

Town Council Meeting - Wednesday, November 9th, 2022

Wed, Nov 16, 2022 3:47PM • 1:15:36

The Town of Blowing Rock Town Council met for their regular monthly meeting on Wednesday, November 9, 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, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Police Chief Aaron Miller, Planning Director Kevin Rothrock, Public Works Director Matt Blackburn, Finance Officer Nicole Norman, Emergency Services Director Kent Graham and Town Clerk Hilari Hubner who recorded the minutes.

SUMMARY KEYWORDS

short term rentals, year, special use permit, council, ordinance, planning board, approve, zoning permit, moving, people, motion, subcommittee, required, duplex, terms, town, property, questions, main street, project

SPEAKERS

All, David Harwood, Allen Moseley, Doug Matheson, Chelsea Garrett, Brandon Walker, Shane Fox, Albert Yount, Kevin Rothrock, Melissa Pickett, Pete Gherini, Charlie Sellers, William Brinker

Charlie Sellers

Welcome ladies and gentlemen on this Wednesday evening, November 9th for our November, Town Council meeting. I am sure you all are all aware we did delay it for the election last night. Felt it would be a lot more convenient for all because I know everybody was glued to their television. But moving right along calling this meeting to order, roll call. All are present. Do I have a motion to approve the minutes October 11, 2022.

Doug Matheson

So made.

Charlie Sellers

Do I have a second?

Pete Gherini

Second.

Charlie Sellers

Any discussion?

All

Unanimously approved.

Charlie Sellers

All right moving right along, regular agenda adoption. Do I have a motion to approve the regular agenda?

David Harwood

So made.

Charlie Sellers

Do I have a second. Second. Any discussion?

All

Unanimously approved.

Charlie Sellers

The regular agenda is adopted. Consent agenda, do I have a motion to approve the consent agenda?

Melissa Pickett

So moved.

Charlie Sellers

Do I have a second?

David Harwood

Second.

All

All in favor.

Charlie Sellers

Okay, consent agenda is approved. Now, if you would like to make comments under the three minutes section, would you step over and see Ms. Hilari to sign up. Okay. Well, thank you for coming, everyone. Hope everybody's having a good week. Moving right along, we have a presentation on the underground utility project that the chamber is spearheading. Now, there's this is strictly for information purposes. No vote will be taken on this tonight. This is strictly coming forward to let the Council and the citizens know how they were moving forward with design drawings and so on and so forth.

William Brinker

William Brinker made a presentation on behalf of the Chamber Taskforce to update on the work that's been performed to date on the bid-ready documents that were originally approved by Council in March of 2022.

Pete Gherini

William and Chelsea, thank you for the many hours that you and all the people that are involved with this have put in. Obviously, a lot of effort. My question is, what effort are you and the Chamber going to make to educate the general populace in town about this project? So they'll be informed? Like we are. And I'd be interested in hearing what you have planned.

Chelsea Garrett

So I would say, Mr. Gherini, that we can do that in a number of different ways from a forum standpoint, whether it be a public forum, or whether that be printed material. But just to tag onto what Will said so the sections of that the slides that show the number of sections on Main Street. I believe we have all the information saved numbers that you're going to talk about the retreat with Shane, that every single question that a property owner would have about how, what does it look like, how long will it take to transfer over. Every single thing that affects them personally, in terms of the operation of their business is answered in the information we have already not to be answered, it is answered already. And so what you can tell folks, when they ask you is at least we do have an answer for that. And we can literally go door to door and meet and show them exactly what's going to happen. So there are no outstanding questions with regard to property owners on Main Street and how it will affect them personally with their utility providers. And so that's I rest assured that is the case. So as far as getting that information out, I would say I would want to talk about with the Chamber and maybe even town staff, what's a good way to disseminate that information, and whether that's multiple forums of just like this, where there's sort of a shred so to speak. But we do have an information. So for anybody that may be tuning in, or that's here. And, you know, any articles about this project, I would like those to reflect that. That information is readily available. And it is certain already.

