annually. We will not do that, once they apply for a permit, and it's allowed, they will be issued a zoning permit to allow it. And that would be it would that permit would run with the property as long as everything that they keep using for that use. We would require an inspection. And some may ask the question, what about those that have already applied? Through the permitting process, we want to take those applications, and renew and inspection to make sure they've got the 911 address and the things that they're supposed to have an issue a new permit, it would be a zoning permit that would allow short term rentals. And so that would cover those applications that we've received through last year, over the past couple of years. We clarified some language in subsection B, the contact information for a local management company or local contact person would be clearly posted on the interior building. And in subsection G, we included some language about if we receive complaints that lead to violations of the town code, that we can revoke that permit for a period of one year consistent with that provision of the ordinance dealing with revoked permits. Have ordinance 2020-207 has been rewritten. And this latest draft comes on a recommendation from the Planning Board. Be glad to answer questions.

Doug Matheson 16:47

Kevin, how many complaints on this has your department had and how many have you went out and checked on?

Kevin Rothrock 16:58

I'm sorry, I didn't hear it. Was that Doug?

Charlie Sellers 16:59

Move your mic a little bit closer.

Doug Matheson 17:02

Yes. Kevin, how many complaints has your department had on the short term rentals with some of this? And how many have you went out and checked on?

Kevin Rothrock 17:18

Your asking number of complaints since when? Since the ordinance?

Doug Matheson 17:25

Right? Because you know, we've been talking before about the trash pickup, the noise and all that. And I was just wondering how many short term rental complaints you've had this year.

Kevin Rothrock 17:40

Doug it's hard for me to put a number on that. But we get complaints a lot some are not. We will make contact as a department with the homeowner. And a lot of times there'll be times when they may just have purchased a property not aware that it's a violation or it's not allowed. Other times we come to find out that it might be family. Other times it might be a violation, and we send a notice of violation and let them know that it's not permitted. It's hard to put a number on it. But we get a few here and there. I know Brian, I think is there tonight, too. He's dealing with one or two that are ongoing. One was a repeat from about six years ago. But we haven't finalized that complaint yet. But we get some from time to time, but it's not as many complaints as you might think.

Doug Matheson 18:49

The second part, you mentioned there, have we had any repeat offenders after you have warned them?

Kevin Rothrock 19:01

Repeat offenders is that what you said?

Shane Fox 19:03

Kevin any repeat offenders after you warn them after the notice?

Kevin Rothrock 19:12

Yeah, there's been some cases. Sure. And we've had some go to the board of adjustment on appeal. But not very often. And I want to say in the last five years repeat violators those that knew what they were not supposed to do. And did anyway. One or two maybe. Most of the time the initial phone call, takes care of a lot.

Doug Matheson 19:49

Ok, so we haven't had anybody that you've had to suspend then for a year?

Kevin Rothrock 19:58

No, are you talking about those that have been permitted? That we've had a problem with?

Doug Matheson 20:06

Yeah

Kevin Rothrock 20:06

No, none, zero. Zero that they're doing short term where they're supposed to, zero complaints.

Pete Gherini 20:18

Kevin, this Pete, I had come to talk with you about the email that was sent to the Mayor and the Council and to Shane, about the problem that EB Springs was having. And I went up there, and it was a mess. But I guess you had called the owner over the weekend and got all cleaned up. But did.

Kevin Rothrock 20:45

Yes that was a trash complaint.

Pete Gherini 20:47

Yes. Is that excuse me, is that is that person a? or the owner of that property? not understand what he's supposed to be doing?

Kevin Rothrock 21:02

Yes, he did regarding the trash, that was the issue that they had. He had a maintenance person that was supposed to provide another trash can and did not. And so I called him. When we received that complaint, I think it was that day went up there. Their trash was over full. The cans were full, overflowing. So I told him he needed to get someone up there and take it to the Aho dumpsite that day. And they did. I said that would not last in the weekend.

Pete Gherini 21:38

Okay, thank you.

Albert Yount 21:41

Kevin I got two questions or concerns. So you've had a complaint about trash at EB's house? Correct.

Kevin Rothrock 21:53

Yes

Albert Yount 21:53

Who keeps score that, the score of how many complaints at a house. Do you have a particular file or what?

Kevin Rothrock 22:09

Well, that's generally speaking, we would keep if we get a particular complaint we could log that, especially if it's by email. Now in this particular case, it's not short term rental, that's a trash complaint. That's a long term renter they have had in there. So there's not a permit that they would lose. They're not issued a permit?

Albert Yount 22:33

Well, I just think you should keep some kind of a score if you keep getting complaints about a particular property. It might evade your memory, but if you write it down, it won't.

Kevin Rothrock 22:47

Agree

Albert Yount 22:48

The other is G. Permits may be revoked upon repeated substantiated complaints. Who revokes? You?

Kevin Rothrock 23:04

If it's a zoning permit, yes. Our office

Albert Yount 23:11

Well, something like EB, he's complained several times. Who handles that? You?

Kevin Rothrock 23:19

Our office.

Albert Yount 23:23

Okay, when you get a complaint? Who gives the property owner the due process? You?

Kevin Rothrock 23:34

Yes

Albert Yount 23:35

Ok, that's all I want to know.

Charlie Sellers 23:42

For those that are not aware, we have an ordinance in town that does not allow trash receptacles to be on the street for any longer than 24 hours. Is that not correct Kevin?

Kevin Rothrock 23:59

Yes, it's 24. I'm not sure that the number of hours but it's allowed to be put out no earlier than 5 pm, the day before trash is picked up and removed no later than 5 pm the next day. Maybe it's 24, something like that. We do have a law about that.

Charlie Sellers 24:22

And also, we have in that ordinance people do have the option to build containment around their trash receptacles. If they are close to the road, is that not correct?

Kevin Rothrock 24:37

That's right. Yes, sir.

Charlie Sellers 24:38

Ok, I know and the reason I'm referring to that Kevin is EB's had this problem before and I drove up there that day, too, and looked and those trash receptacles would have been out there for a few days. So I do understand our citizens concern and thank you for staying on top of it.

Kevin Rothrock 24:58

Yes sir.

Doug Matheson 25:01

I think also, that's only, the containers, are only good for our town trash. Correct? Republic on recycling will not go and pick up your containers on the inside. It has to be at the street doesn't it?

Shane Fox 25:21

I'm not exactly sure, I think there's a mixture of that that still goes on.

Albert Yount 25:25

There is.

Shane Fox 25:25

So yeah.

Doug Matheson 25:28

I didn't know if they would go.

Albert Yount 25:29

A couple of those people can't get those things out

Doug Matheson 25:31

Ok

Shane Fox 25:31

It's more one off than what we do. So it's not as common but there are some that they go and still get out of the containers or even get from the homes themselves. We have several of those I know of that Republic goes and does that. I don't think it's their ideal situation, but they do it.

Melissa Pickett 25:49

Do we have different ordinances for long term rentals versus short term rentals, because that seems to be somewhat of what this issue is with this particular case, to me.

Shane Fox 26:01

The long-term rentals would fall within the same as any other residential ordinances within that. So the only thing that's different what we're talking about tonight would be with short term rentals. So there is a little bit of a mixture of what we're talking about this one particular case. This one particular case has been a short-term rental issue in the past it's now what's considered long term renting but that's where some of this has been derived from is the past with this particular home has been referred to.

Melissa Pickett 26:29

Because that seems for some of the gray areas coming in with this particular incident.

Shane Fox 26:33

Yes ma'am.

Charlie Sellers 26:37

We open for the public hearing section. Council. Good for that. Would any of citizens like to speak on this particular issue if you would, please step up. Short and sweet EB once again, state your name and address.

EB Springs 27:05

My name is EB Springs I live at 113 Mockingbird Lane here in Blowing Rock. I want to talk while we've got, while you've got, short term rental permit ordinance in front of you. I want to address from short term rentals now rather than us having to come back later. Come back later to fix what it hasn't been completely fixed with this ordinance. If your next door neighbor has a lawful, short term permit. And a bunch of people come in one weekend they look like they were kicked out and Hells Angels and their cursing profanity. There's nobody you can call for ugly, unattractive, undesirable people. You can't call the police and you can't call the Planning Director. It's not against the law to be ugly and unattractive. Littering, noise violations, drug violations, trespassing, illegal parking those are violations of law. And really what the citizens out there that live around the short term permit your property properties have really all they had to hang their hat on is violations of law. The Planning Director is not the best person to go out and investigate these violations of law. For one thing, so many of these things like the noise violations, the trespassing, taking a shortcut through the neighbor's yard through their flowerbed after they've been told not to. Often so much of this happens in the middle of the night and on the weekends. And Kevin's not available then. Mr. Fox doesn't want Kevin to go out and knock on doors in his investigations. He's worried about the Planning Director safety. There's something to that. The best person to investigate these are our Blowing Rock Police. They're use to investigating and they work 24/7. The ordinance you have in front of the ordinance has a paragraph G. Paragraph G is not going to address effectively in my opinion. The problem short term rentals. I'm passing out to what I will suggest as a replacement of G. If you will, please indulge me, I'm gonna read what I just gave to you. The wording of Blowing Rock ordinance section 60-10.12 Paragraph G. I think should be struck entirely and start over with what I have given you at with the following content. Paragraph one, the fact that a property owner has been issued a short-term rentals zoning permit by the Town of Blowing Rock is public record. And the fact that the issuance of such permit and the contents of the permit shall be shared by the town with any person making an inquiry. If anybody wants to go into the Clerk's office right out there and ask is this house permitted for short term rentals, they should be entitled to look at those public records. Paragraph two, violations of local ordinance or North Carolina State statutes may be the basis of a revocation of a town of Blowing Rock issued short term zoning permit. Put it out there, inform people, permit holders of that. Paragraph three, any owner or possessor of property in the neighborhood of a property holding a short-term zoning permit shall be entitled to summon the Blowing Rock Police Department regarding any current violation of law or any local ordinance. Or any North Carolina State Statute taking place out of property holding a short-term zoning permit. Such violations of law at the permitted property include are not limited to littering and trash cans violations, noise violations parking, maneuvering of motor vehicle violations, illegal drug violations, illegal open consumption of alcoholic beverage violations, disorderly conduct and or drunkenness violations, violent or assaulted conduct violations, dangerous debt violations trespassing on neighboring property violations and any other violation of local ordinance or North Carolina State statute. The Blowing Rock Police department shall respond to such summons in a timely manner and investigating the alleged violation of the local ordinance of North Carolina States or North Carolina State statute. And the Blowing Rock Police department shall in all such cases make the following inquiry and investigation at a minimum and shall in a timely manner is your standard public written police report of their findings and investigation. At a minimum the report shall include the name, address and phone number of the person or persons in possession of the property having the short-term rental zoning permit. And if that person is in fact renting the property and for what calendar dates. If the person or persons in

possession of the property are in fact renting the property, the name of the property owner or agent or company which made any rental agreement with that renter possessor of the property. The police shall state the name of the complainant who reported the alleged violation of the local ordinance the North Carolina State Statute. And the report shall state the nature of the alleged violation of law. The police reports shall state what if anything, the responding officer witnessed. The neighboring property owner or property possessor who made the complaint may take a copy of the required Blowing Rock Police Department report generated by the complaint to the Blowing Rock Planning Director or his designee. And if the police report indicates clear and convincing evidence of a violation of local ordinance or North Carolina State statute at the permanent holding property, the Planning Director or his designee shall issue a notice of violation to the holder of the short-term zoning permit fully describing the evidence of violation of local ordinance or North Carolina State law at the property in question. And including with the notice of violation a copy of the police report. The Planning Director or his designee shall inform the holder of the permit that this clear and convincing evidence of violation of law means that a second violation of law at the property within a period of one year will cause the property short term zoning permit to be revoked for a period of one year and any third such violation of law at the property within a two-year period shall result in a two year revocation of the permit. The fact of such a revocation and notice to the permit holder shall be stated in the pertinent notice of violation sent by the Planning Director or his designee to the permit holder. And finally, nothing in the procedures described above shall limit or change the lawful discretion of the Blowing Rock Police Department to determine whether to make criminal charges of their own whenever they have probable cause to do so. This gives some teeth and some help to the property owner that's out there in the middle of night, on a Friday night or Saturday night. It gives them some recourse. And it provides something that the permit holder can see like him severely. If he doesn't have law abiding tenants at the proper, it's going to help the Planning Director it's going to take the burden off him much better equipped to do it. We have an excellent police department. And there were there are a whole lot of the short term. There's not going to be a whole lot of investigations going on. These are violations of law, take things short term ammo, my neighbor's committing a fraud, I have every right to call the police and have them come out and do something about it. And if the police witness a violation of law, they have every right to go in and make an arrest. I would ask you, please, council members, strike paragraph G and insert what I have given you here. An Attorney named Jamie Sellers wanted to be here tonight. She's been working with Blowing Rock Civic Association.

