

MINUTES
Town of Blowing Rock
Town Council Meeting
May 14, 2024

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, May 14, 2024, 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 Cat Perry, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Town Manager Shane Fox, Town Attorney Tucker Deal, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Parks and Recreation Director Jennifer Brown, Landscape Director Cory Cathcart, IT Director Thomas Steele, Finance Director Tasha Brown, Public Works Director Matt Blackburn, Emergency Services Director Kent Graham and Town Clerk Hilari Hubner, who recorded the minutes.

CALL TO ORDER

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

THE PLEDGE OF ALLEGIANCE

MINUTE APPROVAL

Mayor Pro-Tem Matheson made the motion to approve the minutes from the April 9, 2024, regular and closed session meetings, seconded by Council Member Gherini. Unanimously approved.

OATH OF OFFICE

Town Clerk Hilari Hubner administered the Oath of Office to Town Manager Shane Fox.

REGULAR AGENDA ADOPTION

Council Member Gherini made a motion to approve the regular meeting agenda as presented, seconded by Council Member Harwood. Unanimously approved.

CONSENT AGENDA

- 1. 2024-2025 Audit Contract**
- 2. Main Street Project Ordinance**
- 3. ARPA Project Ordinance**
- 4. Budget Amendment - #2024-22**

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

SPEAKERS FROM THE FLOOR

Jerry Starnes 204 Hill Top Way – Thanked Mayor and Council for all the time and they put into serving their elected roles. Mr. Starnes had a few questions he asked of the Council: related to parking meters, the 2014 comprehensive plan, vacant properties, the 2024 comprehensive plan, downtown parking and the utility work on Main Street.

Mr. Starnes thanked Council for their time.

PUBLIC HEARING

1. SUP – Arbor Village

Council Member Harwood asked for Council to approve his request to recuse himself from the hearing due to his prior and ongoing business relationship with the applicant on multiple projects.

Mayor Pro-Tem Matheson made a motion to approve Council Member Harwood's request to be recused, seconded by Council Member Gherini. Unanimously approved.

Zoning Enforcement Officer Brian Johnson stated Cash Custom Homes, LLC is requesting a Special Use Permit for a Multi-Family project with four (4) two-family buildings (8 units total) that will contain three (3) bedrooms in each unit on Highway 321 generally located between Samaritans Purse and Chetola. The 1.367-acre subject property is zoned GB, General Business, and is located in the WS-IV water supply watershed. A right-in/right-out drive entrance off Highway 321 will provide access to the property, including proposed parking off Main Street.

The proposed building height is 31 feet within a 7:12 roof pitch. The main building entrance is along Valley Blvd.

The standard minimum parking for this multi-family use is twenty-one (21) parking spaces. The applicant would like to be able to rent the units on a short-term basis. Short-term rentals require one (1) space for each bedroom to be rented for a total of twenty-four (24) parking spaces, which the applicant has provided.

A right-in/right-out access drive entrance off Valley Blvd will provide access to the property. The driveway configurations shall be designed to meet any criteria set forth by NCDOT after their final review, consistent with the approved driveway permit.

The applicant is required to provide a sidewalk, with curb and gutter along Main Street. Once complete the sidewalk will be accepted and maintained by the Town.

Stormwater detention is designed for the increased runoff from the proposed parking areas and structures. The plans indicate an underground system with access and maintenance easements in place for continued maintenance through a property owner's association. A complete review of the stormwater system will be provided during the final review of plans.

Water and Sewer service is being requested to access existing service lines along Main Street below the property. Access and maintenance for the utilities will be a common area maintained by the Homeowner's Association.

The applicant has provided building elevations but has indicated they will provide materials and darker colors compatible with the Valley Blvd corridor.

Land Use Ordinance Section 16-11.2.1(b) limits retaining walls to a maximum height of 12 feet. The plans show three (3) separate walls at twelve (12) feet; however, a series of walls collectively exceeds twelve (12) feet totaling thirty-one (31) feet at the highest points at the North end of the property. The applicant has provided an eight (8) foot space between the three (3) walls for landscape buffering. The applicant must provide materials and colors of the retaining walls for approval. The materials and color must be consistent with natural rock material.

The project will provide landscape buffering along the outer property lines and adjacent properties with a Type "A" Opaque landscape buffer. A semi-opaque buffer will be required along Highway 321 and Main Street. The screen or barrier may consist of trees, plants, earthen berms, fences, walls or any combination thereof. Existing vegetation may be assessed and used if sufficient. Staff recommends a combination where feasible.

At their April 18, 2024 meeting, the Planning Board recommended approval of the project allowing eight (8) units total instead of seven (7) units and the retaining walls.