Pete Gherini

I would encourage that because my time on the planning board, there were maybe a couple of times when we didn't go to the public and give them information that came back to bite us. So just It's good that you're going to get out there and give people the information ahead of time.

Chelsea Garrett

Right and I mean, I would tell you that our goal of tonight, and I know that Will went quickly. We know what those things look like we can answer all the questions about the weeds, we are trying to remove all the questions you guys would have. So that all you're focused on at that retreat is dollars and how to get it done. And so I guess if you would be willing to trust that those answers are there. And then because it's a lot of information, we will find a way to get it out to people. That would be our request at this time.

William Brinker

I'd also like to just elaborate, as far as the educational piece, we want to let people know about this project. So if you guys have ideas on how we educate community members, that would be great,

because a lot of our community members are saying somehow, they don't know that water sewer is coming to. So whenever I'm having a conversation, right, and because I've literally I've probably talked to hundreds of people that, you know, they don't know what's coming, even though they can attend this meeting, or listen or get an update. That information is not out. Right. And so, the water and sewer is happening, regardless, right. And that is the big impact. And the big savings is you know, the excavators, the bulldozers, the traffic control all the locates all that's happening regardless. So, we can figure out how to put a third ditch in and strategically do that to minimize the additional impact. Now now's the time.

Pete Gherini

Thank you.

All

If I may and so part of the project, obviously, as Doug mentioned, is water and sewer and that's end to end at least the water piece within that so as we go through the bid process, and start receiving those bids back and discussion at the retreat, there's going to be a need to have probably several open forum neighborhood type meetings, once we start getting some ideas on timelines, etc, within certain areas. And that's yet to be determined at this point. So once we, once we get those bid documents out, we know that bidders are prior to construction taking place, there'll be a tremendous amount of information shared with just the timing of the project. Like I said, everyone on Main Street is going to be affected by this total project. So until we get a little bit more information, we haven't shared anything other than the fact that it's coming and kind of that generic timeline. And when it's coming.

David Harwood

Thank you so much to the task force, they have put in hundreds and hundreds of hours. And thank you to the providers for putting in their time. And Will especially the thank you for your leadership and Erica for volunteer telling him.

William Brinker

Thank you, I'm just here serving groups trying to help serve our community, just like you guys are. I would like to give an open invitation to review plans with each of you individually, walk to project etc. I am happy to do so.

Charlie Sellers

Thank you so much for your hard work. Okay, moving right along, we have two public hearings in tonight. One is the short term rentals.

Kevin Rothrock

Thank you Mayor. Good evening Council. You know, the planning board has spent some time on reviewing our short term rental ordinance. But I will read this entire staff for those in the audience. For those that would like a little bit of background. So a North Carolina Court of Appeals case in early 2002 decided that the North Carolina General statutes prohibits communities from requiring registrations for short term rental uses. Involved in this case with the city of Wilmington, which had a permitting requirement to register short term rentals in the city, and also required a lottery for those property