Charlie Sellers 36:42

Do you know her address EB?

EB Springs 36:45

I do not, she lives on Wonderland Drive. She asked me to forward to you this and I said I would do that. She asked that a couple of things be added to the ordinance before you concerning the local contact person. The local contact person's information was to be as written now the ordinance says inside the house. And her suggestion is that it also be posted outside the house. And they're also the property owner police.

Charlie Sellers 37:30

EB under public hearing proper protocol is for the individual that wants to speak be here.

EB Springs 37:43

Well, I understand but I also have the same feeling. This would be an excellent point to what you had before. So I

Charlie Sellers 37:55

So I tell you a way around this EB is this something you put together that you would like to present?

EB Springs 38:02

Excellent. I suggest in addition to the striking and insertion of a new paragraph G that the handwritten language you see on what I handed you be included as an amendment to what you have before you. Finally, the Planning office in town, you still have short term rental permanent education on the website. It's no longer there and really should be there. It's excellent information. It's going to help us ally who is investigating whether the pursuit of short-term rental and there has never been on the website information as to how to pay your occupancy tax. That would be an excellent idea to put on the town's website. That concludes what I have.

Charlie Sellers 39:10

Thank you Mr. Springs.

Albert Yount 39:15

I'd like to ask the manager question. Are police authorized to enforce the code? I know that another city I used to live in had code enforcement officers that was what they did and they were not police.

Shane Fox 39:40

So it is not written but in this town I can I can tell you that any complaints that come through, the police department are following up on so all the things that are listed here so littering and trash and noise are different that's truly an ordinance that's, that's so that's that is normally under the Planning Director. But police do respond to those complaints if it's especially outside of hours. The other items here dealing with motor vehicles, illegal drugs, consumption, these are laws and of course, noise violations, things of that nature in which the police would respond to accordingly. If you know asked or called.

Albert Yount 40:20

Well, enforcement is the key to all this that we're talking about, that's the key. And a record of violations, like keeping the score. You know, I've said this before, maybe some people have it, I endure over a year of something like this at my house on Morningside Drive. And it was before Kevin got involved here and the crowds were so big, the police got afraid to go up there. And that went on until I think the owner was fined \$1,000 a day for violations. And that got his attention, even if he was a very wealthy man. So I mean, I couldn't get anything done as a Town Council Person. So what about someone who isn't? But enforcement's the key and Kevin knows that. And I don't think Kevin should, he's not armed, he's not sworn as a police officer or peace officer. That's not a place for him to go.

Shane Fox 41:35

I would agree with that statement. And that's that's a conversation that Kevin, I've had previously with knocking on doors and things of that nature, obviously, having the police assist during that type of interaction, if need be or having them conduct that type of interaction?

Albert Yount 41:51

Well, I think this requires a little of our discussion, other than just passing this tonight.

Shane Fox 42:03

Kevin, can I ask a question? Is the Planning Board been made aware of these suggestions by Mr. Springs or Ms. Sellers? Was the Planning Board discussion a part of that?

Kevin Rothrock 42:15

About these things presented tonight?

Shane Fox 42:19

Yes

Kevin Rothrock 42:19

No? I've never, never read them. Never seen them.

Allen Moseley 42:24

Can I make a couple of comments?

Charlie Sellers 42:26

Yes Allen.

Allen Moseley 42:27

So I'm reading this for the first time as well. But it strikes me that this revision of G doesn't belong in our short term rental ordinance. We had a code of ordinance, code of ordinances with relating to police power, focused on public health and safety. And maybe we need to take a look at that. And maybe we need to revise that. But I don't think this belongs in subparagraph G of the short term rental ordinance. Maybe this involves going back in the context of the short term rental ordinance to discuss the problems that were discussed tonight, such as Kevin's challenges with enforcement. But this is police powers. Police powers relates to all properties in Blowing Rock and, you know, and all uses in Blowing Rock, Not just short term rentals, it involves everything.

Charlie Sellers 43:45

Question I have for you, Allen, and maybe Kevin is with a second violation restricting them for any rental for one year. Can you do that? Can that be done?

Allen Moseley 44:02

I think that can be done in the context of our land use ordinance. It's a development related issue, but a lot of this other stuff is police power and public health and safety issues.

Charlie Sellers 44:19
Council

Melissa Pickett 44:20
We need to close the public hearing for discussion.

Charlie Sellers 44:26
Anyone else like to speak on this issue? Do I have a motion to close the public hearing?

Albert Yount 44:33
So moved.

Pete Gherini 44:34
Second

Charlie Sellers 44:35
That's first I have a second Council further discussion.

Albert Yount 44:41
Well, it looks to me like it needs a little more input from our attorney. Probably our Police Chief and Manager.

Shane Fox 44:58
For what was presented just now?

Albert Yount 45:01
I am not prepared to re-do this, Section G this.

Melissa Pickett 45:06
I'm not gonna I'm not prepared to make a decision on stuff presented to us tonight that our Planning Board not seen or heard of or anything when they've already put work into this. If we want to forward this to them to see that's fine and table tonight, but we're gonna make a decision on something they've not even seen. That's not fair to them. That's not why we have a Planning Board.

Charlie Sellers 45:31
Yes Pete.

Pete Gherini 45:32
After hearing what Allen has said and some of the other comments, I would make a motion that we send this information that EB has presented and Jamie Sellers, back to the Planning Board and have them review it with input from Allen and the Police Chief.

Charlie Sellers 45:56
Pete's made a motion.

Albert Yount 45:58

Second.

Charlie Sellers 45:58

We have a second any further discussion?

Doug Matheson 46:01

Yeah, I agree with Albert on the biggest thing that we need to look on to this is the enforcement part. I'd like to know how, I'd like to see enforcement in here somewhere where this ordinance change or an amendment into an ordinance change but some way how this is going to be enforced without as you said, Kevin not going and knocking on doors, the proper people going and handling that. I'd like to see where this is going. I agree it needs to go back and be tweaked some and then brought back to us.

Melissa Pickett 46:45

Personal opinion the articles that were given to us the rewrite on G, is that not kind of what you can do anytime, as a citizen called the police to have I mean, is that not what every citizen has a right to do if things are not going right on here. Or am I reading this wrong Allen?

Allen Moseley 47:05

I'm not arguing with what EB is saying in terms of it's a real issue. And I recognize that.

Melissa Pickett 47:20

It is I mean, I'm not downplaying. I just don't get a situation at all. I'm just asking for clarification. I mean, to me, when I read through this, it seems like I mean, as a homeowner, I could call on my neighbor, whether they're there or their rental at any time for any of these issues with the police department.

Allen Moseley 47:37

But maybe we need to fold in our code of ordinances into this discussion and take a look at that, in the context of what he brought up. Just don't want us to throw all this into the short term rental ordinance.

Charlie Sellers 47:59

Okay, we have a motion. We have a second any further discussion.

Albert Yount 48:04

Just think when we refer it to the Planning Board, that we should inform them of our bias toward enforcement and to confer with the Town Manager, I mean, the Town's Attorney, of your thoughts that you conveyed to us tonight Allen.

Shane Fox 48:25

If I may just clarify, are we just asking the Planning Board to visit the enforcement piece on the short term rentals or on the book of ordinances as a whole?

Albert Yount 48:34

That's that's where I'm referring to Allen. I respect his ideas and opinions that he stated tonight, I think they are right on.

Charlie Sellers 48:47

I think

Melissa Pickett 48:48

Can we do it as sending it back that they look, they give us recommendations on suring up the enforcement on short term rentals and looking at the ordinance for if we need to make any changes on the section that Allen was referring to.

Charlie Sellers 49:07

Thank you guys are looking at two different situations here and the short term rental thing needs to be addressed as soon as we can get it addressed I agree.

Melissa Pickett 49:15

And then we can look at I'm sorry, which section were you talking about? That maybe we need to look at.

Albert Yount 49:22

Allen was suggesting a little something that we haven't had it appears to me. You don't want to overload the short term rental orbits. I get what you're saying.

Allen Moseley 49:38

Yeah, I mean, I think we need it again. It's our it's our code of ordinances. Not chapter 16, it's a whole code of ordinances that relates to health safety issues in the Town.

Albert Yount 49:52

Well, that's that's what I would hope to be conveyed to the Planning Board when they meet so they don't come up with something and not even know about what you're saying which I agree with.

Charlie Sellers 50:02

Okay, so the short term you want it to go back to the Planning Board, let them review the information that's been submitted tonight, review this with Shane and Allen, come back to the Council with a revision or no revision, whatever they recommend. And then after that, you want the Planning Board to further evaluate our current ordinances to make sure that they have the rules and regs that we need in there correct. Or consultation with our Town Attorney.

Pete Gherini 50:41

I also in my motion said that it should be checked with Aaron too.

Shane Fox 50:49

Yes

Charlie Sellers 50:50

That's correct. We have a motion. We have a second

Pete Gherini 50:57

Call the question.

Charlie Sellers 50:58

Ok Council how do you vote.

Albert Yount 51:01

Yes

Melissa Pickett 51:01

Yes

Doug Matheson 51:01

Yes

Pete Gherini 51:04

Yes

Charlie Sellers 51:06

Kevin, you got that? This will be tabled until you can get up with the necessary people and the Planning Board and move it forward from there ok?

Kevin Rothrock 51:17

Okay.

Charlie Sellers 51:18

Thank you. Now, moving on. We have a public hearing on outdoor dining, downtown on outdoor dining, Kevin, back to you.

