

DRAFT

Town of Blowing Rock

Board of Commissioners

Regular Meeting- December 9, 2014

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, December 9, 2014 at 5:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Dan Phillips, Sue Sweeting, Doug Matheson and Ray Pickett. Others in attendance were Town Manager Scott Fogleman, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Building Inspector John Warren, Police Chief Tony Jones, Finance Officer Nicole Norman, Public Works Director Mike Wilcox, Parks & Recreation Director Jennifer Brown, Fire Chief Kent Graham and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Pickett made a motion to approve the minutes for meetings held on November 8th and 11th including closed session minutes as written. The motion was seconded by Commissioner Sweeting.

SPECIAL RECOGNITIONS AND REPORT

1. Highway 321 Valley Boulevard Construction Update

Planning Director Kevin Rothrock gave the Hwy. 321 Widening Project update due to Kipp Turner being unable to attend the meeting. Mr. Rothrock advised that several aspects of the project had been delayed due to the weather, such as further installation of curb and gutter and paving. He also mentioned that the arrival of additional coping was anticipated in order to continue work on Wall #34 near Samaritan's Purse and that work on Wall #19 near the Blowing Rock Country Club is continuing.

2. Presentation of Fiscal Year 2014 Audited Annual Financial Report

Finance Officer Nicole Norman stated the fiscal year 2014 annual financial report had been prepared and audited by Combs, Tennant & Carpenter, P.C. and that Mr. Billy Combs was present to answer any questions Council might have.

Mr. Combs stated the audit for Fiscal Year ending June 30, 2014 was conducted in accordance with the US Generally Accepted Auditing Standards and North Carolina Local Government Commission and there were no adverse findings. Mr. Combs complimented Town Manager Fogleman, Finance Officer Norman and their staff on the great job they were doing. Mr. Combs advised all Town accounts totaled \$7.3 million dollars and Fund Balance remained at fifty percent of the total budget.

Mr. Combs also stated the Town continued to maintain an excellent tax collection rate of 98.3%.

Commissioner Matheson asked Mr. Combs if there were any unresolved issues from the prior year or if there were any significant changes. Mr. Combs stated there were no unresolved issues from the prior year and the only significant change was an increase in the total budget due to the change in sales tax distribution.

Commissioner Matheson then asked if the audit showed any "red flags" that Council needed to be concerned with regarding the Town's future financial status. Mr. Combs advised the Town's current financial position did not indicate any concerns for the Town's future financial position.

Mayor Lawrence thanked Mr. Combs for his presentation.

CONSENT AGENDA

Town Manager Scott Fogleman presented the following items to Council for their consideration:

1. Glen Burney Trail Maintenance Development Plan

Town staff has been discussing options for long term maintenance on the Glen Burney trail with representatives of the Vermont Youth Conservation Corps and the North Carolina Youth Conservation Corps along with the Blue Ridge Conservancy. They submitted a proposal to develop a detailed plan along with options for a cost of \$2,500, the results of which can then be factored into budget development for the coming fiscal year.

2. ABC Store Documentation Regarding Council Approval for Funds Reserved for Capital Improvements

A recommendation from the recently completed ABC Commission performance review is to document the Council's approval for the Blowing Rock ABC Store to establish a fund in order to pay for specific capital improvements.

3. Vehicle and Capital Equipment Bid Awards and Related Financing For the Fiscal Year 2015 Budget

Bids for various vehicles and capital equipment approved for purchase as part of FY 2015 budget have been reviewed and staff is recommending award for each respective vendor accordingly. Financing proposals were sent to ten area banks and responses were received from BB&T, First Citizens Bank, United Community Bank, SunTrust, and Yadkin Bank. Staff recommends the financing bid be awarded to BB&T for 1.46% with a four year term with the amount not to exceed \$401,000.

4. Budget Amendment Ordinance to Account for Various Capital Items

Consistent with execution of various capital equipment and vehicles approved as part of the Fiscal Year 2015 budget, a variety of adjustments to specific line items are necessary. Due to selected differences between the budgeted amounts for each respective vehicle

and operational adjustments that have been made, budget reallocations are being recommended to provide individual line item authority for each respective purchase. These changes result in a net budget reduction for the vehicle portions of the overall Town budget across funds of \$11,049. **Budget Amendment Ordinance #2014-37 - Exhibit A**

5. Agreement to Transfer Ownership of Water and Sewer Systems

An agreement to transfer ownership to the Town of Blowing Rock various water and sewer system elements referred to in the agreement as “Blackberry Sewer System” has been reached. A value of \$10,000 for the water and sewer infrastructure has been agreed upon and staff recommends approval of the agreement and a related appropriation from the fund balance of the utility fund in the amount of \$10,000. **Agreement to Transfer Ownership of Water and Sewer Systems Known as “Blackberry Sewer System” - Exhibit B**

6. Resolution Certifying and Declaring Bond Referenda Results

The November 4, 2014 general obligation bond referenda results as certified by the Watauga and Caldwell County Boards of Election have been prepared. A resolution of the Blowing Rock Town Council certifying and declaring the referenda results has been prepared for Council approval. This is a formal step in the general obligation bond referendum process in the form prescribed by law. **Resolution Certifying and Declaring Bond Referenda Results - Exhibit C**

Commissioner Sweeting moved to approve all consent agenda items as presented, seconded by Commissioner Matheson. Unanimously approved.

