

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**November 14, 2023**

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, November 14, 2023, 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 Interim Town Manager Kevin Rothrock, Town Attorney Tucker Deal, Parks and Recreation Director Jennifer Brown, Town Engineer Jared Wright, Police Chief Aaron Miller, Interim Planning Director Brian Johnson, Public Works Director Matt Blackburn, IT Director Thomas Steele and Town Clerk Hilari Hubner who recorded the minutes. Finance Director Tasha Brown was unable to attend the meeting.

**CALL TO ORDER**

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

**THE PLEDGE OF ALLEGIANCE**

**MINUTE APPROVAL**

Council Member Gherini made the motion to approve the minutes from the October 10, 2023, regular meeting, seconded by Council Member Pickett. Unanimously approved.

**REGULAR AGENDA ADOPTION**

Interim Manager Kevin Rothrock made note of two changes to the agenda. Remove number three (3) under special recognition; *Town Employee Recognition – Police*, he noted Council Member Matheson will address that during official reports. Under Public Hearings change the order and move *Blowing Rock Lodge Annexation to number one (1)* and *Blowing Rock Lodge Rezoning to number two (2)*.

Mayor Pro-Tem Matheson made a motion to approve the agenda as presented, seconded by Council Member Harwood. Unanimously approved.

**CONSENT AGENDA**

1. Budget Amendment - #2023-16
2. Tax Release - #2023-02, #2023-03 and #2023-04
3. Gifts/Donation Policy

Council Member Pickett made a motion to approve the consent agenda as presented, seconded by Council Member Harwood.

**SPECIAL RECOGNITION**

1. Town Attorney Allen Moseley

Mayor Sellers recognized Allen Moseley for his forty (40) years serving as Attorney to the Town of Blowing Rock. Mr. Moseley took the time to reflect on the past forty years (40) and thanked Council and staff for making his years serving the town so wonderful.

## 2. Town Employee Recognition – Public Works

Mayor Sellers recognized JT Iscacs, Colton Wilson, Tim Williams and Chris Key for going above and beyond when they gave a little toy garbage truck to the grandson of a local resident, Jane Airington. Ms. Airington's grandson is fascinated by the garbage truck and the Public Works staff made his day with their generous gesture.

## 3. Service Weapon – Dan White

Chief Aaron Miller stated several years ago, the Town of Blowing Rock established the precedent of presenting police officers with their service pistol upon their retirement. Lieutenant Dan White retired in March of 2019. Upon his retirement, Lieutenant White had continued to serve as an active reserve officer with the Police Department, but is now moving into an inactive role. Chief Miller requested Lieutenant White's pistol be presented to Lieutenant White.

Council Member Gherini made a motion to approve the request as presented, seconded by Council Member Pickett. Unanimously approved.

### **SPEAKERS FROM THE FLOOR**

None

### **PUBLIC HEARINGS**

#### 1. Blowing Rock Lodge Annexation

Interim Planning Director Brian Johnson stated Mountain Rentals LLC (Blowing Rock Lodge) is requesting a petition of voluntary satellite annexation. The property is located in the ETJ between US Highway 321 and Old US Highway 321 and is currently zoned GB (General Business). The applicant has requested the annexation with the purpose of connecting to the Town utilities. The property owner shall be responsible for all costs associated with the extension of public water and sewer to serve the subject property. The current sewer system is declining, prompting them to make the request. The applicant will be requesting water services as well. Sewer is available to the property, as there is a pump station located next to the property. Water service hasn't been available in that area, even though there is a water line in that area, availability was contingent on the interconnect agreement between the Town of Boone and Town of Blowing Rock. A settlement agreement has been adopted, so they will be able to connect to water.

The property has two dwelling units behind the lodge, served by wells and septic systems which are adequate at this time. The applicant has requested to leave those as is at this time. The owner has no future plans to re-develop the property at this point. All requirements for satellite annexation have been met.

Mayor Sellers opened the public hearing.

Council Member Gherini asked Mr. Johnson what the estimated cost of the water, sewer and hookup fees would be. Mr. Johnson stated he didn't have the total cost but reiterated if approved, that cost would be the applicant's responsibility to pay for the entire cost. Mr. Johnson further stated if approved, the applicant would have to submit plans to be approved by the Public Works Director as well as the Town Engineer.

Council Member Harwood asked if the conditional rezoning had gone to the Planning Board. Mr. Johnson advised both the annexation request and conditional rezoning request

went to Planning Board and there were no concerns with either request.

Council Member Yount asked for clarification that the agreement with the Town of Boone was confirmed.

Mayor Sellers stated it was.