Kevin Rothrock 51:30

Ok, earlier this spring, and I think it was during the February Council Retreat. The Planning Board was given the task of evaluating Town code related to outdoor dining in the downtown area. Planning Board selected a subcommittee to study outdoor dining in downtown Blowing Rock and how other communities handle the outdoor dining and the related parking requirements. The subcommittee met on multiple occasions and discussed the specifics with local restaurant owners. Eventually, the subcommittee suggested that the parking requirement for outdoor dining be based on square footage comparable to required parking for the restaurant. As proposed the parking for outdoor dining would be one space, per 250 square feet. Parking spaces would no longer be based on the number of outdoor seats. However, outdoor seating would be regulated by restroom fixture requirements based on occupancy calculations, whether by either table or chairs, or standing room only. Those are calculations that are found in the building code related to occupancy calculations. In the draft ordinance, the

subcommittee maintains a hold harmless provision in the application these new standards for existing restaurants that were created with establish existing restaurants, excused me, would prevent existing restaurants from losing outdoor dining seats from the original number of seats established, through the count that we did in 2006 or the number of seats granted for either a zoning permit or special or conditional use permit as the case may be. Some restaurants may gain some outdoor seating through these new standards, but no restaurants would lose seats. Now, let me clarify that, that is not based on the seats that were gained through the relaxation of COVID-19 or the relaxation of the enforcement. This would be going back 2006 when we had a calculation or from the conditional use permit or special use permit that was issued to that restaurant that quantify the number of seats. At the June meeting the Planning Board recommended approval of the draft ordinance attached as 22 10. I also received some feedback since that June Planning Board meeting and an alternate draft ordinance is attached which would eliminate required parking for outdoor dining, provide standards for string lighting and establishes a new baseline for calculating outdoor dining seat. So the first draft provided for you. I'll just read through some of the main points of it, if that would be okay. We provided a definition in the very first section, outdoor dining, outdoor dining facilities that are associated with and in the immediate vicinity of restaurant cafe or other permitted establishment that serves food or drinks for onsite consumption. Section two provides some standards and this is applicable in town center in central business. All outdoor dining for decking surfaces must meet ADA accessibility requirements in North Carolina Building Code. To ingress and egress pathways must meet the North Carolina building code. With this, there'll be some impervious surface increases to allow this outdoor dining. And that if an increase is 500 square feet or less, from what was previous, they would be exempt from any stormwater requirements. If it's over that 500 square feet, they'll offset that they need to offset that somewhere on the property that has a surface that's impervious and do that with landscaping or make it pervious again or provide stormwater detention. Some type of facility that would that would handle that. Number four that total outdoor total number of outdoor seats permissible outdoor seats combined with the indoor seating would be limited by the restroom fixture counts. Again, what's determined by the building code. Five barriers must be provided to protect the dining area from vehicular traffic when adjacent public street or sidewalk that could include parking areas too. An area that there's parking, there's not some kind of separation, they've got to provide a barrier that will include solid bollards not more than four feet apart with fencing or solid members between the bobs. It's unstable, because motion barriers and columns will not be acceptable. And they'll have to have a design that would be that would meet the North Carolina building code. Those dining areas will be complementary and compatible with the principle building into design and use of the materials. Outdoor dining areas shall not be allowed in designated parking areas. Required landscaping above or shall not be removed to create outdoor dining areas unless landscaped areas located in some other nearby place. And then finally, the spaces, the number of seats are limited by one parking space is required for every 250 square feet of outdoor dining area. The next section is dealing with how we can go back and calculate the amount of seats that they're that they had established at that restaurant. As well the very next section. And the final section is dealing with tents. And how those are used for to enclose or have for outdoor dining that there would be only for special occasions and not to exceed one week in duration. And those special occasions would only be four times per year, four times per calendar. If they're if the restaurant feels that they need to have something that's more permanent, we would encourage them to construct something or design something that would be either through the zoning through the planning department for us to review or something that might even go too far as far as wanting to Council for

approval on something that would be compatible with the building materials that are on site. Our subcommittee spent a lot of time on this and talked with restaurant owners and went back to the Planning Board on two separate occasions. I think they did a very good job. And it's hard to put into words every possible situation, but I think this works for downtown. And it is a good ordinance. I also provided in your packet an alternate ordinance as I received some feedback from you. And I don't know if it was in red but items eight & nine is what I really changed and that we took out that quantification of one parking space for every 250 square feet and just left it alone, took it out. So it's not limited by parking for outdoor dining in this alternate version. And then we added some information about outdoor string lighting white string lighting to outline the dining areas and provide some lighting overhead and that it would fall in line with our commercial design standards on outdoor lighting and fixtures that did not exceed one foot candle at the common property line. So that section out there the alternate version, on nine lines up with our language ordinance.

Charlie Sellers 59:52

So generally speaking, Kevin, alternate more or less removes the parking requirements for outdoor seating.

Kevin Rothrock 1:00:01

It removes the park and adds the lighting information.

Charlie Sellers 1:00:08

Council as you mull over this. We're looking at revision one, and then revision one alternate. Questions for Kevin?

Albert Yount 1:00:24

And so I'm to understand that one thing we can't ignore in Town is the North Carolina building code. And you're gonna base approval or non approval upon that.

Kevin Rothrock 1:00:44

Yes, sir.

Albert Yount 1:00:46

Vice parking, parking is off the table it sounds like in your alternate.

Kevin Rothrock 1:00:56

In the alternate, yes, that's right. That was not the recommendation of the Planning Board. Planning Board was the 251 or 250. Changing, the one for 250 is different from what we currently have, and would give a little bit more flexibility than what our current ordinance for one space for every six seats. And, you know, there's some other language related to that. The one for 250 give us a little bit more, of course, the alternate takes that out.

Albert Yount 1:01:30

And then the alternate is your production.

Kevin Rothrock 1:01:36

It's a collection of thoughts and ideas that I've received since the Planning Board meeting.

Albert Yount 1:01:44

Well, is this going to be a prohibitor to some of the people who own restaurants in Town that they don't even know that you did this. I mean are we going to be pulling a fast one on them or what?

Kevin Rothrock 1:01:59

No, no, no, I believe. The alternate is the even more advantageous for the restaurant?

Albert Yount 1:02:09

Well, I agree. But do they know about it?

Charlie Sellers 1:02:14

Yes, to their benefit, I mean, the alternate.

Kevin Rothrock 1:02:20

Along with respect to the lighting, it gives a standard that we don't have at all. But as for the for the parking, it would be for every restaurants benefit this alternate version.

Albert Yount 1:02:34

It just seems like. I don't quite understand what you've done. You had the Planning Board, and they worked and worked and worked subcommittee back to them twice. All this. And now all of a sudden, we're seeing an alternate Planning Board. Did the Planning Board see this alternate? I'm asking you at the Planning Board has seen this alternate?

Charlie Sellers 1:02:58

Shane would like to say something.

Shane Fox 1:02:59

If I might add a few comments. So after the Planning Board met in June and made the original recommendation, we had our retreat, our summer retreat in which this was presented. And so the alternates that are being presented are from that dialogue at the summer retreat. So the Planning Board has not seen, they're obviously I think aware, I'm not sure if Kevin's communicated with them this alternate, but the public was obviously aware of the retreat or could be and could have been here or seeing the recording of it. So this type of change, the alternate is from the direct dialogue from the retreat that we had on June the 28th.

Albert Yount 1:03:38

Well I certainly I think it's worthwhile.

Pete Gherini 1:03:47

Yeah, if there's no further comments from the Council, I'd like to hear the restaurant owners that are here.

Charlie Sellers 1:03:52

We'll open the public hearing.

Pete Gherini 1:03:54

Okay.

Charlie Sellers 1:03:57

Do we have any citizens or business owners that we'd like to come up and speak? Good evening, Mr. Milner if you would just state your name address for the record.

Cobb Milner 1:04:24

My name is Cobb Milner. I live at 200 Gideon Ridge Road in Blowing Rock. I was talking with Albert and Pete and I did not know that, I had no idea about this alternate version. But I knew there was a public hearing tonight on the subject about outdoor dining. My comments today are as a 31 year resident of Blowing Rock in addition to my role as business owner, my wife and I own Gideon Ridge Inn, Hellbender and Bistro Roca. First, I don't think, you know, if you pass either one of these, I really don't, I'm not sure it has an effect on any of my businesses, I think I've got enough seats at Hellbender that it would cover the outdoor dining, I've got I don't know that for a fact, but, and of course, Bistro Roca and Gideon Ridge, we don't have outdoor dining. But I have, you know, a couple of points to make, that I hope you'll consider. This town is under restaurant. There are not enough seats, or dining hours for the restaurant and visitors, hotel guests or whatever. And the 48 rooms, I don't know that number have to be exact under construction or about to start the problems only gonna get worse. Combine this with the increase desire of most people in the United States or wherever the more meals out of the house. And you can see why it's so hard to get a reservation at one of my places, or anybody else's places in town. Secondly, you know, people want to eat outside, it's summertime in Blowing Rock, when we relaxed the COVID rules that gave diners what they wanted, and the restaurants, you know, also. And so I applaud the changes that you guys have that are being proposed. Kevin. Third, you know, we are in the restaurant industry is getting squeezed today, we've had a couple of good years, but with costs rising 20 to 30%, for food labor, similarly. It's tough, you know, our, you know, we're looking at, you know, breakeven, and red ink and all sorts of stuff trying to make things happen. Finally, I think the parking fee has always been sort of ill conceived, I think they, they got rid of it for businesses in Blowing Rock a couple of years ago. You know, so I think it, you know, that \$15,000 is an impact fee really is nothing more than, you know, some sort of a tax to try to, you know, whatever. So in my conclusions. And I think what you did with what you're proposing, especially in the alternate version, is just separate parking, from the concept of outdoor dining from the concept of how to raise revenue to pay for parking. Those are three different issues, that all have to be dealt with individually. If you pass the alternate version, you've basically done that. And I, as I say, I looked on the web, I didn't see either version of the thing I did, I did read through the minutes of the Planning Board June meeting. So it is, you know, I completely agree with the recommendation that we allow outdoor dining, that we eliminate the parking fee relative to outdoor dining, that we enforce state and federal regulations on outdoor dining. At the same way we've enforced same regulations for indoor dining. I think the third thing is at some point, this Council has to deal with the parking issue, the revenue issue. And I would implore you to think long term, you know, 20 or 30 years, you know way longer than your term of office way longer

than probably my lifetime as well as some yours. But I think it's the only way that we're going to continue to make this a viable place. You know, both residents and businesses. I take any questions. Thank you.

Charlie Sellers 1:09:27

Thank you Mr. Milner. Do we have anybody any other citizens that would like to speak? Alright, do I have a motion to close the public hearing.

Doug Matheson 1:09:41

So moved.

Charlie Sellers 1:09:41

Do I have a second?

Albert Yount 1:09:43

Second.

Charlie Sellers 1:09:43

Public hearings now closed. Council thoughts

Doug Matheson 1:09:48

My thought is I like the alternative. I'd like doing away with the part of the parking. I think Kevin has listened to a lot of people. And I think he heard us during our retreat. I think most of us was feeling the same way then. I think that is one of the reasons he drafted this up. I would like to commend the Planning Board. Everything but that section was great. I think they put a lot into it. I think they give everything a lot of consideration. So I, you know, for discussion, I'd like to make the motion that we accept the second one.

Charlie Sellers 1:10:39

Okay. So Doug's made a motion for the alternate. Do we have a second?

Pete Gherini 1:10:45

I'll second.

Charlie Sellers 1:10:46

Second. Any further discussion?

Albert Yount 1:10:49

I just want to ask Kevin, I just want to know. And I don't want to do anything that would violate this. This alternate plan is not going to penalize any person that's in the restaurant business now. Versus if we had passed what the Planning Board recommended?

