

# 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**