Interim Manager Rothrock confirmed the agreement was complete. And this request was consistent with that agreement.

Mayor Pro-Tem Matheson made a motion to close the public hearing, seconded by Council Member Yount. Unanimously approved.

With no further discussion. Council Member Yount made a motion to approve the annexation request as presented, seconded by Mayor Pro-Tem Matheson. Unanimously approved.

## 2. Blowing Rock Lodge Conditional Rezoning

Mr. Johnson explained the second part of this request to meet the requirements of the contract with the Town of Boone is to require the property to be rezoned to CZ. Mr. Johnson further explained the tenants of the Blowing Rock Lodge are long term renters and workforce employees. If approved tonight any re-development in the future would have to go back through this process.

Staff recommends a condition requiring trash service be provided and to add a dumpster and enclosure meeting the requirements of the Land Use Ordinance. The applicant has requested that no dumpster area be required as they currently require their tenants to utilize the Aho dumpster site. Staff will monitor for the first year and reserve the right to require if needed. Staff recommends signage be brought into compliance with Town regulations as well.

Mayor Sellers opened the public hearing.

Mayor Pro-Tem Matheson asked for clarification that as of right now they will have all trash taken to the Aho dump site. Mr. Johnson stated the applicant will continue to have the tenants take trash on their own and the reason for not wanting a dumpster is to keep the neighborhood from using their dumpsters if they were to have one onsite. He further stated the applicant has advised they have not had any issue with tenants not taking trash to the dumpster site.

Mayor Pro-Tem Matheson asked since the Town would be accepting this property as long term, if the property owners were to consider this property as anything other than long-term rentals, would they have to go back through Planning Board and then to Council to make that change. Mr. Johnson explained it would have to go through the Town with the way it's zoned, if there is a change of use and there is an application process they would have to go through to make that change.

Council Member Gherini asked how many of the units are currently occupied and if there was an estimate on water usage. Mike Trew, engineer for the applicant, stated that it would be approximately 4,000 gallons per day.

Council Member Harwood asked Mr. Trew how many parking spaces are currently provided. Mr. Trew stated there are thirty-two (32) spaces at the main building, so that would give them ten (10) surplus spaces of the twenty-two (22) spaces required.

Council Member Yount asked Mr. Trew if this would be a gravity sewer. Mr. Trew advised it would be and that their current septic system for the Lodge is failing which is why this request is being made. He further advised the water line will be tied in at Old 321 and they would be doing one meter for the entire property.

Council Member Harwood asked if the other two houses would be connected as well. Mr. Trew explained they would not be at this time as they are on a separate septic system and separate well. The applicant is requesting to have the option to connect in the future if they were to have a problem with the water or sewer at the houses.

Council Member Harwood asked Mr. Johnson why staff is delaying up to twelve (12) months to address dumpsters and signages. Mr. Johnson explained in the conditions the garbage is the only item that has been requested to be accessed in a year. He further explained staff will monitor and if they see issues will make them get into compliance. Mr. Johnson mentioned the landscaping will be done immediately and the applicant agreed to work with staff to get that completed.

Council Member Yount made a motion to close the public hearing, seconded by Council Member Gherini. Unanimously approved.

Council Member Yount made a motion to approve as presented, seconded by Council Member Harwood.

Mayor Pro-Tem Matheson clarified that the motion included all the recommendations that had been asked for.

With that the motion was unanimously approved.

### 3. BRAAC Ordinance Change

Mr. Johnson reviewed at the mid-year retreat in June, Council asked staff to consider reorganization of BRAAC that added a recreation/public land representation to the commission. BRAAC Members reported at the retreat that they wanted public projects to go before them prior to going to the Council for consideration. The draft language was discussed at the September 12<sup>th</sup> Council meeting. It was decided to revisit several areas of the language including the board name and number of members, and to further clarify the board's process, responsibilities, and duties. The Planning Board discussed the language at the September 21<sup>st</sup> Planning Board meeting and offered the following name change for consideration, Public Land, Appearance, and Recreation Board. The board all agreed and felt that the Appearance should be part of the name. The proposed draft ordinance would widen the scope of BRAAC with the addition of a recreation/public land oversight component. Language has also been added to clarify that the BRAAC has the responsibility of acting as the Tree Board since 2020. Additional language was also added to clarify the responsibilities and duties of the board regarding public art, murals, and outside agencies and organizations. A few highlighted changes would be increasing the number of Board Members from five (5) to seven (7) members, the two (2) new members would cover the recreation element of the board. Another would be to stagger the terms since there will be three (3) members terms up on the existing board, staggering the new

member terms would help spread the terms out a little bit. Clarification has been made to the board's responsibilities as well.