owners who wish to rent their properties short term. The lottery process was also to limit the number of short term rentals by distance requirements in certain neighborhoods. And both of these processes were deemed invalid by the North Carolina Court of Appeals. In response, we worked with Allen and he recommends that we cease the process of registration for short term rentals that we started a few years ago, in 2018, when we adopted a new ordinance for short term rentals and remove that language from the code. However, we can still require a zoning permit where a change in use takes place. For example, if a home had been used exclusively by the homeowner or rented long term, a zoning permit would be required to change to a short-term rental. The draft ordinance will still require the regulations about smoke and carbon monoxide detectors, 911 address postings. This draft ordinance went to the Council in May but was then tabled for some additional language and considerations. Was then forwarded the planning board and then onto a subcommittee. The subcommittee responded back to the full planning board in October and recommended the attached draft ordinance which requires a zoning permit when there's a change in use to a short-term rental and eliminate subsection D which dealt with permit revocation. The land use code still has a section that deals with permit revocation if we need that. And the planning board recommends approval of the attached draft ordinance. In your packet, there was ordinance 2022-07. That has proposed highlighted, added and deleted language. And then there's a clean version that just shows how it would read, if approved, as submitted. Also, the subcommittee and the Planning Board reviewed short term rental, frequently asked questions. The staff put that together, and also a short-term rental map. And we would like to put those on the town website have something very distinct that you could go to the town website, see something, say short term rentals, click that and then have frequently asked questions that typically, people would ask us even in our office, and then a map that directs people where you can do short term rentals. We'd be glad to revise that or add some other questions that you would see that would be appropriate. And in the map, also on our GIS currently, on the website, there is a layer that you can click that has an overlay of where you can do short term. And so that's been helpful that we added that last couple of months. So, I hope our work is done. And be glad to answer questions, the subcommittee, I'd like to thank them. And the planning board for getting us to this point.

Doug Matheson

I think the only thing that I discussed with you that I had just a little bit a problem with is the contact with the person being so far away. I know, general, from what I've read on this most places ask that the contact person the within one hour. That way, it doesn't tie somebody up so long, because everything that I've seen and read says you know, it's not a PD job, it should be the contact person. PD should have the contact personnel on file. But everything else looks great. That was the only thing, and that's not a make or break thing. But that was just something you and I talked about

Charlie Sellers

Are you making a request Doug?

Doug Matheson

I was asking to see how he's feelings were.

Kevin Rothrock

I don't have any feelings either way. If you would like to change it to one hour I don't think it would be a deal breaker either. That was original language that we had four years ago. But we can certainly change it to one hour.

Doug Matheson

I just think it cuts down some time that some other people might have to stay on scene, especially if you take some of the drastic things that it might be if it's a allowed party, nobody wants to wait two hours before the contact person gets there to take care of it. You know, even though the noise level the police may have to.

Kevin Rothrock

I would think police will be on that.

Doug Matheson

Yeah.

Kevin Rothrock

I guess a lot of times it will be the homeowner that is the contact person. But we can change that to one hour. With the short term rentals that we have that are legal we don't have any problems.

Doug Matheson

That's the thing, we're not having any problems. That's the reason I think one hours too bad.

Albert Yount

I would just suggest if you're going to have somebody within a one hour, that's not the owner that you use the term designated and their name or whatever. Have it somewhere, at the police department or in your file cabinet. And you're not going to get out of here until I ask what do you think of this Mr. Zoning Director?

Kevin Rothrock

Of this ordinance?

Albert Yount

Yeah.

Kevin Rothrock

It's great. Except for the one hour, we'll change in to one hour to make it even better. We hashed this out back and forth over and over. And we came to the realization that the problems we have are with illegal short term rentals in the neighborhoods, not with those legal ones that we permit. We haven't had problems with those. So this is an ordinance. I think it's pretty straightforward. It is good to have the language about smoke detectors, carbon monoxide, addresses and a contact person. Sounds like it's a good ordinance.

Albert Yount

Well, I ask that because I put total weight in what you say mostly.

Kevin Rothrock

Thank you.

Albert Yount

Mostly.

Kevin Rothrock

That's alright. I'll take that.

Doug Matheson

I would like to thank you, too for the committee going back and putting this effort and coming back with this. This is great.

Kevin Rothrock

I hope it stands some time. You never know what the General Assembly will do. But at least we have something in place that's a system with statutes.

Albert Yount

I just hope the public can be informed or that this is not an expansion of short term rentals. It's just a tightening up legally of short term rentals.

Charlie Sellers

This public hearing is open. If there's anybody in the audience that would like to come up and speak on this particular ordinance change or the verbiage change in this ordinance? If you would state your name and address.