PUBLIC HEARING

Mayor Lawrence asked those wishing to speak during the following public hearing to be sworn by the clerk.

1. Appalachian Ski Mountain Conditional Use Permit #2014-04

Planning Director Kevin Rothrock presented Council with the CUP #2014-04 request from Appalachian Ski Mountain to construct a welcome center at the northwest corner of Edmisten Road and Hwy. 321. Planning Director Rothrock advised the applicant is proposing to build a 960 square foot building with 12 parking spaces and 3 bus spaces. The subject property is not within the Town's corporate limits but is within the Town's Extraterritorial Jurisdiction (ETJ) and is zoned General Business (GB).

Appalachian Ski Mountain has utilized a billboard along Hwy. 321 across from Edmisten Road to direct skiers to the mountains for at least 40 years. Due to the new road access bridge to be installed for the Chestnut Ridge project, the billboard is planned for removal in March of 2015. The applicant is planning to construct a welcome center to help direct traffic to Appalachian Ski Mtn. The welcome center will have a freestanding sign that will direct travelers to turn right into the driveway on Hwy. 321 for southbound traffic or at the traffic signal and Edmisten Road driveway for northbound traffic. The driveway onto Hwy. 321 will be restricted by NCDOT to be right-in, right-out movements only. The seasonal traffic signal at Hwy. 321/Edmisten Road will be permanent once the Chestnut Ridge project is completed.

Planning Director Rothrock further reviewed the site plan, parking access, architectural design, etc. in detail. He stated the site plan meets all setback requirements and the required 20-foot street setback from Hwy. 321 and Edmisten Road. There would also be a 30-foot vegetative stream buffer along the southern boundary of the property.

Based on the proposed use, five (5) parking spaces are required; however the applicant is proposing twelve (12) parking spaces and three (3) bus spaces. An access easement would also be needed in order for the welcome center and a residential home in the area to share a driveway and utilize the driveway onto Edmisten Road for a left turn at the traffic signal.

Planning Director Rothrock explained the building design would match that found on the Appalachian Ski Mtn. Lodge featuring feather edge siding, elk stone and scalloped fascia boards. The applicant is requesting flexibility in allowing a lower roof pitch of 4:12 through Section 16-21.18 of the Town's Land Use Code.

Should the project be approved, the signage would be reviewed and approved administratively. Planning Director Rothrock advised that at this time, the freestanding

sign would exceed the Land Use Code standards. Any flexibility or modification to the sign ordinance would be forwarded separately to the Planning Board and Council for review and consideration.

The applicant is proposing a well and septic system since Town water and sewer are currently unavailable to the property.

Storm water would be collected and directed to a dry detention basin behind the parking lot. The basin would hold water from storm events and slowly discharge to the adjacent creek over the course of several hours. The system would be designed to meet the Land Use Ordinance.

Planning Director Rothrock stated that according to the landscape plan, several street/shade trees around the parking area and along the street frontage are planned as well as shrubbery screening between the parking areas and Hwy. 321 and between the rear parking area and the storm water detention basin.

Planning Director Rothrock advised that during their regular meeting held on November 20, 2014, the Planning Board recommended approval of the CUP with the following additional conditions:

1. The roof pitch be allowed less than the minimum of 6:12 based on the overall design of the building and flexibility allowed in Section 16-21.18 of the Land Use Code.
2. That the orange corporate color for Appalachian Ski Mtn. be allowed on the sign and building trim through flexibility allowed in Section 16-21.18 of the Land Use Code.

Planning Director Rothrock advised that Mr. Brad Moretz of Appalachian Ski Mtn. is present to answer any questions Council has regarding the proposed project.

Commissioner Sweeting asked if a sign would be allowed without the proposed welcome center building being built. Planning Director Rothrock stated it would not be allowed

because it would be considered a billboard and would be within a prohibited distance from the Parkway boundary.

Mr. Moretz explained that in 1965 during the Lyndon Johnson administration, a bill was passed that subsequently disallowed billboards within a certain distance of a scenic by-way. The proposed signage would be within approximately 500 feet of the Parkway boundary.