Council Member Pickett asked if BRAAC members were the ones who wanted to incorporate recreation into their fold since that hasn't really been a part of that board in the past.

Interim Manager Rothrock explained he had written the first draft and included elements that were discussed at the mid-year retreat and then turned it over to Mr. Johnson to come up with this draft.

Mr. Johnson mentioned the Planning Board's only recommendation was the name but were fine with everything else in the draft ordinance.

Council Member Pickett asked for clarification that the BRAAC board would still be the ones coming up with the draft for the applications for the projects that happen on public land. Mr. Johnson confirmed they would, he felt that was an internal process we need to have in place.

Council Member Harwood asked Mr. Johnson to proof and make sure all the word "commissions" were changed to "board" as that language is an older term. He further asked if under responsibilities and duties number eight (8) to clarify what "improvements" means as he doesn't want that to get confused with "maintenance". Council Member Harwood explained the reason he was bringing this up, is he didn't want the Landscape Department or Parks and Recreation Department to feel like they had to go to this board every time they wanted to fix or improve something. He felt that needed to be clarified better.

Council Member Pickett pointed out there was clarification to that further down in the next section.

Council Member Yount stated it isn't his intention a knock to anyone who has ever served on BRAAC before, but asked why are we here.

Mr. Johnson explained from his understanding there are a lot of people that didn't know what the mission of BRAAC is or what it stands for. And part of that is to have one board to come to and put a process in place that will help Council to know what is being proposed out there. He further stated he felt that BRAAC may need to announce what their mission is and stick to that mission as they get new members and so forth.

Council Member Yount mentioned they sometimes can't get a quorum with five (5) members, so now they are going to solve that by increasing to seven (7) members. Mr. Johnson stated that is the proposal.

Council Member Yount stated he felt this was an inflated view of somebody of being a committee or a board. He further stated he has a core belief that "less government is the best government" and he is not voting for this. He felt Planning Board was more than capable of doing all of these tasks.

Council Member Harwood stated he understood Council Member Yount's position, but he felt our Parks and Recreation could use some advocacy and his hope is this board can

help with that. He explained there is a lot of deferred maintenance, and he is hoping through this there can be a group to advocate for our parks and keep up with maintaining the things we have in our parks and keep the maintenance up to date. He feels like this will help keep the “new shiny things” from deteriorating.

Council Member Yount stated he disagreed, they are getting a \$2 million dollar bathroom put up currently and felt maybe they didn't need anymore advocacy.

Council Member Pickett mentioned to keep in mind if you did away with BRAAC they are the 501(c)(3) that donations come through for the Town for the flowers and if BRACC didn't exist you would have to find another organization to accept those donations.

Council Member Yount stated that was easy.

Mr. Johnson stated as the Town has grown, this board has grown and has accepted a lot more responsibilities.

Council Member Pickett made a motion to approve the changes as presented, seconded by Mayor Pro-Tem Matheson. For the motion: Council Members Harwood, Pickett and Gherini and Mayor Pro-Tem Matheson. Against the motion, Council Member Yount. Motion passed.

Mayor Sellers reminded Mr. Johnson to make the changes to the language from the word “commission to board” as requested by Council Member Harwood.

#### 4. Dumpster Ordinance Update

Mr. Johnson stated the proposed draft ordinance language was to amortize trash enclosure areas that are not compliant with Land Use Ordinance Sections. The purpose of the proposal is to get existing trash receptacles, dumpsters, and rollouts in compliance and clean up the appearance of the areas. Staff conducted a survey of all Commercial, Multi-Family, and Central Business districts and found that 75% were in compliance and 25% were non-compliant. The Planning Board recommended approval of the ordinance amendment at the October 19<sup>th</sup> meeting.

Mr. Johnson explained what staff would recommend is giving the ones not in compliance a year to get in compliance. Staff will work with those individuals and help get them to where they need to be.

Mayor Pro-Tem Matheson asked if in Mr. Johnson's observations of the dumpsters if he found any areas that would face a hardship to create the dumpster enclosures. Mr. Johnson stated there will be some of those areas and staff will work with them to create the best situation for them.

Council Member Yount asked what would be done if they failed to comply. Interim Manager Rothrock stated if they operate outside of the ordinance civil penalty is always an option. He further stated staff looking for compliance first and then will go from there if need be.

With no further questions or comments. Council Member Gherini made a motion to approve the ordinance as proposed, seconded by Council Member Harwood. Unanimously approved.