Kevin Rothrock 1:11:12

No, it is not worse in any way. It's better for the restaurants, no question. Now, in summary, the whole ordinance alternate or the original, there are still some the building code has some revisions and is gonna be based on fixture count that you've got to had to have as many seats that you can, the ADA separation, ingress, egress. So what's out there today, as far as seats, let's not to pick on anybody, but let's talk about down at the Brewery. Now they can have more than the four seats is all they were allowed by their permit. The original permit is a CUP. They're gonna be allowed more than four. But I can't promise you they're gonna have 75. So it's going to be better, but I can't say that they can have as many as they had out there. But certainly more than they did before. Absolutely.

Albert Yount 1:12:16

I just think the bathroom situation will be a big contributing factor here.

Kevin Rothrock 1:12:28

It will be Yes, sir.

Albert Yount 1:12:29

That's not any more restricted than what the Planning Board came up. That's what I want to know because if it is going to be we've got a duty to let these people know.

Kevin Rothrock 1:12:43

No, no, the only thing we did was take the whole parking equation out. There are still with the original the ordinance that was drafted, there are parameters on each end. ADA, bathrooms, bollards separate all those things, in effect, but they will not be penalized anymore in this alternative. No way.

Albert Yount 1:13:11

Ok that is what I want to know.

Pete Gherini 1:13:16

Kevin. I hope you'll be sure and thank Bill McCarter and the subcommittee for all their work because I know in talking with you and Bill that there was a lot of time and energy and back and forth so please pass along our thanks for doing that.

Kevin Rothrock 1:13:33

I will I did hear from Bill today, he read the alternate he want to know where it came from and he said he liked it better. I responded to him that was based on some comments I received since Planning Board and he said he liked it better so I'll put in another golf ball on the tee and drove another fairway today.

Charlie Sellers 1:14:01

Now that being said we know what Kevin has been doing today

Kevin Rothrock 1:14:04

Yes sir.

Charlie Sellers 1:14:05

Very good.

Doug Matheson 1:14:06

That don't happen often in the fairway

Charlie Sellers 1:14:15

Public hearings over.

Charles Hardin 1:14:17

Can I ask a question?

Charlie Sellers 1:14:19

Go ahead Charles.

Charles Hardin 1:14:23

How long will these restaurants have? We had a question Kevin, how long will the restaurants have to comply? I would assume part of that ADA accessibility and fixtures.

Kevin Rothrock 1:14:38

Yeah, it's gonna take some time so what do y'all think October first. Something like that because we're gonna have to meet with everyone and come up with a plan for everybody. Council I think we should leave that up to Planning?

Melissa Pickett 1:14:58

That's what I was gonna say.

Pete Gherini 1:14:59

Yeah

Doug Matheson 1:14:59

That's up to them.

Charlie Sellers 1:14:59

The monkey's on your back, Kevin?

Kevin Rothrock 1:15:04

Yeah. Well, we might go to November 1st then. What we'll is work with each one of them and their timeframe is each going to be different on what they can do, but you know, we'll have a soft date of November 1st.

Albert Yount 1:15:25

That does peak my interest Kevin, what you said. You're gonna have to have a plan for everything. You've already testified that no one was going to be hurt by this. So if you've got to come up with a plan, if you have to come up with a plan, how do you know that?

Kevin Rothrock 1:15:48

Well, some won't do anything. Some are not in violation. And maybe they don't want to add any seats and they don't want to do anything different. And if they're in compliance, they roll on.

Albert Yount 1:16:03

I just want to be reassured that nobody is going to be hurt by this. I wanna know that. I don't want anyone to be surprised by that.

Kevin Rothrock 1:16:04

I hear you. I agree.

Albert Yount 1:16:18

It's tough enough to be in business on the good days.

Charlie Sellers 1:16:25

Okay, we have a motion we have a second. Any further discussion? Council, how do you vote?

Albert Yount 1:16:32

Yes

Melissa Pickett 1:16:38

Yes

Doug Matheson 1:16:38

Yes

Pete Gherini 1:16:38

Yes

Charlie Sellers 1:16:38

The alternate passes. Thank you, Kevin.

Kevin Rothrock 1:16:41

Ok thank you.

Charlie Sellers 1:17:01

Okay, Mr. Fox High Country Mitigation Plan Resolution.

Shane Fox 1:17:07

Thank you, Mayor and Council. The 2022 High Country Regional Hazard Mitigation Plan has been completed. I've got it up on screen here it is 627 pages. I'd like to read it to you if that's okay.

Charlie Sellers 1:17:22

Can we take a recess?

Shane Fox 1:17:23

Similar to our Comprehensive Plan, the mitigation plan is updated every five years I had a miss type that said 10 years in your staff report. It's every five years, the latest one that was presented to you all was in 2017. So this approval tonight or this ask of approval is something you've done every five years for me many years. I spoke to Chief Graham I think the original one goes back several decades ago that you all were a part of participating entities include Allegheny, Ashe, Watauga and Wilkes Counties, including each of the cooperativeness municipalities in each of those four counties. Each of the respective counties are responsible provide information for each of the respective jurisdictions to complete the plan. As part of the final approval process, FEMA requires that each incorporated municipality along with each county to adopt a former resolution of approval. So that is what we're here tonight for inside of your packet is that resolution the sample resolution that we're asking for you all to consider and approve. Tonight, I will note that our Emergency Services Director Chief Graham has reviewed the plan and has provided his approval and he is here tonight. If you have any questions. The plan, like I said is 627 pages that is a true number. So I will not go through the great amount of detail other than to say this is simply an update to the plan that was passed in 2017. There's been some minimal changes to what you have in front of you here. The Blowing Rock section is on page 261. So if I could just let me scroll to that section real quick. And

Charlie Sellers 1:19:05

This will be great reading material for Albert tonight. I thought it was 628 pages.

Shane Fox 1:19:10

It may be so yeah, depending on your perhaps your resolution your size there. So what you have in front of you or what's on the screen is the Town of Blowing Rock Mitigation Action Plan. Again, none of these items are new items from 2017. These are simply updates, most of which deal with things like building public buildings and floodplains continue to obviously update our current policies that we have internally with regards to stormwater, etc. Installing generators, generator hookups for critical care facilities within our area. Most of these have been completed or most of these are ongoing efforts but be glad to try to answer any questions you have or Chief Graham perhaps with any questions you have but again asking tonight for approval of a resolution that will allow us to move forward with this as a part of the four county hazard mitigation plan.

Albert Yount 1:19:45

Motion to approve.

Melissa Pickett 1:20:11

Second.

Charlie Sellers 1:20:12

We have a motion from Albert and a second from Melissa. Any further discussion?

Albert Yount 1:20:19

Yes

Melissa Pickett 1:20:19

Yes

Doug Matheson 1:20:20

I trust in Chief Graham's reading of the 628 pages. Yes

Pete Gherini 1:20:20

Yes

Albert Yount 1:20:28

I standard corrected its 627

Doug Matheson 1:20:31

I trust Chief Graham's opinion.

Charlie Sellers 1:20:35

It passes. Thank you chief for all your hard work and Shane. Moving right along with official reports and comments. Like ladies and gentlemen, I don't know. If you all remember Jim Freeman, who was our interim Town Manager during the transition of Ed Evans to our fearless Shane Fox, but Mr. Freeman passed away the other day unexpectedly. So our hearts and prayers go out into the Freeman family. You know, it's amazing how people always take a business or a government to a next level. And he took us to the next level and brought us to Shane, which took us to another level, which is a good level. But our hearts and prayers go out to the Freeman family. Secondly, I've been seeing some emails flying around this last week about how some people need to join certain groups to have a vote, or to be able to have their word heard. I beg to differ. I hope everybody has my cell number, my email and can contact me at a moment's notice. And I'm sure the Council, I hope will feel the same way. But I just want to reassure our citizens, that one person's comment and one person's vote means more than five people to me. So keep that in mind. If you ever have a problem, I hope this is being zoomed. If you ever have a problem, feel free to call me. And I'll be there for you. And I'll be just as honest and frank and push to get something done as if you were a group of 100. So thank you to the citizens. And thank you to all of our groups in town for what they do.

Albert Yount 1:22:53

Oh, a couple of quick things to the lady from Gideon Ridge. I'm sorry, you had to get through that and I am certainly. Certainly heard. I certainly heard Mr. Manager, that something gonna be done about such conduct. And second thing is we have a member of the Planning Board here, and I'm just gonna say it so maybe you could start a rumor mill. What we did tonight with Doug's motion, I think was good. And I

don't want you to interpret it, the Planning Board that we're taking over, because you were not cognizant of this alternate plan. So are we straight?

Tom Barrett 1:23:42

Yes, sir.

Melissa Pickett 1:23:48

I'm good.

Doug Matheson 1:23:52

I had my first meeting with risk management. And I am learning a lot about insurance. And the only thing I can say right now is that we're working to hold it down. But it's it was a whole lot of work. There. I wish myself good luck there.

Pete Gherini 1:24:22

Yeah, a couple of things. First of all, I think we all owe the Chief and Jennifer a great big thank you for the parade that they put on and their staffs. I mean, that was those of us that were there. Melissa, Doug in his uniform. And, Charlie, of course, it was really outstanding. They did a great job. Secondly, I would like to have the Council recommend to Kevin to look at the solar ordinance and get away from or improve on that 20%. Because at the hearing that we had the public hearing for the brewery, there was a lot of discussion and effort on that. And there was a little bit of some pushback about the 20%. And so I think, you know, solar has changed a great deal, Albert, you probably have, you know, more experience than anybody with it. But I would like to see that we have the Planning Board, take a look at that and come back to us with some changes.

Charlie Sellers 1:25:46

Albert

Albert Yount 1:25:48

Solar only applies to commercial. Right.

Shane Fox 1:25:56

So I believe the 20% is what the planning department can approve anything above that would have to go before Council. So

Albert Yount 1:26:05

I didn't have getting approval at all to put it on my house.

Shane Fox 1:26:08

Kevin can you chime in?

Kevin Rothrock 1:26:11

Yeah that's correct. Just administrative decision is limited by 20%. Councils unlimited. I'm not sure where I think it's kind of been misunderstood. Council was limited to 20%. They are not, Council can approve 100% coverage. If you liked the way it looks.

Albert Yount 1:26:37

Well, then that maybe sort of answers your question.

Pete Gherini 1:26:43

Yeah. But I think it needs to be clarified, so that people are not misguided by because there was a little bit of a difference.

Kevin Rothrock 1:26:54

I read the article before it was released. And I called David again and explained that and I think he clarified it in the article. But it is not. There's not a limitation. I think it goes back to having the Council wants to have or in the past Council wanted to have some say in what was approved. If you want our office to approve 100% coverage on a commercial building. We can do that.

Albert Yount 1:27:24

Well, that's a revelation. I will say really what it wants to know if you do, given all the rain, snow clouds that we have here. I've had two years experience with it on my house on the backside. And it has not been proven, providing 1/3 of all electricity I've used in the last two years. So it does work.

Charlie Sellers 1:27:56

Mr. Fox

Shane Fox 1:27:58

I'll start maybe with just clarifying is that the wishes of Council for Planning Board to discuss the current ordinance on solar panels?

Pete Gherini 1:28:10

If for no other reason, just for clarification purposes for the public.

Shane Fox 1:28:14

Kevin is that something you can put on the agenda to have this discussion?

Kevin Rothrock 1:28:20

Yes, just discuss and clarify or with action?

Shane Fox 1:28:26

I would believe that would be up to the Planning Board after they reviewed the current ordinance if that's satisfactory with you.