The Planning Board recommended the following conditions:

1. Allow the retaining walls with additional conditions of substantial landscaping and screening to the buffers of the North and South end property lines.
2. Encourage the applicant to consider varying the distances and heights of the retaining walls as long as the bottom wall does not move any closer to Main Street.
3. Encourage the applicant to replace the Arborvitae with something native to the area.
4. Replace the asphalt paving with gravel on the lower parking area.
5. No lighting on the walkway from the parking area to the back of the units unless necessary to protect the neighbors.
6. Allow the neighbors to have input on the South landscape buffer.

The applicant is requesting a waiver to section 16-12.2 to allow eight (8) units vs the maximum allowable seven (7) units.

The applicant is also requesting a waiver to section 16-11.2.1(b), a deviation from the maximum 12-foot retaining wall height.

No Special use permit shall be approved by the Board of Commissioner's unless each of the following findings is made.

- A. The use or development is located, designed, and proposed to be operated so as to maintain or promote public health, safety, and general welfare.

- B. The use or development complies with all required regulations and standards other applicable regulations.
- C. The user or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.
- D. The use or development will not substantially injure the value of adjoining or abutting property.
- E. The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Town of Blowing Rock Comprehensive Plan, and any other duly adopted plans of Town.

Mr. Johnson asked Council for questions or comments.

Council Member Perry asked how much space is between each unit with eight (8) units and with seven (7) units. Mr. Johnson estimated approximately twenty (20) feet.

Mayor Pro-Tem Matheson asked if the retaining walls could match up with the stone look that is currently on Valley Blvd. Mr. Johnson advised that could be.

Mayor Pro-Tem Matheson further asked if the applicant could have made their entrance closer to being straight across from the entrance to Food Lion. Mr. Johnson explained DOT had reviewed and the entrance for the proposed project is based off of their recommendation.

Mr. Josh Cash with Cash Custom Homes stated he was there to answer any questions.

Council Member Perry asked for clarification of the rear entrance/exit of the buildings as she didn't see a door on the renderings. Mr. Cash explained it was hard to tell on the rendering, but he showed Council the location of the rear access.

Council Member Perry further asked for clarification for the pathway along the back that would lead to the parking lot area. Mr. Cash explained how the pathway and parking lot would be accessed.

Council Member Perry asked if she was correct in understanding Mr. Johnson to say there wouldn't be any lighting on the path behind the buildings. Mr. Cash stated that was correct and was a recommendation of the Planning Board.

Council Member Perry further asked if the intent in that was not to disturb the two houses located near the property. Mr. Cash explained he thought that was the reason for the recommendation.

Council Member Perry inquired about the safety of not having lighting. Mr. Cash explained he thought there could be landscape lighting or something of the subtle nature that would be perfect, and it wouldn't be street lighting.

Council Member Perry asked for more detail about the storm water drainage and

impervious. Mr. Jason Gaston with Valor Engineering showed where the storm water management is located and explained in detail. He noted the storm water containment is under the front parking area.

Mr. Gaston explained the intent of the project is try to retain as much natural vegetation as possible to help with storm water management.

Mayor Sellers said Mr. Cash had stated they were amenable to working with the property owners that are in close proximity with thoughts on vegetation, plantings and so forth, and asked if there had in fact been any discussions with the property owners about that. Mr. Cash explained he has spoken with the property owners and it was less about screening and more about reduction or elimination of the Main Street parking lot.

Mayor Sellers asked why they didn't put the Main Street parking closer to the building. Mr. Cash explained it was due to the steep grade as well as would take a lot of the natural vegetation out.

Mayor Sellers asked for clarification on the building height, the Town ordinance for building height is a maximum of thirty-five (35) feet, which the applicant meets on the front side. Mr. Johnson stated that was correct, the height will be thirty-one (31) feet.

Mayor Sellers further asked with them having an entrance off the back of the building as well what the height would be on the back side of the building and which entrance would be the primary entrance to the units. Mr. Johnson stated they would be in the forty (40) to fifty (50) foot range and the main entrance would be the front of the building so they are in compliance height wise.

After further discussion, Mayor Sellers stated he just wanted to clear that up for the record.

Council Member Gherini stated for the record he did attend the Planning Board meeting and felt the Planning Board members that spoke were very thorough and conscientious about all the things they felt was important. In listening to the neighbor, he was very adamant about having some sort of screening protection and he hoped that would be built in. Mr. Johnson explained the vegetation that is currently there is pretty substantial and the goal is to eliminate as little as possible.