Brandon Walker

Brandon Walker, 232 Ransom Street. Kevin, is the special use permit under the statute at your discretion if the property is in the general business area and meets the criteria otherwise.

Kevin Rothrock

Special use permit? I'm sure I understand the question.

Brandon Walker

Would it be at your discretion if you deny it for some reason other than what's listed as the requirements here you have to meet?

Kevin Rothrock

I don't approve a special use permit, I approve a zoning permit. Council approves a special use permit.

Brandon Walker

So is that becoming discretionary? Where you might deny the permit for some reason other than what's up there.

Charlie Sellers

It would depend on what the recommendations would be from zoning, and what the general feelings were from the people impacted close to it.

Brandon Walker

Even if you're in the proper zoning districts.

Kevin Rothrock

Only a zoning permit's required, a special use permit is not required. It's just a simple change. It would be administrative.

Brandon Walker

Okay.

Kevin Rothrock

We're not going to deny it if it meets the criteria.

Brandon Walker

That was my only question.

Charlie Sellers

So other words to clarify, if it's a new location, new application, then its considered to be conditional, correct?

Kevin Rothrock

No, if it's a new location, if it's the house down on Sunset, that was always like a long term house, nobody lives there and they want to make it a short-term rental they would get a zoning permit to change the use and meet the criteria they would move on.

Charlie Sellers

Okay, does that answer your question?

Brandon Walker

Yes, thank you.

All

And I would add just within the allowed area, so that's we are speaking just within the allowed area that's up here is what we're speaking nothing outside of that area that would that would be different.

Charlie Sellers

Would anyone else like to speak? All right. Do I have a motion to close the public hearing?

Pete Gherini

So moved.

Charlie Sellers

Do I have a second.

David Harwood

Second.

Charlie Sellers

Okay. Council, how do you feel? Would you like to entertain a motion with Doug's requested amendment and let it move forward since we knocked this can down the road for a year or so?

Doug Matheson

I'll put that forward.

Brandon Walker

I'll second.

Charlie Sellers

Okay and what would you like the motion to state?

Doug Matheson

I make a motion we accept this with the exception of having it changed to one hour for the contact person versus two.

Charlie Sellers

Okay. We have a second by Pete, yeah go ahead Pete.

Brandon Walker

Yes, also that include the short term FAQs and the map. So that's part of everything.

Charlie Sellers

Okay. Do you include that with your motion.

Doug Matheson

Yes.

Charlie Sellers

All right, good. Any discussion Council?

David Harwood

Yes, just a clarifying question. So we're not putting the FAQs in the ordinance.

Kevin Rothrock

No.

Shane Fox

Correct.

David Harwood

Okay.

All

All in favor to approve.

Charlie Sellers

All right, moving right along. We have another public hearing, the Ice House lease now, let me start this out by saying this is for the Council to look at the terms of the current lease. And whether they want to continue with that current lease moving forward as is or change it in some way, shape or form. This is not for discussion of the past lease holder or the present lease holder. Okay. So, Mr. Fox.

All

Thank you, Mayor and Council. I believe we started this process back in August. So it's been a few months. Last month at your regular meeting, you did vote three to two to move forward with negotiating a lease with Studio M. I have before you up on screen here. Just a little information and I'll share with you. The public hearing is in accordance with North General Statute 160A-272. And the purpose is to gather any public input on the terms of the lease and vote to accept the terms as presented. The terms as presented is the Town of Blowing Rock has proposed to enter into a lease agreement with Studio M Salon incorporated for a three year lease term with a rate of \$1,100 the first year, \$1,133, the second year, and \$1,167 in the third year. I'll be happy to answer any questions that you may have towards the lease terms.

Charlie Sellers

Any questions on lease terms?

Pete Gherini

Was there in the original proposal was there after the third year, there were two years of options how is that?