Commissioner Sweeting then asked what the welcome center's purpose was. Mr. Moretz stated the welcome center would be critical to their family business, Appalachian Ski Mtn. in attracting potential customers. Commissioner Sweeting also asked if tickets to App Ski Mtn. would be sold at the welcome center. Mr. Moretz advised there were no plans to sell tickets at the welcome center, but he did hope to sell logo merchandise. He stated that tourist information could also be obtained at the welcome center.

Commissioner Phillips asked if there were limits to what the welcome center could be used for. Mr. Moretz advised the proposed use was for tourist information and logo related retail sales only.

Mayor Lawrence asked if the welcome center would be used as a tourist information center in the off-season. Mr. Moretz stated that would be a possibility.

Mr. Moretz then went into further detail in regard to the color by stating the proposed orange trim would match that of the ski lodge and had been used for years and was part of the ski lodge's identity.

Commissioner Sweeting also mentioned adjoining property owners in the area and how they felt about the proposed project. Mr. Moretz stated that a letter had been sent to the Town from the Timber Creek Property Owner's Association, Appalachian Regional Healthcare (ARHC) and the Aspen Acres Motel endorsing the proposed welcome center.

Mayor Lawrence then asked if there were any public comments. Ms. Chelsea Garrett, representing the Blowing Rock Chamber of Commerce, spoke in favor of the welcome center. She stated Appalachian Ski Mtn. had been a member of the Chamber since 1965 and was a crucial member of the community.

Mr. Rob Hudspeth, of Appalachian Regional Healthcare System and Kent Tarbuton, (not sworn in) Chairperson of the Blowing Rock Tourism Development Authority also spoke in favor of the project and how important Appalachian Ski Mtn. is to the economic vitality of the area.

With no further comments, Commissioner Sweeting made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Sweeting then made a motion to approve CUP # 2014-04 as presented. Commissioner Matheson seconded the motion and thanked Mr. Moretz for supplying jobs to the local community through the years.

Commissioner Phillips asked if flexibility in allowing the orange color would create future problems for staff in administering color or sign related ordinances. Planning Director Rothrock stated this situation is unique and feels there will not be negative impacts in the future associated with this ordinance change.

Mayor Lawrence called for a vote on Commissioner Sweeting's motion. The motion passed by unanimous vote. **Appalachian Ski Mountain Conditional Use Permit #2014-04 – Exhibit D**

SPEAKERS FROM THE FLOOR

None

At 5:40 p.m. Commissioner Pickett made a motion to enter into Closed Session pursuant to NCGS 143.318.11(a)(3) to consult with the Town Attorney, seconded by Commissioner Matheson. Unanimously approved.

ADJOURN

At 5:55 p.m., Council reentered their regular meeting and there being no further business to discuss, the meeting was adjourned.

MAYOR _____ ATTEST _____

J.B. Lawrence Sharon Greene, Town Clerk

ATTACHMENTS (12-09-14)

[Budget Amendment Ordinance #2014-37 - Exhibit A](#)

SEE BELOW

[Agreement to Transfer Ownership of Water and Sewer Systems Known as "Blackberry Sewer System" – Exhibit B](#)

SEE BELOW

[Resolution Certifying and Declaring Bond Referenda Results – Exhibit C](#)

SEE BELOW

[Appalachian Ski Mountain Conditional Use Permit #2014-04 – Exhibit D](#)

SEE BELOW



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Mayor Lawrence, and Members of Town Council

From: Nicole Norman, Finance Officer

Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2014-37)

Date: December 9, 2014

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2014-2015 for your consideration.

Section 1 (General Fund)

- Adjusts budget allocation of installment loan proceeds towards the purchase of the following FY 2015 Capital Equipment:
 - Police- 2015 Ford Explorer (\$32,252 includes graphics, tax and tag)
 - Sanitation- M2 106 Freightliner Rear Loading Garbage Truck (\$129,084 includes tax and tag)
 - Street- 2015 5500 Dodge 1 Ton Dump truck (\$54,796 includes tax and tag), 2014 4300M7 SBA International 2 Ton Dump Truck (\$74,871 includes tax and tag)

*This section reduces the capital outlay line item in Parks & Recreation for a new watering truck purchase not made (repairs done instead) as well as the capital outlay line item in the Street Department for a Leaf Loader vehicle purchase that is being deferred for consideration in next fiscal year.
- Allocates fund balance from the general fund (\$31,674) towards the final bid amount for the American Legion Building Renovation project as approved by Council at its November 11, 2014 meeting.

Section 2 (Water/Sewer Fund). Adjusts budget allocation of installment loan proceeds towards the purchase of the following FY 2015 Capital Equipment:

Field Operations- Chevrolet Silverado 1/2 Ton Pickup Truck (\$31,647 includes tax and tag) and John Deere 310SK Backhoe (\$78,351.32).