Kevin Rothrock 1:28:32

Okay.

Shane Fox 1:28:36

So update I'll keep it fairly short. Tonight. I will say the next Planning Board meeting is July 21. And we may have an agenda item or to add it to that there will be the Blowing Rock Brewery conditional zoning will be heard then. So the neighborhood meeting took place now a couple of weeks ago. So that was the neighborhood meeting. That was part of the conditional zoning. So the Planning Board is next Thursday the 21st. We did receive sales tax numbers today, I didn't get a chance to pass that on to you for April, we continue to have better than prior year's sales tax numbers. So April's numbers, net, of the Watauga County fees is \$107,000. That was a 20% increase over last year. So that is somewhat against what we're seeing with our TDA. We've had a couple plateau months there. Most recently we did have an increase in the month of May or the month of April at our ABC Store that we've put a call out to each month has seen a decrease during the month of May for the first time in a little bit close to I guess almost two years now from month to month or year to year month over month standpoint month year to year \$210,000 in May of 2022 versus \$228,000 in May of 2021. So a \$18,000 decrease. So just a little bit telling perhaps as we're looking at sales tax was up roughly 20% in April 2022 versus 2021. That puts us at 12.72% for the year, so sales tax continues to trend higher than it was in 2021 fiscal year. The crosswalk at Rumble, we've had a few instances, where cars has made contact with our new crosswalk. So Mr. Chapman was up today. And we will be making some, perhaps changes to that crosswalk. I haven't had a chance to consult with him. But I do want to put it within the record that we are aware of it. And we're aware that we've had some instances of cars striking the crosswalk, and even doing damages to the cars or the tires themselves. And so we are in discussion about what we potentially could do there differently. So I want to make sure that's aware. I did talk to Chief Miller today. He is not here tonight, but we should have our positions posted for our two new officers tomorrow, so those should go up. So hopefully that process itself will not take too long. We normally have a good array of applicants that apply for those positions. So with that, I'll be glad to answer any questions.

Albert Yount 1:31:14

The bump outs

Shane Fox 1:31:16

Yes sir

Albert Yount 1:31:17

It's not the walk it's self.

Shane Fox 1:31:18

No and really just the one in front of Rumble so the one that's just on the on the west side of Rumble we've had that particular crosswalk struck now five times.

Doug Matheson 1:31:29

They can't seem to see it.

Albert Yount 1:31:33

What was that?

Doug Matheson 1:31:35

For some reason they didn't seem to see it.

Shane Fox 1:31:37

We did paint it yellow, we did add some police barricades.

Albert Yount 1:31:43

Let's just wait through winter and the snow plows will take care of it.

Shane Fox 1:31:48

So we are looking at some potential changes to that so we'll let you know what that might look like but be glad to answer any questions for you.

Albert Yount 1:31:56

Was that an engineering problem?

Shane Fox 1:32:01

It is designed planned.

Doug Chapman 1:32:05

And approved by the North Carolina Department of Transportation.

Charlie Sellers 1:32:09

And approved by Council. We're good. Ladies and gentlemen. We're gonna go into closed session not 10 minutes so we're gonna take a 10 minute recess. Allow her to make her way out there.

MAYOR _____

Charlie Sellers

ATTEST _____

Hilari Hubner, Town Clerk

ATTACHMENTS:

Budget Amendment - #2022-09 – Attachment A

Tax Report – Attachment B

ARP Resolution – Attachment C

Outdoor Dining - #2022-10 – Attachment D

High County Mitigation Plan Resolution – Attachment E

Budget Amendment - #2022-05 F

Town of Blowing Rock

Request for Council Action

FROM: Jennifer Brown, Director of Parks & Recreation
SUBJECT: Mayview Madness
TO: Town Council
DATE: August 9, 2022
REQUESTED BY: Blue Ridge Conservancy

BACKGROUND:

Blue Ridge Conservancy is requesting hold their annual Mayview Madness 5K road race on Saturday, September 17, 2022. Set up will begin at 6:00 am, the race will begin at 8:00 am, and clean-up will be completed by 11:00 am. The race begins at the corner of Wallingford and Laurel Lane and ends at Bistro Roca.

The application was reviewed by department heads, and no one had any issues.

Attachments:

1. Special Event Application



Town Of Blowing Rock
 PO Box 47
 1036 Main Street
 Blowing Rock, NC
 28605
 Tel 828-295-5200

Town Of Blowing Rock
Special Events/Activities Application
 (Must be submitted to Blowing Rock Parks & Recreation)

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted. **A complete application should be submitted at least **90 days** prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

****NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

****If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.**

APPLICANT INFORMATION

Name of Event: Blue Ridge Conservancy 5K
 Applicant Name & Title: Caroline Poteat, Director of Development
 Organization: Blue Ridge Conservancy
 Mailing (Billing) Address: PO Box 568
 City / State / Zip: Boone, NC 28607
 Daytime Phone: 828-264-2511 Cell: 828-406-7851 Email: caroline@blueridgeconservancy.org
 Description of the Event: 5K race through the Mayview neighborhood
 Does the event have a Twitter, Facebook or other social networking page: n/a
 If yes, please list URL(s): _____

Event Address: 333 Wallingford Road, Blowing Rock
Date of Event: Saturday, September 17, 2022
Event Start Time: <u>8:00 AM</u> Event End Time: <u>10:00 AM</u>
Set-Up Begins: <u>6:00 AM</u> Clean-Up Ends: <u>11:00 AM</u>
Preferred Date & Time of Inspection:
Estimated Attendance: 300
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public

APPLICANT'S SIGNATURE Caroline Poteat DATE: 7-8-22

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

TENTS & MEMBRANE STRUCTURES

<p>** Tent is a structure, enclosure, or shelter, with or without sidewalls or drops **</p> <p>Will tent(s) be used for the event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Number of Tent(s) planned: <u>2</u></p> <p>Size of Tent(s) planned: <u>10 ft x 10 ft</u></p> <p>Percentage of side walls if any to be used for each tent: <u>0%</u></p> <p>Detail tent location, size, percentage of side walls and spacing for each on required site plan.</p>
<p>** Membrane structure is an air-inflated or air supported structure **</p> <p>Will inflated/air Supported membrane(s) structures be used for the event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Number of air inflated/air supported membrane structures planned: <u>1</u></p> <p>Size(s) air inflated/air supported membrane structures planned: <u>20 feet</u></p> <p>Detail air inflated/air supported membrane structure location(s), size and spacing for each on required Site plan.</p>

POWER SOURCES

<p>Will you use electric generators? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, will Power Distribution boxes be used? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Provide contact information for contractor supplying generator power:</p> <p>Name: _____ Phone: _____ Email: _____</p>
<p>Will you use electric power from an existing structure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, will direct wiring to breakers be required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Provide contact information for person responsible for setup of power:</p> <p>Name: _____ Phone: _____ Email: _____</p>

HAZARDOUS MATERIALS

<p>Will there be any portable heaters?? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Will there be any deep fat fryers?? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</p> <p>Will there be any fireworks, lasers, torches, candles or pyrotechnics? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information.</p>

VOICE/MUSIC AMPLICATION

Are there any musical entertainment features related to your event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: _____ Type(s) of music: _____
Will a portable or temporary stage be utilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes*, state the number of portable or temporary stages: _____ Will stage have canopy with frame that supports equipment (lighting, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes* state the size of canopy: _____
Provide contact information for contractor providing stage: Name: _____ Phone: _____ Email: _____
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate times: Start time: <u>7:00 AM</u> Finish time: <u>10:00 AM</u>

ALCOHOL

Will alcoholic beverages be served? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, NC ABC permit required)
Will alcoholic beverages be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, NC ABC permit required)
What type of alcohol will be served? <input type="checkbox"/> Draft Beer <input checked="" type="checkbox"/> Can/Bottle Beer <input type="checkbox"/> Wine <input type="checkbox"/> Liquor
Who will be serving the alcohol? Brewery staff
Times for alcohol to be served: 8:00 AM
Locations within event site where alcohol will be served: Bistro Roca parking lot
Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please describe attractions: _____ _____
<i>Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.</i>

VENDORS

PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.

Does the event include food vendors? Yes No

If the event will have food vendors, please check the following that apply:

Served Sold Free Catered Prepared Outdoors

Does the event include food concession and/or cooking areas? Yes No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

(Use additional sheet if necessary)

VENDOR	COOKING METHOD	FOOD ITEM

Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.

EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
9/17/22	6:30 AM	Registration/packet pick-up	
9/17/22	8:00 AM	5K begins	
9/17/22	9:00 AM	1 mile fun run begins	
9/17/22	9:30 AM	Awards ceremony begins	

TOWN SERVICES

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes / **No**

How many trash bins are you requesting for trash? _____

How many recycle bins are you requesting? _____

Date and Time for trash or recycling bins to be emptied\picked up: _____

Delivery Location? _____

__ Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.

PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? BRC staff and volunteers will be responsible for clean-up

If town personnel are needed to assist with event site clean-up the applicant will be required to hire off Duty personnel.

If needed, please list preferred Date & Time for clean-up staff to arrive: _____

Will any of the following services be used for the event:

- Water Service Portable Toilet Services
- Wastewater Service Public Restrooms Public Electric Power

SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

- Beer/Alcohol Security Stage Security Event Area Security Gate Security
- Road Closure Security Money Handling Security Other _____
- Overnight Security From _____: _____ To _____: _____

Dates & Times security will be on site: 9/17/22, 7:30 AM - 9:30 AM

Security provided by: Off-duty Blowing Rock PD Number of Security Personnel: 2

Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.

WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS

Number of participants expected: 300 % of participants expected under 18: 15

*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: 20 % of volunteers expected under 18: 0

ADDITIONAL GUIDELINES AND REQUIREMENTS

Please initial all guidelines below and provide the information requested at the time the application is submitted.