All

Yes, it is worded different within the packet, it is worded that after the end of the third year, there is the option and this option is available under North Carolina General Statute 160A-272 to extend it for a one year term, or a one year term, going forward and would allow for either you or for the Town Manager to be designated as being the entity that would negotiate that lease.

Pete Gherini

So you would be responsible for that?

Shane Fox

If it's for a term of one year or less? That is correct, I'm allowed to under North General Statutes 160A-272, anything more than a year has to come before the Council.

Pete Gherini

Ok, thank you.

Albert Yount

And that could go year after year after year after year.

All

It is at the discretion of the Council that is what is approved to allow for that to take place that would allow for that to take place and for me to negotiate that lease. So that's a yes. If three years from now, the five of you approved for me to do that or the person sitting in this seat.

Charlie Sellers

Okay, we're open for public hearing. Do we have attendees that would like to speak on the length of the contract or the type of the contract? Okay, do I have a motion to close the public hearing?

Doug Matheson

So moved.

Charlie Sellers

Do I have a second?

Melissa Pickett

Second.

Charlie Sellers

Okay the public hearing is closed. Council, what are your thoughts?

Melissa Pickett

I'd like to make a motion that we do a lease agreement for a year or less and turn it over to the Town Manager to maintain.

All

May I clarify after the terms?

Charlie Sellers

Okay. Yes, we have to stick by the current terms.

Melissa Pickett

Yes, after the three years.

Charlie Sellers

Your motion is?

Melissa Pickett

To accept for three years. And then after that, turn it over to Town staff.

Charlie Sellers

So after the three years, each additional year after that Town staff makes the decision on the rental of the property?

Melissa Pickett

Yes.

Allen Moseley

It'll still come back to you. It still has to come back to you. It's just if you want to renew it year to year it will still be on the agenda three years from now. And you will approve that.

Charlie Sellers

So really that doesn't change anything, does it?

Allen Moseley

No.

Charlie Sellers

Okay.

All

I think what you're maybe asking three years from now, hypothetically, you would put on the agenda, the Ice House lease in which you would take action that particular night to allow for me to enter into that discussion for one year. Is that correct?

Allen Moseley

Yes.

Charlie Sellers

We have a motion on the table. Do we have a second?

Pete Gherini

Second.

Charlie Sellers

Any further discussion?

All

All in favor of the motion.

Charlie Sellers

All right, moving right along. regular agenda, retreat dates and location. Okay, I'll lead off in favor of this year. I think having it in the Town of Blowing Rock considering all that's taking place the last few years and with a lot of the issues, we're gonna have a lot to talk about. And I think that, from what I've heard January 30th, 31st and February 1st would be doable. So how does the Council feel about that?

Albert Yount

I would hope it could be at the Legion.

Charlie Sellers

Okay. I'm sure that can be done.

Shane Fox

Absolutely.

Charlie Sellers

Okay. Pete go ahead.

Brandon Walker

Just to echo your comments about having it here. So we have participation from the residents and people even though they can't speak at least they can come here and see what we're doing. And so I would agree and also a cost saving.

Charlie Sellers

Maybe not.

Albert Yount

Are we deciding on the venue?

Charlie Sellers

That could be determined by our Town Manager. I think he says that Legion Hall is available.

Shane Fox

Correct?

Charlie Sellers

Everybody okay with that?

All

So Monday, the 30th, Tuesday 31st and Wednesday, the 1st at the American Legion.

Charlie Sellers

Do I have a motion to approve the dates and the location?

Doug Matheson

So moved.

Pete Gherini

Second.

Charlie Sellers

I have a first and second. Any more discussion?

All

Motion was unanimously approved.

Charlie Sellers

All right. Downtown Development Standards Committee creation. Mr. Rothrock your backup.