*This section reduces the capital outlay line item in the Field Operations Department for a rescue vehicle purchase that is being deferred for consideration in next fiscal year.

Section 3 (General Capital Fund) Allocates fund balance (\$31,674), donations (\$80,800) and Tennis Court Repair/Adjacent Retaining Walls (\$50,000) funds towards the final bid amount for the American Legion Building Renovation project as approved by Council at its November 11, 2014 meeting.

Please let me know if you need further details on the proposed amendments.

2014-2015 Fiscal Year
Budget Amendment Ordinance 2014-37

Be it ordained by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-4200-505	Transfer to Capital Projects	\$ 114,130	\$ -	\$ 31,674	\$ 145,804
10-10-4310-500	Capital Outlay- Police	\$ 60,500	\$ 5,748	\$ -	\$ 54,752
10-30-4700-500	Capital Outlay- Sanitation	\$ 90,000	\$ -	\$ 39,084	\$ 129,084
10-80-6100-500	Capital Outlay- Parks & Rec.	\$ 31,227	\$ 24,000	\$ -	\$ 7,227
10-20-4500-500	Capital Outlay- Street	\$ 150,900	\$ 333	\$ -	\$ 150,567
			<u>\$ 30,081</u>	<u>\$ 70,758</u>	

This will result in a net increase of \$40,677 in the appropriations of the General Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-399	Fund Balance Appropriation	\$ 205,810	\$ -	\$ 31,074	\$ 237,484
10-60-3400-333	Proceeds from Long Term Debt	\$ 282,000	\$ -	\$ 9,003	\$ 291,003
			<u>\$ -</u>	<u>\$ 40,677</u>	

Section 2. To amend the General Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-80-5000-550	Tennis Court Repair/Adjacent Retaining Walls	\$ 56,400	\$ 50,000	\$ -	\$ 6,400
20-00-5000-580	American Legion Building Renovation- Construction	\$ 369,110	\$ -	\$ 154,518	\$ 523,628
20-00-5000-581	American Legion Building Renovation- Contingency	\$ 30,900	\$ 10,900	\$ -	\$ 20,000
20-00-5000-582	American Legion Building Renovation- Architect/Engineering	\$ 12,000	\$ -	\$ 18,856	\$ 30,856
			<u>\$ 60,900</u>	<u>\$ 173,374</u>	

This will result in a net increase of \$112,474 in the appropriations of the General Capital Projects Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-3400-581	AL Building Renovation Donations	\$ 5,000	\$ -	\$ 80,800	\$ 85,800
20-00-3400-331	Transfer from General Fund	\$ 766,654	\$ -	\$ 31,674	\$ 798,328
			<u>\$ -</u>	<u>\$ 112,474</u>	

Section 3. To amend the Water/Sewer Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-91-7120-502	Capital Outlay- Field Ops.	\$ 205,050	\$ 20,052	\$ -	\$ 184,998
			<u>\$ 20,052</u>	<u>\$ -</u>	

This will result in a net decrease of \$20,052 in the appropriations of the Water/Sewer Fund. To adjust for the above, the following revenue will be decreased. This revenue has not been or will not be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-60-3400-333	Proceeds from Long Term Debt	\$ 205,050	\$ 20,052	\$ -	\$ 184,998
			<u>\$ 20,052</u>	<u>\$ -</u>	

Section 4. Copies of this budget amendment shall be furnished to the Clerk to the Board of Commissioners and to the Finance Officer for their implementation.

Adopted this 9th day of December, 2014.

Attested by:

Sharon Greene, Town Clerk


JB Lawrence, Mayor



NORTH CAROLINA

AGREEMENT TO TRANSFER WATER
AND SEWER SYSTEMS

CALDWELL COUNTY

THIS AGREEMENT TO TRANSFER WATER AND SEWER SYSTEMS is made and entered into this ___ day of November, 2014, by and between SUSAN GLENN d/b/a BLACKBERRY SEWER SYSTEM, a Sole Proprietorship (hereinafter "Glenn"), and THE TOWN OF BLOWING ROCK, a North Carolina Municipal Corporation (hereinafter "Blowing Rock").