Must use a pre-approved route from the Town/NCDOT and/or pre-approved neighborhood route and/or track or one of the options not on roadways that are available at a park. CP

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. CP

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). CP

Must include a parking plan for participants and volunteers (can be included in site plan). CP

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. CP

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. CP

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). CP

Do not assume, advertise, or promote your event until you have a signed permit from the Blowing Rock Police Department, along with permission from town staff and Blowing Rock Town Council. Conflicts do arise and changes to the request may be necessary. CP

Organizers to make sure race starts at the time approved on the application. Any deviated start times shall be requested no later than 30 days prior to the event. A deviated time request cannot be guaranteed approval. CP

Event organizers to assist in enforcing safe roadway rules. CP

Event volunteers standing throughout the course to direct as well as instruct participants to stay out of the roadway. CP

Cancellation of any event must be in writing/email to the permit center no later than 30 days prior to the scheduled date of the event. CP

A VIOLATION OF ANY GUIDELINE REQUIREMENT COULD RESULT IN THE DENIAL OF FUTURE EVENTS. CP

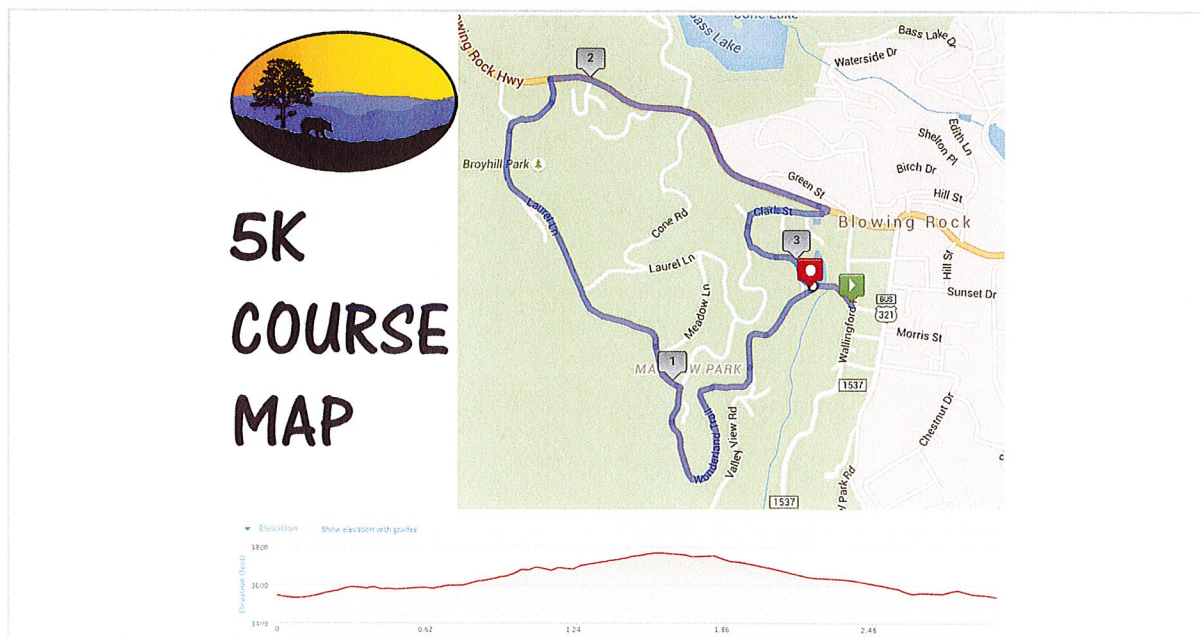
SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

Parking in Blowing Rock parking deck. Starting line at corner of Wallingford and Laurel. Finish line (20 ft inflated structure) + post-race event in Bistro Roca parking lot, located in the recreation center, Bistro Roca parking lot, and along 5K course. +



ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

All Events:

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan)
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties)

All Public Property Events:

- Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured.

Public Property Event at a Public Park:

- Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or jbrown@toibr.us.

Waiver Request:

- I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

Staff Report –Presentation Agenda

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: Monday July 18, 2022 Water Leak

Date: August 9, 2022

Information: On Monday, July 18, 2022, the Town of Blowing Rock suffered a catastrophic water main failure. The Town would like to present a timeline of the events that took place on the 18th along with the week that followed. The town would also like to give thanks publicly to those who participated in the events.

Attachments: Timeline



Town of Blowing Rock

July 22, 2022

RE: Catastrophic Water Main Break Debriefing- Press Release

Contact: Shane Fox, Town Manager

FOR IMMEDIATE RELEASE

On Monday, July 18, 2022, the Town of Blowing Rock experienced water loss first reported at 3:30 a.m., the following is a timeline of events and findings from this time when the loss of water was discovered:

MONDAY JULY 18, 2022

3:30am - Public Works - notified of first outage in town

4:00am - Public Works/Mayor/Town Manager/Police Department/Fire Department begin to look for the leak - driving roads

4:00am - Green Hill tank is empty - approx. 3M gallons lost - over time the majority of all 22 miles of water lines are to become empty as well - approx. 3.25M lost

4:30am - Water plant is operating at 100% capacity to begin production - this is done to push water through the lines to assist in finding the leak - some low-lying areas start to receive water as well at this time

5:00am - Task force meets at Town Hall to develop a plan - led by Public Works Director - includes dividing search teams up in quadrants/turning off valves, walking the main lines - later will include former Public Works Director as well providing assistance and institutional knowledge

5:06am - Emergency Hyper Reach Notification sent out to entire town to notify of the leak and loss of water

5:28am - Town Council is made aware of situation, and they begin to assist in searching for the leak - all members of Council are immediately out driving roads assisting

6:00am - Contact made with local media informing them of the outage and boil advisory - Watauga Democrat, The Blowing Rocket, Charlotte news media

6:30am - Water outage and boil advisory is posted to Town social media, website and E-Alert is emailed out to almost 1,000 email addresses that agreed to be on the E-Alerts/E-Newsletter list

7:00am - Contact made with Watauga County Emergency Services - American Red Cross alerted, message boards are in route for Hwy 321 to advise residents and tourist of outage and boil advisory

7:00am - Town admin staff arrive to start answering the phones - later planning and zoning staff assist as well throughout the day in answering phones

7:30am - Town Staff and Town Council members begin securing pallets of water from local grocery stores and hardware stores.

7:45am -The Blowing Rock American Legion is setup as an emergency water distribution site

8:00am - First pallet of water is picked up by Park and Recreation/Landscape staff and delivered to the American Legion Building

8:30am - American Red Cross arrives for Point of Distribution for bottled water

8:30am - Parks and Recreation staff cancels summer camp and closes the pool - P&R Staff are reassigned to assist in obtaining and distributing water throughout the next four days

11:30am - Water leak is found - 8" main line buried approx. 4' beneath a creek just south of Main Street and Chetola Entrance - Leak was found after Chetola employee reported the smell of chlorine to Town

12:00pm - Plan was developed to repair the leak - first plan was to access the broken pipe from Main Street, which will include diverting the creek during the repair. Afternoon thunderstorms quickly eliminate this as a viable solution. Plan B is to insert a valve on the north end of the line to dead end the line.

1:00pm - Repairs begin on the main line - a 8" valve is inserted on the north end of the break, the 8" line is located approx. 4' deep. Public Works staff endure three separate thunderstorms during this time

8:00pm - The repair is complete - 8.5 hours after the leak was found

8:00pm - Full water restoration begins throughout the town - this is a slow process to allow for the pressure to build slowly to avoid more breaks within the 22 miles of water lines - two small breaks are discovered on Tuesday and Wednesday - both leaks are repaired within hours of being discovered.

TUESDAY, JULY 19, 2022

3:00am - Tuesday morning - approx. 24 hours after the first outage was reported, over 95% of the Town now has water restored. PW Staff are on duty throughout the night as water is restored. The remaining sections became air locked and have to be restored individually by public works staff

3:00am - The Green Hill tank now begins the process of filling now once the lines have become full and pressurized

9am-7pm - Tuesday - ARC, Parks and Recreation staff distribute water

3:00pm - Tuesday - Stage 1 Voluntary Water Restrictions are placed on the Town until the Green Hill tank water supply is replaced

6:00pm Tuesday - the Green Hill tank is now 15% full

WEDNESDAY, JULY 20, 2022

9am - 6pm - Wednesday - AMR, Park and Rec Staff distribute water

12pm - Wednesday - test results are taken from 8 locations throughout town - sent to Boone for testing - results take 24 hours

6:00pm - Wednesday - the Green Hill tank is now 25% full

THURSEDAY, JULY 21, 2022

9am - 2pm - Thursday - Parks and Recreation Staff distribute water - in total over 1,000 cases of water are distributed during the week.

2pm - Thursday - test results are received and the “all clear” is given to lift the boil advisory immediately. Notice is sent via all contact means (E-Alerts e-mail list, Hyper Reach Emergency Notifications System, Social Media & Website)

6pm - Thursday - the Green Hill tank is now 40% full

FRIDAY (TODAY), JULY 22, 2022

8am - Friday - the Green Hill tank is now 55% full, Stage I Voluntary Water Restrictions remain in place until further notice when Green Hill Tank water supply is restored.

THROUGHOUT THE WEEK

Multiple (at least daily) updates were sent out throughout the week as developments were made to keep the public informed via all contact means available to the Town (E-Alerts e-mail list, Hyper Reach Emergency Notifications System, Social Media & Website).

We want to thank our community, Town Council and staff for their amazing support and work towards resolving this issue this week in such a timely manner. This was a monumental issue that was resolved amazingly quickly because of the support, outreach, and assistance of our amazing community. **As we work to ensure water supply going forward, we continue to encourage everyone to conserve water as we remain in Stage I Voluntary Water Conservation. As a reminder [click here](#) for the full press release on Stage I Voluntary Water Conservation.**

Staff Report –Presentation Agenda

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: John Muir Scenic Byway

Date: August 9, 2022

Information: The Town of Blowing Rock has received a request to provide resolution support to naming a section of US 321 from the Caldwell County line to the intersection at North Main and Chetola onto Main Street to the intersection of Main Street and 221, the John Muir Scenic Parkway.

Below is a letter received by Mr. Clay McCreary who will present the topic to the Town Council with regards to the scenic byway request.

“The ultimate plan is to utilize John Muir's name (who is considered "The Father of the National Parks" and remains a popular conservation figure especially today on the national scene) as a way to further interpret and utilize local history. This could include information regarding the historic Blowing Rock hotels that existed in 1898 (one of which Mr. Muir talks about staying in... possibly the Green Park), the story of the Lenoir-Blowing Rock Turnpike Muir traveled and what a vital road it was for its time as a link from the mountains to the piedmont. To emphasize just what an important figure Muir still is today, here are some links directly from the National Park Service discussing Muir and his lasting influence: <https://www.nps.gov/articles/john-muir.htm>, <https://www.nps.gov/jomu/learn/historyculture/people.htm>. His quotes can commonly be found in Park buildings, tv shows and books and they remain immensely popular in the local and national hiking community: <https://www.doi.gov/blog/10-john-muir-quotes-that-ll-inspire-you-explore-america-s-great-outdoors>. The reason that naming the proposed scenic byway after Muir is so important would be to further encourage tourism to the area utilizing his nationally known name. In fact, and as shown above, Muir's name already carries with it great significance to the Department of the Interior and the National Park Service. As such, it would be an attribute that could be used to further harness their resources and interest for the area. Keep in mind that a scenic byway name is basically a nickname for the scenic stretch of roadway. It does NOT change any official highway names that are already in place, and it also doesn't do anything to prevent seeking to name roadways with other honorary designations toward local individuals or history etc. A scenic byway name is mostly just used as a way to attract tourists that have an interest in scenic drives, history or places. For further reference, feel free to look at the NC Scenic Byways Guidebook: <https://www.ncdot.gov/travel-maps/traffic-travel/scenic-byways/Documents/nc-scenic-byways-guidebook.pdf>. It

showcases the current scenic byways in our state that have names ranging from "The Little Parkway" (like part of US-221 is designated) to "Lafayette's Tour" that takes tourists on the historic route General Marquis de Lafayette, a close confidant to George Washington, visited on his 1825 tour of the US. In much the same way, the proposed John Muir Parkway would follow Muir's travel and highlight his quote about the roadway for tourism promotion, while also providing a unique opportunity to tell the local history of the places he visited like Blowing Rock and connect people to recreational and tourism assets in town (like the Middle Fork Greenway for example). Lastly, Muir's name, as a national figure already recognized extensively by the National Park Service with Muir Woods National Monument and John Muir National Historic Site etc., could carry with it a unique opportunity here in the eastern US to try to ultimately get this byway designated at the federal level as one of America's Byways (a high honor). The first step for a byway to be designated as such at the federal level, however, is for it to be a state scenic byway. Simply put, Muir's name would undoubtedly help sell this idea.