Kevin Rothrock

Go back a few years again. At the August 2018 Planning Board meeting, there was an ad hoc subcommittee formed to study the current development standards for central business in town center. And over the next several months, the subcommittee consisted of Pete Gherini, Mike Paige, Wes Carter and David Harwood met to discuss the development standards of downtown. We also invited Sue Glen because she had done a lot of research on building heights for downtown and we walked Main Street looked at existing conditions of building heights, setbacks, sidewalk width and mass and landscaping and design and some other criteria. And then we helped us understand the relationships of buildings on both sides of Main Street, and we went off of Main Street to I think we went down Sunset, went down North Main Street, and some of the side streets anyway. We submitted a draft ordinance to Planning Board in December of 2018. That was recommended for approval to Council in February of 2019. Council tabled that discussion on the draft ordinance in favor of having a wider and more involved public process. So fast forward a few more years at the winter retreat this past year. You've asked planning board to address review these ideas and then create a public involvement strategy to gain feedback from citizens. So last month planning board meeting, the planning board established a subcommittee to review this downtown development information and work together to prepare public involvement. Bill Carter, Cat Perry and Tom Barrett are on the subcommittee. The planning board is also asking for a member or two of Council and someone from the community one or two. Keep a small group but expand the group to get some involvement. Maybe a business owner in downtown to serve on this subcommittee and this process will take several months. We wanted to evaluate the existing conditions, current land use ordinance and develop a public process to involve residents, property and business owners, and work on revamping our ordinance. And if we do nothing but make it simpler, I will be very appreciative. I wrote it a long time ago. And it is hard for someone that is not familiar with it to a developer or an engineer or architect to get through the code and understand it on their own. And so we need to make something simple and then evaluate the difference between East

and West and draft the ordinance to reflect that. That's all I'll say about it. After that, once we put a subcommittee together we may come up with other ideas, but we will also want to involve the public. So I'm looking for you to provide us one or two members of Council to serve. And some names, if you have any, that could also serve.

Pete Gherini

Yes. Moving forward, I'd like to nominate Doug as a representative from the Council to that committee. And, and then from the private sector, Steve Cohen.

Doug Matheson

I'd like to nominate David Harwood and Sue Glen from the public sector.

Charlie Sellers

Okay, so moving forward. You've chosen four people. Okay. So we have Doug, David, Steve Cohen, and Sue Glen. And how many did you want to have on this committee?

Kevin Rothrock

Eight or nine? I think it's good.

Charlie Sellers

So you all want to defer to Kevin to fill the blanks in from there or

David Harwood

That probably rounds it out.

Kevin Rothrock

That's eight, so it rounds it out.

Doug Matheson

I have an alternate in case anybody is interested, it's Jim West. So I'll throw that name out.

Charlie Sellers

Okay Council will make a motion to approve. Who wants to make the motion?

Pete Gherini

I'll make it.

Charlie Sellers

Okay make the motion to approve with the names specified.

Pete Gherini

I make the motion to approve Doug, Steve Cohen, David and Sue Glen.

Charlie Sellers

Okay. We have a motion on the table. Do we have a second?

Melissa Pickett

Second.

Charlie Sellers

Okay. Any further discussion Council?

All

Motion was unanimously approved.

Charlie Sellers

. Okay, moving right along. Use table amendment consideration.

Kevin Rothrock

Okay. Use table amendment consideration. So included at the bottom of the page is a highlighted section of the table of permissible uses. That needs some modification in my opinion, one and two family construction in North Carolina is exempt from local jurisdiction architectural design standards. Also, duplex construction is still subject to other provisions of land use ordinance landscape and watershed stormwater detention and those things, but cannot regulate design colors, materials. Duplex construction is currently allowed in these districts through a special use permit. I'm of the opinion that this should be evaluated to consider allowing these uses through a zoning permit. Single family with accessory apartment is also permitted in these nonresidential zoning districts, Central Business, Town Center, General Business, ONI and HMC. With a special use permit, I believe this should be evaluated to allow these users with a zoning permit as well. If Council would agree to allow planning board to study this issue of permissible uses we would be glad to add this to our agenda, in the coming months. I would be glad to answer questions.