WITNESSETH:

WHEREAS, Glenn is the owner and operator of a sewage collection, transmission and treatment system (hereinafter referred to as "sewage system") in Caldwell County, North Carolina, which sewage system was approved and duly licensed in 1983 by the North Carolina Environmental Management Commission, Division of Environmental Management; and

WHEREAS, the sewage system was constructed in accordance with the plans and specifications prepared by Rothrock Engineering entitled "Sewer Collection Forcemain Blackberry Ridge, Blowing Rock, NC" dated May 20, 1983, copies of which are attached to this Agreement and incorporated herein by reference; and

WHEREAS, the sewage system was established as a forceline system pumped from individual tanks for homes located in the Gideon Ridge community and carried to the Blackberry Sewer System Treatment Facility near Blackberry Road; and

WHEREAS, the sewage system includes approximately 2,060 linear feet of installed forceline sewer pipe (665 feet of 2 inch line and 1,395 feet of 3 inch line); and

WHEREAS, at the time the sewage system was installed by Glenn, the homes in the Gideon Ridge community which are served by the sewage system were not in the Town of Blowing Rock; and

WHEREAS, the homes served by the sewage system were annexed into the Town of

Blowing Rock on June 30, 2008, and there is now a Town Sewer Line at the end of Gideon Ridge Lane; and

WHEREAS, at the request of Glenn, Blowing Rock has investigated the feasibility of acquiring ownership of the sewer lines serving the homes in the Gideon Ridge community by reversing the flow of the forceline from the end of Gideon Ridge Lane to where the existing town line is located and connecting the sewer line owned by Glenn to the Town's system; and

WHEREAS, Blowing Rock in fact connected the sewer line owned by Glenn to the Town system and has determined that the system is functional; and

WHEREAS, there are currently ten (10) homes in the Gideon Ridge community which are served by the sewage system who will become customers of Blowing Rock; and

WHEREAS, Glenn has properly recorded easements for the sewer lines which Glenn desires to transfer and convey to Blowing Rock; and

WHEREAS, Glenn's easements were created and established by the following instruments recorded in the Caldwell County Register of Deeds Office:

- 1.) Declaration of Restrictions for Blowing Rock Estates Subdivision recorded in Book 765, Page 244, Caldwell County Registry, under which Glenn, as Successor Declarant, reserved the right of way for the laying of water and sewer lines along the subdivision roads;
- 2.) Deeds from Glenn for Lots 9 and 10 of Block A of Blowing Rock Estates Subdivision, under which Glenn reserved the right of way for laying water and sewer lines along the streets serving said lots;
- 3.) Right-of-Way and Easement for Sewage System and Maintenance Agreement recorded in Book 922, Page 508, Caldwell County Public Registry;
- 4.) Reservation of Easement for Utility Installation and Maintenance recorded in Book 989, Page 580, Caldwell County Public Registry; and

WHEREAS, Glenn is also the owner of approximately 2,060 linear feet of installed 6 inch PVC water line which also serves the Gideon Ridge community and runs parallel with the sewer lines referenced above; and

WHEREAS, the water lines installed by Glenn in the Gideon Ridge community have been connected to Blowing Rock's water system since their installation, but said water lines are still owned by Glenn;

WHEREAS, Glenn and Blowing Rock have reached an understanding and agreement under which Glenn has agreed to transfer and convey to Blowing Rock the water lines and sewer lines which are referenced and described below, subject to and conditioned upon the

terms and conditions set forth herein.

NOW, THEREFORE, in consideration for the mutual covenants contained herein and the money paid by Blowing Rock to Glenn, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

- 1.) Glenn does hereby grant and convey to Blowing Rock all of its right, title and ownership in and to the existing sewer lines in the subdivision known as Blowing Rock Estates, which sewer lines include the following:
 - a.) A sewer line running along the north side of the private driveway which serves Lot 10 of Block A of Blowing Rock Estates as shown on the plat recorded in Plat Book 12, Page 22, Caldwell County Public Registry, and continuing across Gideon Ridge Extension and Gideon Ridge Road to a point in the intersection of Gideon Ridge Road and Gideon Ridge Lane; thence running in the southern margin of Gideon Ridge Lane along the northern boundaries of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 as shown on said recorded plat for Blowing Rock Estates recorded in Plat Book 12, Page 22, Caldwell County Public Registry; and
 - b.) A sewer line which connects with the sewer line described in (1), above, along the northern boundary of Lot 1 at its intersection with a private driveway, and continuing across Gideon Ridge Lane and running along the southern boundaries of the Gideon Ridge Inn and Lots 14 and 13 of Block B of Blowing Rock Estates as shown on said plat recorded in Plat Book 12, Page 22, Caldwell County Public Registry; and
 - c.) A sewer line connecting with the sewer line referenced in (1), above, at a point along the northern boundary of Lot 6 at its intersection with a private driveway, and continuing across Gideon Ridge Lane and running along the western boundaries of Lots 12 and 17 of Block B as shown on said plat recorded in Plat Book 12, Page 22, Caldwell County Public Registry.
- 2.) Included in this conveyance from Glenn to Blowing Rock is a perpetual right-of-way and easement 20 feet in width to operate, maintain, repair, and replace said sewer line. The center line of the 20 foot easement shall be the sewer line in its existing location.
- 3.) Glenn represents and warrants to Blowing Rock, and Glenn and Blowing Rock understand and agree, that all property owners who are connected to the sewer lines conveyed by Glenn to Blowing Rock have individual tanks at their homes located in the Gideon Ridge community, and are responsible for pumping via a forceline from their individual tanks to the