Attachments: Proposed Resolution

John Muir writings

NC Byways Program information and faq

Whereas John Muir was an important historical leader and is a world-renowned conservation figure today. He remains widely regarded as the “Father of the National Parks” and his contributions as a naturalist, author and botanist are of great consequence to many natural places and public lands across the United States; and

Whereas John Muir’s own writings chronicle how he traveled the stretch of roadways existing between Roan Mountain and Lenoir, NC in 1898. He specifically commented several times in regards to the scenic beauty of this route in his extensive eastern travels: “The drive from Roan Mountain to Lenoir, 75 miles, is I think the finest in America of its kind;” and

Whereas John Muir specifically references his stay at a Blowing Rock hotel in his journal and also describes departing Blowing Rock to travel to Lenoir on the Lenoir-Blowing Rock Turnpike (forerunner to US-321). These historical references being useful to the interpretation of local history regarding the hotels in Blowing Rock at the time and the importance of the Lenoir-Blowing Rock Turnpike.

Whereas the scenic stretch of roadway Muir traveled still exists today and remains a place of undeniable beauty, recreational opportunity and Appalachian cultural significance. This stretch of roadway encompasses US Highway 19E for 2.4 miles, NC-194 for 5.6 miles, NC-181 for 3.4 miles, US-221 for 19.8 miles, US-321 for 18.3 miles and Main Street NW (Lenoir) for 1.7 miles; and

Whereas a significant portion of this proposed scenic byway travels along US-221 which was once the historic Yonahlossee Road that was constructed by the Linville Improvement Road to connect Linville to Blowing Rock and was considered a “marvel” for its time and extremely important for travel and tourism.

Whereas a significant portion of this proposed scenic byway travels along US-321 which was once the historic Lenoir-Blowing Rock Turnpike that was considered one of the best roads in NC at the time especially into and out of the Blue Ridge Mountains. Muir recognized this in his own writings praising the roadway as well; and

Whereas this proposed stretch of roadway merits scenic byway designation as it meets many of the intrinsic qualities for designation, including cultural, natural, historic, recreational and scenic qualities; and

Whereas the stretch of roadway travels through places of historic and cultural significance in Blowing Rock and would promote tourism and statewide interest in these areas and their unique history and scenery associated with the byway and Appalachian culture; and

Whereas the proposed stretch of scenic byway in Blowing Rock touches many significant places of exceptional beauty and recreational opportunity in and around the town, including: (i) the Blue Ridge Parkway lands adjacent to the byway as it travels NC-221, (ii) passing beside an entrance to the Blue Ridge Parkway and Moses Cone Memorial Park just outside Blowing Rock, (iii) passing close by to the Blowing Rock Trailhead of the Middle Fork Greenway where US-321 and US-221 meet, (iv) passing the entrance to The Blowing Rock attraction, North Carolina’s Oldest Travel Attraction since 1933, (v) passing Pisgah National Forest lands adjacent to the route for significant portions of US-321 leaving Blowing Rock and the vast viewsheds and vistas preserved by Pisgah National Forest’s proximity to the route.

Now, therefore:

The Blowing Rock Town Council urges the North Carolina Board of Transportation to officially designate this stretch of roadway as a state scenic byway and to name it the John Muir Parkway in honor of Muir’s travels on the route and the noteworthy quotes he made regarding the unique beauty and exceptional road quality contained along this historic segment of parkway.

Lenoir, N. Carolina.

Sep. 26, [1898]

Dear Helen,

We are just starting for Biltmore -- will get there about midnight. We are now at Hickory waiting [for] another train. A grand thunderstorm is going on. We will be a day or two at Biltmore. Then we go to the mountains of Alabama. Yesterday we rode 38 miles through a very beautiful forest of many kinds of trees, most of them with colored leaves, and climbed a mountain called Grandfather, covered with very fine flowers, shrubs, and trees. The drive from Roan Mountain to Lenoir, 75 miles, is, I think, the finest in America of its kind. I like driving in our own carriage through the woods so much better than the cars. I'll try to get you some colored leaves. Hope you are all well. We are having a glorious time. Saw 5 new pines today. It is now getting dark. Supper and then the cars. Love. Goodnight.

[The above on postcard addressed to Helen Muir, Martinez, California]

North Carolina Byways

give visitors and residents a chance to experience a bit of North Carolina's rich history, unique geography and diverse culture while viewing some of the most breathtaking scenery from the Blue Ridge Mountains, to the fertile plains of the Piedmont, to the crystal blue coastline. The byways are intended as an option to the faster-paced traffic and commercial areas found along our major highways and interstates. These routes reveal the heart and soul of the 'Old North State'. Exploring North Carolina Byways will delight you with beautiful wildflowers and forests, cascading waterfalls, rushing streams, farm fields, old barns, rich marshlands and sandy beaches. But that's only the beginning, as you travel see wildlife, visit aquariums, stroll down main street and visit our state and national parks. Learn about our state's history and cultural heritage when you explore historic sites, museums and battlefields. And meet our people as they welcome you to their community. Whether you are visiting for the first time or returning to familiar places, we hope you enjoy the ride on North Carolina's Byways!



History

- Late 1980's - Interagency Task Force setup to establishment a Scenic Byway Program within the Department of Transportation
- March, 1990 - Program guidelines and criteria are developed - 31 byways designated by the Board of Transportation
- July, 1993 - Legislation enacted to define the program and assign management to the Department of Transportation
- 1994 - Policies and Administrative Codes are established and approved in March 1995



- Fall, 1994 - Program Kickoff and guidebook is complete

Goals and Objectives

- Recognize safe and enjoyable drives which lead to those special places identifying the character and legacy of North Carolina



- Provide communities the opportunity for identification and designation of qualifying routes
- Mark the byways with Scenic Byway Logo signs
- Provide program materials clearly defining the byway routes and their significant features (guide book, brochures, web page)
- Promote and market the program to provide economic benefits to communities along the byways

Current Byway Inventory

There are currently 60 designated North Carolina Scenic Byways totaling almost 2317 miles. Three of those are designated as National Scenic Byways; Cherohala Skyway, Forest Heritage Scenic Byway and the Outer Banks Scenic Byway.

There is also one All American Road in North Carolina, the highest national designation possible, The Blue Ridge Parkway.

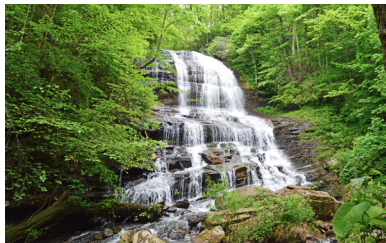


Photos: Top - View from Winding Stair Gap on the Waterfall Byway near Franklin, Bottom left to right - Red Barn on Big Horse Creek Scenic Byway just north of Lansing - Sunrise on Hatteras Island, Outer Banks Scenic Byway - Baptist Church in Badin on the Pee Dee Valley Scenic Byway

North Carolina Byways - Questions and Answers

Q: What are North Carolina Byways?

A: North Carolina Byways are routes that provide an alternative to the faster and more congested highways. These routes are selected for their unique and significant scenic, natural, archaeological, historical, cultural and recreational qualities. They provide the traveler with an opportunity to experience the heart and soul of North Carolina while raising awareness for the protection and preservation of these valuable intrinsic assets.



Pearson's Falls - Pacolet River Byway

Q: What is the history of the North Carolina Scenic Byway Program?

A: In the mid 1980's petitions arrived at Governor Jim Martin's office requesting the state develop a network of scenic roads and in July of 1988, the Division of Highways proposed that the Department of Transportation preserve historic points of interest along the roads through a scenic byway system. The duty to initiate a Scenic Byway Program was assigned to the

'Landscape Unit' (currently the Roadside Environmental Unit). A task force of various inter-agency representatives was assembled to establish guidelines and criteria. In March, 1990, after a year's development, the program was approved unanimously by the Board of Transportation.



Warren's Store - Colonial Heritage

The Board also approved the designation of the first scenic byways in the state. This initial designation included 31 byways distributed throughout the state.

Several years passed without financial support for the program but in 1993, two events happened to define the future course of the North Carolina Scenic Byway Program. First, funding was appropriated to print and install logo signs along each byway and to print a booklet to promote the program. The second event was the passage of legislation authorizing the Department of Transportation to manage the Scenic Byway Program. The Roadside Environmental Unit began work on Administrative Codes and policies to set guidelines

for the administration of the program. The legislative bill also regulated and eliminated the possibility of any new outdoor advertising signs (billboards) from being erected on a state designated Scenic Byway.

A byway program kickoff was held in western North Carolina along the French Broad Overview Byway in the fall of 1994. At this time, the booklet was completed and all byway routes were appropriately signed.

The administrative codes were approved and registered the following spring in March of 1995. They included a criteria for designation and a structured application process, a procedure for removal of a byway from the system, and an annual report to the Board of Transportation.



Historic Site - Brunswick Town Road

Q: How does a Byway get designated?

A: First, a North Carolina based non-profit organization or local government interested in nominating a route for designation contacts the Byway

North Carolina Byways - Questions and Answers



Bodie Island Lighthouse - Outer Banks

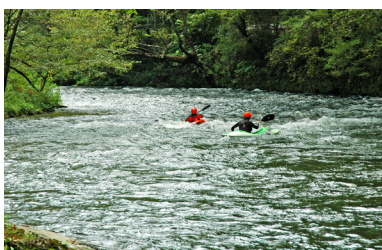
office to advise the staff of their interest and to obtain information about the program and a Study List Application.

The sponsoring group fills out the application (which asks basic questions about the proposed byway) and sends it back. The Scenic Byway Program staff reviews the application and performs a preliminary field tour to determine the potential for designation. If the proposed byway route is approved, it is then added to the 'Study List' for the next phase of investigation and documentation. If not, the Scenic Byway staff will work with the sponsoring group to investigate other possibilities within their area if they are interested.

Once a proposed byway is placed on the Study List, a Scenic Byway Application Package will be forwarded. This is a more formal and

in-depth application requiring much detail and documentation. This application requires a considerable amount of time and effort to fully complete. It includes a thorough evaluation of scenic and intrinsic qualities, copies of zoning ordinances and proof of public and local government support.

Once the application and any public comments are received, the Scenic Byway Program staff will review the application and prepare a report for the Board of Transportation. The report is a summary of the route description, the byway character and visual images. This report is presented to the board along with a recommendation for designation or denial. The Board of Transportation votes and the byway is either designated or denied.



Nantahal River - Nantahala Byway

Q: What criteria are North Carolina Byways based on?

A: The foundation of the program and a byway is the scenic character of the route. Legislation in 1993 broadened the scope of byways to designate roads "that possess unusual,

exceptional, or distinctive scenic, recreational, historical, educational, scientific, geological, natural, wildlife, cultural or ethnic features". These intrinsic qualities are judged according to their distinctiveness, magnitude, frequency and intactness.



Near Grandfather Mtn. - Little Parkway

A route must also be a minimum of one consecutive mile in length, have legal public access and contain qualities within the corridor which are not jeopardized by development distractions. Preference is given to routes with existing protected areas, such as state or national parks, adjacent to them. Last, there must be evidence of strong local support.

Q: Is development or land-use regulated on a North Carolina Byway?

A: No. The Department of Transportation does not have the authority or the desire to regulate land-use along our byways. The Scenic Byway Program is a grassroots program where the authority to regulate or preserve the character of the byway is left up to the community. However, there is legislation that prohibits

North Carolina Byways - Questions and Answers

the erection of any new billboards along a scenic byway.

The Scenic Byway Program recognizes the characteristics that make a byway route special, but it is up to the community to preserve these assets. If the community fails to do so, the Department of Transportation reserves the authority to de-designate the route.

or intrinsic qualities inherent to the route such as the history or culture of the region.