Charlie Sellers

David, you've been on planning. What's your thoughts?

David Harwood

Well, I'm interested in why you think we need to change this.

Kevin Rothrock

I think it's a cumbersome process for someone to build a accessory apartment, especially in downtown when they can do it with a zoning permit and a RA, R10S, R10B, R6M, they can do it with a zoning permit. And there's nothing that we can do related to those with respect to design. And the same with duplexes. I think it's a cumbersome process. And I don't think it's needed, the special use permit for those particular types of uses. They should be allowed by right.

David Harwood

But are we legislating the Council's review of it away?

Kevin Rothrock

Yes, you would. But I don't know what you would do with it in the land use code standards, and they have to meet that. I'm not sure what additional requirements you would have that the code doesn't already address.

David Harwood

Would A rezoning be available to them?

Kevin Rothrock

No, rezoning would have to come here.

David Harwood

I know. But I'm saying under the current code can they do special use or rezoning?

Kevin Rothrock

Like conditional?

David Harwood

Yes.

Kevin Rothrock

Yes. That's always an option. If a special use permit is required, you could do conditional zoning.

David Harwood

So as long as they are meeting all the criteria?

Kevin Rothrock

Yes, stormwater is required. Stormwater is not required for accessory apartment. But it would be for a duplex. Landscaping parking, handicap, if needed, based on the number of units, dwelling unit, density, all of those things watershed.

David Harwood

I mean, how frequently this is happening?

Kevin Rothrock

It's not frequent. But it's going to happen more. We're having applications on land that is tougher to develop. And we're having more variance requests because of what's left for people to develop has some hard situation hardships. And I think as people want to make as much as property values increase, they want to make use of the property. And it would be customary for someone in downtown, you know, I want to build a house, but I'd like to have an accessory apartment, maybe to rent out, maybe to keep for family. And I don't know that there's anything in the code that would apply to it outside design standards that the Council would have much less as far as leverage above and beyond the code.

David Harwood

Yeah, I realize that. I'm just thinking that in terms of, as you said, some of this property is hard to develop. And that we may say, with a conditional zoning that we say, well, you can't there's no way you can meet this. But if you would do that, and that we can omit some of those hard to make things through a conditional process. Which is going to have to come to us if they can't meet the criteria anyway.

Kevin Rothrock

They would have to come to you. If it's a duplex, lets take a acre and a half piece of property, and they want to divided it into three lots does not need your approval would be administrative. And then I want to put a duplex on each one. We saw it happen up on Chestnut the HMC zoning district across from the condos. The code required only a zoning permit. And so we permitted that through our office, and they divided it into three lots of and they built a duplex on each one. They did stormwater detention, landscaping parking, they met all the criteria. We didn't have anything to say about design, because the general statutes prohibit us. But pretty good design, because most construction that's going to be here, there's going to be good looking design, nice buildings. We don't have a say in it. But traditionally, the type of construction here, single family or duplex is good construction. So if you want us to go forward, we'll be glad to the proper protocol would be to bring this to you first.

David Harwood

Right.

Charlie Sellers

Do you want to make a motion to pass this off to planning and let them move forward.

David Harwood

Yeah, I'll make that motion.

Albert Yount

I'll second it. I just need to know more about this.

Charlie Sellers

Any further discussion.

All

Motion was unanimously approved.

David Harwood

Thank you Kevin.

Charlie Sellers

I would like to commend the Harper and Hinkle families for their donation the the three achers of property to the Foothills Conservancy. Our hearts and prayers go out to the Curly and the Miller

families with the accident the other day. Prayers for everyone in the path of the hurricane, I think they call it Nicole.

Albert Yount

33 years ago today, the Berlin Wall fell. Most people don't know that. This Friday is the Veterans Day, the American Legion Post 256 will have a ceremony, it starts at 11 o'clock and there will be refreshments provided by the Chamber immediately afterward.