## **REGULAR AGENDA**

### 1. Appoint Tasha Brown as Finance Director

Interim Town Manager Rothrock explained Tasha Brown was hired as Finance Director on October 23<sup>rd</sup> and to be consistent with GS 159-24, a local government shall at all times have an appointed Finance Director. Over the past few months, Misty Watson has served as Interim Finance Director on a contractual basis. With the hiring of Ms. Brown, Council needs to officially appoint her as Finance Director. Ms. Watson will continue to assist over the next few months on a contractual basis.

Interim Manager Rothrock further explained Ms. Brown was unable to attend the meeting due to a Budgeting class she is attending this week at the School of Government. Ms. Brown will take her oath when she returns to the office and the board can do something more formal at next month's meeting to recognize her.

Council Member Yount made a motion to appoint Ms. Brown as Finance Director, seconded by Council Member Pickett. Unanimously approved.

### 2. Memorial Park Tree Replacement

Interim Manager Rothrock reported that the two remaining maple trees in the center of Memorial Park need to be replaced. In discussion with Corey Cathcart and Brian Johnson, the large maple trees need to be removed as they pose a safety risk for the public with large limbs falling in the park. Mr. Cathcart recommends adding drainage to the rock planter wells to assist in the future tree planting and growth. The plan is to remove the trees with Town crews, grind out the stumps and roots, add soil and drainage to lift the tree root ball planting level and finally add two (2) healthy maple trees with a caliper of 4-5 inches. The overall plan was presented to BRAAC for review and comment at their last meeting. BRAAC was in support of the plan to move forward with replacement of the trees. If approved, it is anticipated to have the existing trees removed and new trees planted right after Thanksgiving.

Council Member Harwood made a motion to approve, seconded by Council Member Gherini. Unanimously approved.

## **OFFICIAL REPORTS & COMMENTS**

- Mayor Sellers expressed he is glad the election is over, felt all four of the candidates that ran could have done a great job. Hopes in the future that the election doesn't focus on personalities, but rather to love the Town and keep the Town quaint and work for the citizens. He further expressed it's not a proponent of negativity. He thanked each one that ran and congratulated the election winners.
- Council Member Yount stated this is his last meeting and his last vote ever.
- Council Member Harwood welcomed Tucker Deal, thanked him for joining the Town and looks forward to working with him. Thanked Ms. Brown for accepting the Finance position and stated he loves to see internal promotion. Thanked Council Member Yount and stated he's done nothing but serve his community and his country. He recognized Council Member Yount for sixteenth years as commissioner and he has left it better than he found it.
- Council Member Pickett mentioned Council Member Yount had served with all three members of her family on Council and even though they may not always see eye to eye they have always been friends and he will sorely be missed.

- Mayor Pro-Tem Matheson thanked Officer Gunnells and Officer Hayes for their help during the Monster March. There was a lady that fell off the curb near Kilwin’s and they were there to help until the ambulance arrived. The lady wanted to thank them, and he promised her he would recognize them at the next meeting.
- Council Member Gherini congratulated Council Member Harwood on his re-election and welcomed Cat Perry who will be sworn in at the December meeting. Asked the media to help get residents to call their cellular providers to see if they can help with the poor cell service in Town.
- Tucker Deal thanked the Council for allowing him to serve the board and he looked forward to working with them.
- Parks and Recreation Director Jennifer Brown updated on the events for the Christmas festival.
- Town Engineer Jared Wright updated on a few projects in Town including the Memorial Park restrooms, Main Street Water and Sewer and the sidewalk project which is now complete.
- Interim Manager Kevin Rothrock stated the sidewalk in front of Town Hall was replaced and new Conduent for all the lighting out front had installed conduit. The Town Hall bathroom and office project is 99% complete. Watauga and Caldwell are under burn bans, continue to monitor the reservoir water levels, need rain in a bad way. Will be considering opening the temporary grass parking lot by the Fire Department for Thanksgiving weekend.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

At 7:35 p.m. with no further business, Council Member Yount made a motion to adjourn, seconded by Council Member Pickett. Unanimously approved.

**MAYOR \_\_\_\_\_**  
**Charlie Sellers**

**ATTEST \_\_\_\_\_**  
**Hilari Hubner, Town Clerk**

**Attachments**

- Budget Amendment - #2023-16 – Attachment A**
- Tax Releases - #2023-02, #2023-03, #2023-04 - Attachment B**
- Blowing Rock Lodge Rezoning – Attachment C**
- Blowing Rock Lodge Annexation – Attachment D**
- BRAAC Ordinance Change – Attachment E**
- Dumpster Ordinance Update – Attachment F**