The byway names do not contain privately owned institutions or business names and they avoid marketing slogans and person's names. They do not contain prejudicial language.

However, the Blue Ridge Parkway is included on our web page and in our guidebook.



Big Horse Creek Byway



View from Blue Ridge Parkway

Q: How does a byway get named?

A: It is the policy that each byway have a unique name to represent the byway. The byway sponsor submits names to the Scenic Byway Program Coordinator for review and approval.

The byway name is chosen for its accuracy and descriptiveness in representing the byway and its location in our state. Many byway names will not include the word scenic as some are best described by other characteristics

Q: Is the Blue Ridge Parkway a North Carolina Byway?

A: No. The Blue Ridge Parkway is not a state maintained road, it is part of the National Park Service. It is part of the U.S. Department of Transportation's system of National Scenic Byways and All-American Roads called "America's Byways".

The beauty and scenic quality of the Blue Ridge Parkway is unsurpassed and this destination has achieved the highest designation possible, "All American Road".

Q: How do I get a North Carolina Byway Guidebook?

A: Request a North Carolina Byway Guidebook by writing to:

NCDOT - Scenic Byways
1557 Mail Service Center
Raleigh, NC 27699-1557

Donations are accepted and appreciated. They help support the program and offset the cost of printing the book. (\$5) Make checks payable to Scenic Byways.



For more information about the NC Byway Program visit our web site:

<https://www.ncdot.gov/>

Staff Report –Presentation

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Chief Aaron Miller

Subject: Maple Street One-Way

Date: August 9, 2022

Information: At the request of Council, Police Chief Aaron Miller will revisit the discussion of options to potentially make Maple Street a one-way street.

Attachments: None

Town of Blowing Rock

Request for Council Action

FROM: Jennifer Brown, Director of Parks & Recreation
SUBJECT: Public Art Request 2023-1
TO: Town Council
DATE: August 9, 2022
REQUESTED BY: Blowing Rock Appearance Advisory Commission

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 now requesting to change the current sculpture with a new sculpture.

BRACC reviewed and approved the proposed new sculpture.

Attachments

1. Public Art Application

Town of Blowing Rock

Public Art Application

Applicant Information

Contact Name: Greg Tarbutton

Contact Address: Chetola Resort

Contact Phone Number: (678) 357-7974

Contact Email Address: milestj1@msn.com

Artwork Information

Title of Artwork: Lotus Blossom

Artist Contact (Please attach bio if available)

Name: Beau Lyday- Farmstead Studio

Address: <http://www.farmsteadstudio.com/index.html>

Phone Number: 828-228-1220

Email Address: farmsteadstudio1@gmail.com

Artwork Type: Public Art

Dimensions: 96" Height 40" dia. 14" wide

Media: Wood and Corten Steel

Acknowledgment plaque Y N NO

Desired Location:

Please attach the following documentation to the application:

1. Photographs and drawings which fully illustrate the proposed artwork
2. Proposed location map
3. Proposed site plan
4. Photos of the proposed site
5. Proposed landscape plan
6. Proposed lighting plan if applicable
7. Description of site preparation including grading, landscaping, seating, lighting, signage, etc.
8. Any proposed budget items that will not be funded by the project itself
9. Proposal to maintain the art project and any landscaping, lighting, signage, etc. for the life of the proposed art piece

Exclusion Of Liability:

The Town of Blowing Rock shall not be held liable to any parties, including but not limited to artists or donors for any losses, claims, injuries or damages from theft, damage, vandalism or bodily injury arising out of or in any way related to a public art project. The Town will require that all donors or artists sign a waiver and release which evidences this understanding and agreement.

I have read the Exclusion of Liability above and agree to the terms.

Signature _____ Date

ATTACHMENTS enclosed

Lotus Blossom- Privately funded Public Art



Detail- Lotus Blossom



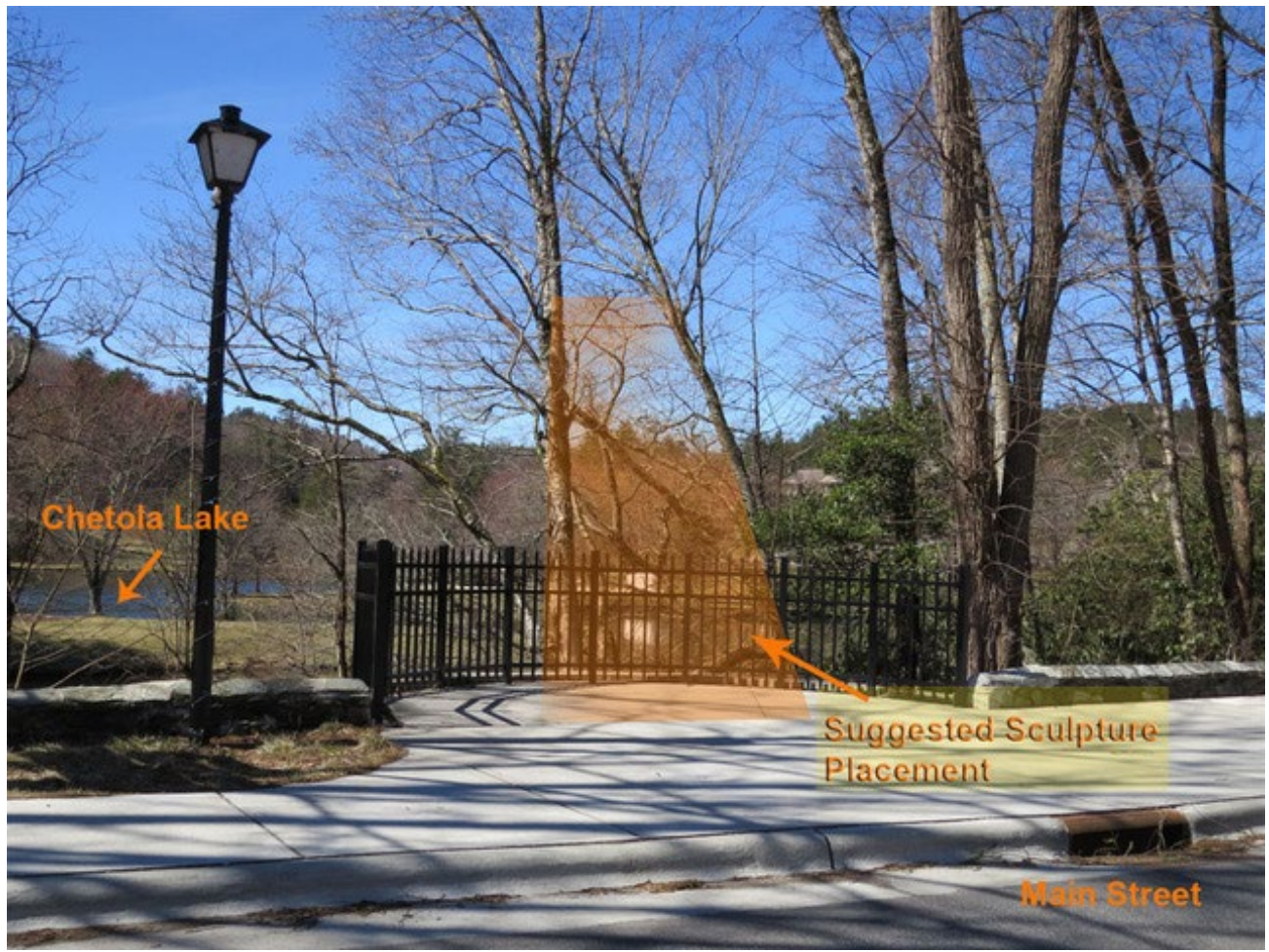
No moving parts

Continued...

Existing site and sculpture- No maintenance required by Town of Blowing Rock

- No signage
- Anchorage conforms to current code specifications
- Existing landscape and hardscape

SITE- Private Property owned by Chetola Resort North Main Street



Continued...



TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Request for water connection

APPLICANT: Larry Pickett

DATE: August 2, 2022

REQUEST

Mr. Larry Pickett is requesting a water connection on an existing private line at his property located off Rocky Knob Road in Caldwell County. This private line is connected to a public line that serves the Blowing Rock attraction and then a private line that serves the Peaky Top home owned by the Wilson family, and then follows down the mountain to Rocky Knob where two other properties are currently connected.

Mr. Pickett is preparing to build a house on his property on Rocky Knob and would like access to Town water since the line currently runs through his property. Homes on each side of Mr. Pickett's property are currently connected to Town water and pay double water rates. Neither these properties, nor the Peaky Top home are within the Town corporate limits but they all pay double rates.

Mr. Pickett is willing to pay the double standard water rate if afforded the ability to make a connection to the system.

HISTORY

It has been the Town's policy for at least the last 25 years for properties to be required to annex into the Town in order to receive utility services. There are still properties that are on the Town's water system that are not in the corporate limits that pay double water rates.

Mr. Pickett's property is a fair distance from Town and the only access is through Rocky Knob Road. This makes providing Town garbage collection and other services a bit more difficult. Mr. Pickett is willing to annex into the Town if required in this unique situation.

OTHER FACTORS

The Dell Wilson Family who owns the Peaky Top home has had discussions with Town staff on the possibility of upgrading the existing private water line from The Rock to their property to a public

line. If the Town participates in the cost of the upgrade, annexation for that property and others might be a consideration. If annexation is required for those water line improvements, Mr. Pickett is willing to also annex his property at that time.

ATTACHMENTS

1. Letter from Larry Pickett dated July 20, 2022
2. Map showing the properties involved

July 20, 2022

Mr. Kevin Rothrock
Planning Director
Town of Blowing Rock
1036 Main Street
Blowing Rock, NC 28605

Dear Kevin,

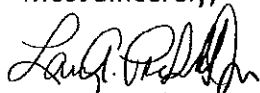
Earlier this year, I acquired an approximately three-acre tract of land fronting on Rocky Knob Road in Caldwell County as a residential home site. I am writing to request the Town of Blowing Rock's approval to receive water supplied by the Town through an existing private water line that extends through my property on Rocky Knob Road. The private water line originates at the Peaky Top house on Rock Road and supplies water to two other houses belonging to my neighbors on each side of my property. For receiving use rights to water supplied from the private water line, I have agreed to comply with the same conditions as my neighbors, which include paying double the standard water rate for my use and paying my share of any costs for maintenance or replacement of the private water line.

Prior to purchasing the property, I had sought and received informal approval for tapping into the private water line from my 2 neighbors (Pat Reighard and Eric Creviston) and from the Dell Wilson Family Partners Limited, as the owner of the Peaky Top house. Obtaining this approval required that I pay my allocated share of the Town's water charges for my usage at then-current rates (presently double the standard water rate) and that I also pay my share of any maintenance or replacement costs of the private water line connecting to the Town's water main. The parties served by the private water line intend to execute and record a water line easement agreement for the benefit of my property once arrangements with the Town have been finalized.

I also wish to confirm my willingness for my property to be voluntarily annexed into the Town of Blowing Rock in the future should such annexation be required for continued water supply.

I am hoping to start construction of my mountain home in September, so the Town's acting promptly to consider and approve my establishing water service as requested would be greatly appreciated.

Most Sincerely,



Larry A. Pickett, Jr.
909 Wonderland Trail
Unit B5
Blowing Rock, NC 28605



- The Pickett property is indicated by the star.
- Blue line represents existing private water line