sewer lines conveyed herein. Blowing Rock's sole responsibility assumed hereunder shall be to assume the maintenance, repair and replacement of the sewer lines conveyed by Glenn to Blowing Rock described herein. It is further understood and agreed that Blowing Rock assumes no responsibility whatsoever with respect to the remainder to the sewage system constructed by Glenn in 1983, including the sewer line running from Lots 8 and 9 in a southeasterly direction to the sewer treatment facility located on the south side of US Highway 321, or any infrastructure located on the south side of US Highway 321.

- 4.) Glenn does further transfer and convey unto Blowing Rock ownership in and to the waterlines currently serving the Gideon Ridge community which are located adjacent to and run parallel with the sewer lines conveyed by Glenn to Blowing Rock as described in Paragraph 1(a), (b), and (c), above. Further, Glenn hereby conveys to Blowing Rock a perpetual right-of-way and easement 20 feet in width to use, operate, maintain, repair and replace said water lines, with the centerline of the 20 foot easement being the water line in its existing location.
- 5.) Glenn and Blowing Rock acknowledge that there is an existing water line which connects with the water line conveyed by Glenn to Blowing Rock which continues from the water line at the end of Gideon Ridge Lane over and across Lots 8 and 9 of Block B of Blowing Rock Estates (Plat Book 12, Page 22, Caldwell County Public Registry), and continues under US Highway 321 and currently serves the Blackberry Ridge Condominium located on the south side of US Highway 321. The owners in Blackberry Ridge Condominium are currently served by town water, with each condominium unit being water metered separately. It is the understanding and agreement of the parties that Glenn shall retain ownership and responsibility of said water line from the end of Gideon Ridge Lane which currently serves Blackberry Ridge Condominium. Provided, that Blowing Rock shall continue water service to said condominium units being served by this water line until such time as the new water line is installed along US Highway 321 by the North Carolina Department of Transportation in connection with the US Highway 321 widening project. At such time as said water line is extended to the Blue Ridge Vista Condominiums, the water line running from the end of Gideon Ridge Lane to the Blackberry Ridge Condominiums shall be abandoned and the Blackberry Ridge Condominium shall be allowed an active connection from the new line installed by the North Carolina Department of Transportation. This connection to the new line shall be made in accordance with the plans prepared by the North Carolina Department of Transportation. The Blackberry Ridge Condominium Association, Inc. will pay for the actual connection to the new water line

installed by NCDOT and will also pay to install a connection from the new water line installed by NCDOT to the existing water line which is currently serving Blackberry Ridge Condominium. The Blackberry Ridge Condominium Units are separately metered. Accordingly, the existing water line which will be connected to the new water line installed by NCDOT will become a Town-owned water line to its point of connection with the private lines serving the Condominium Units in Blackberry Ridge Condominium, and the Blackberry Ridge Condominium Association, Inc. shall convey such instruments of transfer as may be reasonably required in order that the Town shall acquire ownership of said existing water line. Glenn agrees to provide Blowing Rock with a letter from Blackberry Ridge Condominium Association, Inc. which confirms this understanding and agreement. Blowing Rock agrees that no additional tap fees shall be due and payable from the unit owners in Blackberry Ridge Condominiums since the existing unit owners are already customers of the Town of Blowing Rock and the water meters are already in place.

- 6.) In consideration for the transfer of the infrastructure and easements described herein, Blowing Rock agrees to pay to Glenn upon execution of this Agreement the sum of \$10,000.00. Further, upon execution of this Agreement, Blowing Rock shall assume full responsibility for the continued maintenance, repair and replacement for the sewer lines and water lines conveyed herein.

As additional consideration for the transfer of the infrastructure and easements described herein, Blowing Rock further agrees to provide for Winterset, Ltd., an installed junction for future connection to the Town water line to be located at or near the intersection of the graded Winterset Access Road between the present stone Blackberry Ridge Condominium sign structure and the entrance drive into Blackberry Ridge Condominiums.

TO HAVE AND TO HOLD the aforesaid Agreement to Transfer Sewer System and all privileges and appurtenances thereto belonging to the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed the day and year first above written.

Susan Glenn (SEAL)
Susan Glenn

STATE OF North Carolina
COUNTY OF Watauga

I, Stacy L. Redwine, a Notary Public of said County and State, do hereby certify that Susan Glenn, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

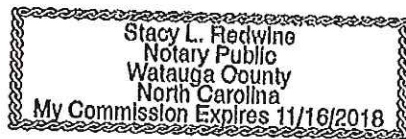
WITNESS my hand and official seal this the 12 day of November, 2014.