Council Member Gherini further asked regarding the waiver of eight (8) units vs seven (7) units how does that effect the economic model. Mr. Cash explained it would likely do is make the last building one (1) unit and make it a more expensive unit. He further explained it wouldn't change the size of the building, would only change the footprint and take away a dividing wall.

Mayor Sellers opened the Public Hearing.

Mr. Fred Berry, 423 Main Street spoke on behalf of the Hartley House Family Trust with a few concerns about the project. The first concern is the request for a significant deviation

from the retaining wall rule. His understanding is instead of twelve (12) feet of retaining wall it would be thirty (30) feet of retaining wall. Mr. Berry explained that would significantly change the look of Main Street and although the project is legal, he wanted to point that out. He commented that would be Council's call on if they chose to allow that change to take place.

Mr. Berry stated his second concern is with the eighth (8th) unit. He explained if the project was kept to seven (7) units they wouldn't need the Main Street parking lot. He explained their ask of Council is if they want to have this "towering event" come into Main Street for financial revenue purposes or development purposes, then please don't allow the variance to allow that eighth (8th) unit. Adding that unit puts the parking lot right at the bottom of their driveway. Mr. Berry stated the reasons not to have the parking lot is the Town already faces a parking crisis here and felt that if the parking lot is there it would be a magnet for people parking to go downtown. He further stated with two (2) parking spots in the front of the units he didn't feel there would be that many bring a third (3rd) car to park in the Main Street parking lot.

Mr. Berry further explained if this is approved as requested, his and the neighbors concern is they will have to go through a parking lot to get to and from their houses. He concluded with if Council is going to bend the rules to allow the eighth (8th) unit he would like for them to consider bending the rules and not requiring them to have the Main Street parking lot. He stated that parking lot wouldn't be used and will effect the quality of he and the other neighbor's experience here.

Council Member Gherini asked Mr. Berry if he was satisfied with the answer he was given on the screening.

Mr. Berry explained he was satisfied that the builder will work with them on that, but not satisfied with the Main Street parking lot and that is their main concern.

Mayor Sellers asked Mr. Johnson since the current parking ordinance is our own, if the Council chooses to amend that for this project, they could do that. Mr. Johnson stated Council does have that ability.

Council Member Pickett asked if the applicant went to seven (7) units and did short term rentals if that would bring them down to a number that would eliminate the Main Street parking lot. Mr. Johnson advised it would not, it would only get them down to twenty-one (21) parking spaces.

Mayor Pro-Tem Matheson stated eliminating the eighth (8th) unit wouldn't really help much with the parking spaces required as the applicant could build the seventh (7th) unit with more bedrooms and still need to provide the parking spaces to be in compliance.

Mr. Johnson restated Council does have the ability to wave the parking requirement if they choose to.

Mayor Sellers commented for Council to keep in mind this is case by case and Council can make the decisions accordingly to what the project is.

Mayor Pro-Tem Matheson asked Mr. Berry if half the Main Street parking lot were to be eliminated if he would feel better about it.

Mr. Berry stated he would but would feel even better with it being eliminated completely as he does not think it will be utilized very often.

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

Mayor Pro-Tem Matheson made a motion to approve the project with the requested eight (8) units, recommendations of the Planning Board, waiving the retaining wall limits and eliminating the Main Street parking lot, referencing the following conditions:

1. Allow the retaining walls with additional conditions of substantial landscaping and screening to the buffers of the North and South end property lines.
2. Encourage the applicant to look at varying the distances and heights of the retaining walls as long as the bottom wall does not move any closer to Main Street.
3. Encourage the applicant to replace the Arborvitae with something native to the area.
4. Replace the asphalt paving with gravel on the lower parking area.
5. No lighting on the walkway from the parking area to the back of the units unless necessary to protect the neighbors.
6. Allow the neighbors to have input on the South landscape buffer

7. The waiver to section 16-11.2.1(b), a deviation from the maximum 12-foot retaining wall height.

Seconded by Council Member Pickett.

Mr. Johnson asked for clarification for the applicant, with these updated conditions, will not effect them if they choose to rent these units short term. Mayor Sellers confirmed they would not effect short term rentals.

Mayor Pro-Tem Matheson and Council Member Pickett were in favor of the motion, Council Members Perry and Gherini were against the motion. Since the Council vote was a tie, Mayor Sellers voted to break the tie and voted for the motion. Motion passed.

Council took a 15-minute recess.

REGULAR AGENDA

1. Public Land Appearance Recreation Board (PLARB Board)

Ms. Whitney Brown submitted her resignation from the Public Land Appearance Recreation Board (PLARB) leaving a seat vacant. If it is the desire of the Council, Town

Clerk Hilari Hubner can advertise the vacancy and any applicants can be reviewed by Council at the June meeting.