David Harwood

I don't have any comments.

Melissa Pickett

I don't have any comments either.

Doug Matheson

None other than before we get back together again. I want to wish everybody a Happy Thanksgiving.

Pete Gherini

A couple points. Want to say thank you to the ABC, Edith and her team. And Susie Greene and her board for the nice contribution that they made to the town. much appreciate it. And while talking about the ABC, thank you to David for his help on getting the warehouse door done, which is been going on for some time. So thank you for getting that moving.

Charlie Sellers

And that was on his own time was it not?

Pete Gherini

Yes without any cost. So thank you, David. And thirdly, I had mentioned to Shane and Albert before everybody was here that beginning of the year, I'd been talking with Culey about the potential for a light at Aho and 321. And at the time, before he got sick, he was having an engineer, look at that. And then of course, you know, he's now no longer doing it. So I hope that his replacement, I can go back and continue that discussion and least put it back on the board. Thank you.

Shane Fox

Thank you. Mayor and Council. Start by giving a couple updates on a couple of projects that are smaller, but the timing is good, given the fact that we've got some rain coming. Our Oak Street project that you approved a couple months ago, has been completed. So that's a stormwater project on Oak, actually on Sourwood, Oak and Goforth. A combination of all three of those streets and work was completed within the last couple of weeks. Our Morningside stormwater work was completed just in the last couple days as well. And Laurel Lane is well underway. So that's good news as well that goes back to August of last year. And that was a FEMA fully reimbursed project. So we're glad to see the contractor on site performing that work. Hopefully I've got everything before the rain comes in the next couple of days. We'll check on that tomorrow. A couple of things within your packet of staff reports, we are starting to see a little flattening within the TDA and ABC from a revenue standpoint, a little bit down

from last year of course. Last year was unprecedented times still fairly aggressive compared to 2019, which is pre COVID. I'm going to give you updates on a couple of those numbers ABC store for instance, \$278,000 this past month versus \$300,000. So a little bit less still considerably more than 2019 which is I think a lot of what we're going to start seeing and using for comparisons versus last year in some ways. Again, to echo Pete's comments toward the ABC Store in their latest contribution to us from the year end. Update on a few dates. Town offices will be closed this coming Friday the 11th for Veterans Day. Please come out to the American Legion at 11 o'clock. Town offices will be closed Thursday and Friday the 24th 25th for Thanksgiving. And then on the 25th a reminder Lighting of the Town is at 5:30 that night and our Christmas parade is the next morning the 26th at 10:00 am. Just reminder that we will be asking everyone to move their cars off of Main Street by 2am the night before. I'm sure we will have a record turnout with that parade. Of course whether depending on that but be glad to answer any questions that you have for me

Doug Matheson

Along that note on what you just mentioned about the parade this year, let's try and get our signs back up on the snow removal reminding people that in case of inclement weather, they need to make sure they're not parked on Main Street.

Shane Fox

Snow removal signs. I will say that out loud. So I'm sure Mr. Blackburn can hear me through the speaker.

Doug Matheson

I know it just helps to take know that they're not supposed to park there when we're expecting snow. It doesn't make much difference but.

Charlie Sellers

Ladies and gentlemen, we're going to take a 10 minute recess then we will be going into closed session under

Albert Yount

North Carolina general statute 143-318.11 attorney client privilege.

Charlie Sellers

Ladies and gentlemen, there should be no decisions made after that closed session. Thank you for coming this evening.

MAYOR _____

ATTEST _____

Charlie Sellers

Hilari Hubner, Town Clerk

ATTACHMENTS:

Budget Amendment #2022-14 – Attachment A

Tax Releases #2022-2 and #2022-3 – Attachment B

Tax Refund #2022 – 1 – Attachment C

Short-Term Rentals – Attachment D