Stacy L. Redwine
Stacy L. Redwine, Notary Public
Notary's Printed or Typed Name

My commission expires:

11/16/18

NOTARIAL SEAL:



The Town of Blowing Rock
A North Carolina Municipal Corporation

By: Albert Yount (SEAL)

STATE OF North Carolina

COUNTY OF Watauga

I, Sharon H. Greene a Notary Public of said County and State, do hereby certify that Albert Yount, Mayor Pro-tem of The Town of Blowing Rock, a North Carolina Municipal Corporation, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal this the 9th day of December, 2014.

Sharon H. Greene
Sharon H. Greene, Notary Public
Notary's Printed or Typed Name

My commission expires:

9/25/2017

NOTARIAL SEAL
SHARON H. GREENE
Notary Public
North Carolina
Caldwell County

STATEMENT OF BOND REFERENDA RESULTS

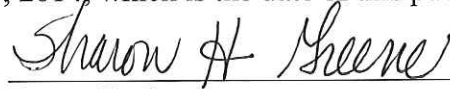
The Watauga County Board of Elections and the Caldwell County Board of Elections have certified the results of the bond referenda held in and for the Town of Blowing Rock, North Carolina on November 4, 2014 as follows:

1. On the question "Shall the order authorizing up to \$2,000,000 of general obligation bonds, plus interest, of the Town of Blowing Rock, for the purpose of paying capital costs of providing water systems, including without limitation facilities for the supply, storage, treatment and distribution of water and related costs, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the Blowing Rock Town Council on July 29, 2014, be approved?" the total number of voters voting "Yes" was 539 and the total number of voters who voted "NO" in answer to such question was 138.
2. On the question "Shall the order authorizing up to \$1,000,000 of general obligation bonds, plus interest, of the Town of Blowing Rock, for the purpose of paying capital costs of providing sanitary sewer systems, including without limitation community sewerage facilities for the collection, treatment, and disposal of sewage or septic tank systems and other on-site collection and disposal facilities or systems and related costs, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the Blowing Rock Town Council on July 29, 2014, be approved?" the total number of voters voting "Yes" was 550 and the total number of voters who voted "NO" in answer to such question was 126.
3. On the question "Shall the order authorizing up to \$9,000,000 of general obligation bonds, plus interest, of the Town of Blowing Rock, for the purpose of paying capital costs of providing streets and sidewalks, including without limitation bridges and alleys; paving, grading, resurfacing, and widening streets; sidewalks, curbs and gutters, culverts and drains; traffic controls, signals, and markers; lighting; and grade crossings and the elimination thereof and grade separations, and related costs, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the Blowing Rock Town Council on July 29, 2014, be approved?" the total number of voters voting "Yes" was 502 and the total number of voters who voted "NO" in answer to such question was 178.
4. On the question "Shall the order authorizing up to \$1,000,000 of general obligation bonds, plus interest, of the Town of Blowing Rock, for the purpose of paying capital costs of providing parks and recreation facilities, including without limitation land, athletic fields, parks, playgrounds, recreation centers, shelters, permanent and temporary stands, swimming pools, wading pools, and lighting, and related costs, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the Blowing Rock Town Council

on July 29, 2014, be approved?" the total number of voters voting "Yes" was 495 and the total number of voters who voted "NO" in answer to such question was 186.

The Blowing Rock Town Council has certified and approved such results and declared the issuance of each of the four types of general obligation bonds described above to have been authorized.

Any action or proceeding challenging the regularity or validity of these bond referenda must be begun within thirty days after December 25, 2014, which is the date of this publication.



Town Clerk

Town of Blowing Rock, North Carolina

Exhibit D

App Ski Mtn – Welcome Center

CUP No. 2014-04

NORTH CAROLINA

WATAUGA COUNTY

TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
App Ski Mountain
CUP No. 2014-04

On the date listed below the Board of Commissioners of the Town of Blowing Rock met and held a public hearing to consider the following application:

Applicant: Appalachian Ski Mtn., Inc.

Project Name: App Ski Mtn – Welcome Center

Property Location: Corner of Hwy 321 and Edmisten Rd.