Council Member Pickett made a motion to approve advertisement for the vacant seat on PLARB, seconded by Council Member Perry. Unanimously approved.

OFFICIAL REPORTS & COMMENTS

- Mayor Sellers – Welcomed Manager Fox back, commended DOT for a job well done with cleaning up from the rockslide on Hwy 321. Main Street water and sewer project moving along really well. Thanks to the contractor for their hard work and was glad to see some paving had been done earlier in the day. Extended his thoughts and prayers to the Dan Phillips family for the loss of his wife Celeste.
- Council Member Perry – Welcomed Manager Fox back, gave kudos to DOT and Iron Mountain for their work on the Main Street water/sewer work. She expressed she knew it felt like the work is never going to end, but it is necessary work and felt like the contractors have done a great job with as little disruption as possible to the residents.
- Council Member Harwood – Welcomed back Manager Fox and gave thanks to Mr. Kevin Rothrock for his work filling the Interim Manager role for the past eleven (11) months. He wanted Mr. Rothrock to know how much he appreciated him taking on that role as well as thanks to all the staff.
- Council Member Pickett – None
- Mayor Pro-Tem Matheson thanked Mr. Rothrock for his role as Interim Manager. Stated he, Melissa and Cat attended the NCLM City Vision Conference in April and all came away with some very educational thoughts. They attended some really good classes and each attended different ones so they weren't all hearing the same thing.
- Council Member Gherini – Welcomed Manager Fox back. The Economic Development Commission (EDC) re-elected him as Chairman for the board. The EDC had Carolina West Wireless come talk to them about cell service and not much is going to happen in the near future. Thanks to Interim Chief Kirk for adding the pedestrian sign and marking the pavement for the school crossing area on Sunset Drive and wanted to make sure the flashing lights were added back.
- Town Attorney Tucker Deal – None
- Town Manager Shane Fox – AT&T has been charged with having a full access network across the country by 2030. They are currently looking to expand in our area and are working through the process. The flashing lights at the school crossing area on Sunset are on, but they are very dim. Staff is looking at replacing those. Thanked Council and staff for welcoming him back and stated he felt it had been an easy transition back. Thanked Mr. Rothrock for the work he put in the last eleven (11) months. Thanked DOT for their hard work to get Hwy 321 back open as quickly as they could following the rockslide. Updated on the water/sewer project and explained the focus is going to shift a little to focus on paving. He explained the binder they had put down was good until the rainy season hit and it's worn off causing some travel issues. Once the contractor gets

that completed they will move back to working on the water line replacement. The sewer work is completed and many thanks to the contractor for completing that. The tie in's will be next and those should be happening in June and July with "punch list" items happening in August. The project is on schedule and on budget and many thanks to Iron Mountain for their hard work on this project. The USDA loan process has been discussed and more coming about that in the next few weeks. Memorial Park discussions and next steps will be happening soon. Staff has asked the Town Engineer to go back to the bidder and receive a more segmented approach toward the bid to gain a bit more information on the bid. The plan is to have that information by the Summer Retreat to discuss further. TDA is up 16% over last FY (\$88,000 for March '24 vs \$77,000 for March '23) and 8% fiscal year to date over the previous fiscal year. ABC Store is anticipating coming in around \$3 million in sales for the annual revenue. Thanked Parks and Rec staff and their hard worked on the pool inspection process and getting the pool ready to open Memorial Day weekend. Upcoming meetings: Budget Work Session May 21st 1-5pm, Town Council Meeting June 11th with the Budget Public Hearing and adoption (if Council wishes to do so) and Summer Retreat June 25th 1-5pm. Council Member Matheson was elected as Chairman for the High Council of Government. Blowing Rock School Principal Patrick Sukow is retiring, and Madison Hollar was announced at the most recent school board meeting as being selected to the new principal role beginning in the '24-'25 school year.

Council took a 10-minute recess before going into closed session.

EXECUTIVE SESSION

At 7:50 PM Council Member Perry made a motion to go into closed session, **NCGS 143-318.11.(A)(3) – Attorney/Client privilege**, seconded by Council Member Harwood. Unanimously approved.

ADJOURNMENT

At 8:30 p.m. the Council returned to open session and with no further business, Council Member Harwood made a motion to adjourn, seconded by Council Member Perry. Unanimously approved.

MAYOR _____
Charlie Sellers, Mayor

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

2024-2025 Audit Contract – Attachment A
Main Street Project Ordinance – Attachment B
ARPA Project Ordinance – Attachment C
Budget Amendment – Attachment D