Tax Parcel No.: 2818-44-6195-000

Property Owners of Record: James and Phyllis Lester

Proposed Use of Property: Welcome Center/Office

Current Zoning Classification of Property: GB, General Business (ETJ)

Meeting Date: December 9, 2014

Having heard all of the evidence and arguments presented at the above-referenced meeting, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant shall complete the development of the subject property in accordance with the site and architectural plans (dated 10/3/14 and revised 11/10/14) submitted and approved by the Board, except as amended by the following conditions. Where said plans are in conflict with the provisions of the Land Use Code, the provisions of the Land Use Code shall prevail, except as specifically provided herein. Copies of said plans are made a part hereof as if fully rewritten herein, and shall be maintained in the Conditional Use Permit file in the Town Clerk's office. Any deviations from or changes in the plans must be pointed out to the Administrator in writing and specific written approval must be obtained as provided in the Blowing Rock Land Use Code.

2. Consistent with Section 16-4.10.3 of the Land Use Ordinance, the Board of Commissioners finds:

- a. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- b. The use or development complies with all required regulations and standards of the Land Use Ordinance or with variances thereto, if any, and with all other applicable regulations.
- c. The use 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 2014 Comprehensive Plan Update, and any other duly adopted plans of the Town.

3. The applicant proposes a building design to match that found at the App Ski Mtn ski lodge. The building will feature featheredge siding, elk stone and scalloped fascia board matching the look at the ski lodge. The windows will have angled Adirondack style grills, and cedar shakes for the roofing material. The Town Council, based on a recommendation from Planning Board and in keeping with the style of the App Ski Mtn Lodge, hereby allows a roof pitch of 4:12 through Section 16-21.18 of the Land Use Code.

4. The building siding will be brown with orange trim. The orange is not one of the approved colors found in the Land Use Code list of approved colors. In consideration of Appalachian Ski Mountain corporate colors and a recommendation from the Planning Board, the Town Council hereby approves the proposed orange trim and sign accent color through Section 16-21.18 of the Land Use Code that provides for variance from the commercial design standards.

5. All other building materials and colors not specifically authorized by Town Council shall be approved by the Administrator.
6. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. Any propane tanks greater than 120 gallons shall be buried.
7. The residential property that shares an access driveway onto Hwy 321 shall be provided and access easement through the site as necessary to allow ingress and egress and access to Edmisten Road.
8. The applicant plans to utilize a well for water service and a septic system. Should these private utilities not provide adequate services, the Applicant must meet the Town Code with respect to public utilities and petition the Town for satellite annexation. The Applicant shall pay for all costs associated with extension of public water and sewer.
9. The grass and vegetation along the stream bank shall be allowed to grow wild and shall be cut no more than twice per year.
10. The Applicant shall have a soil erosion control plan approved by Watauga County and Blowing Rock prior to the commencement of any grading activities on the property. No work shall be permitted on the property until all erosion control measures have been installed, with the exception of specific work that may be required in order to complete the installation of the erosion control measures.
11. Exterior lighting for the access road and site shall use the same coach-style lights that have been selected as the lighting standard for the Town.
12. All new utilities on site shall be underground, including the electrical service lines.
13. The applicant must provide 12 parking spaces and 3 bus parking spaces as shown on the proposed site plan. One (1) of the 12 standard parking spaces must be a van-accessible ADA space.
14. The site landscaping shall be installed consistent with the approved landscape plan or otherwise consistent with the landscape standards in the Land Use Code. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
15. Any rollout garbage and recycling containers must be screened from view of public streets.

16. Before any building permit is issued, the Applicant shall submit a revised site plan, in such form as shall be required by the Zoning Officer, that incorporates the terms and conditions of this Conditional Use Permit.

17. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.

18. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: _____

J.B. Lawrence, Mayor

ATTEST: _____

Sharon H. Greene, Town Clerk

(CORPORATE SEAL)

OWNER

James and Phyllis Lester

By: _____

James Lester

By: _____

Phyllis Lester

APPLICANT
Appalachian Ski Mountain, Inc.

By: _____
Grady Moretz, President

By: _____
Reba Moretz, Secretary

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Sharon H. Greene came before me and acknowledged that she is Town Clerk of the Town of Blowing Rock and that by authority duly given and as the act of the Corporation the foregoing instrument was signed in its name by its Mayor and sealed with its corporate seal, and attested by its Town Clerk.

WITNESS my hand and official seal this, the _____ day of _____, 2014.

Notary Public

My commission expires:

NOTARIAL SEAL:

STATE OF _____

COUNTY OF _____

I, _____, a notary public of said County and State, do hereby certify that Grady Moretz personally appeared before me this day and acknowledged that he is the President of Appalachian Ski Mountain, Inc., and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by its Secretary.

WITNESS my hand and official seal, this the ____ day of _____, 2014.

Notary Public

My commission expires:

NOTARIAL SEAL:

STATE OF _____

COUNTY OF _____

I, _____, a notary public of said County and State, do hereby certify that James Lester and Phyllis Lester personally appeared before me this day and acknowledged their ownership of the subject property and the foregoing instrument was signed and sealed in their names as owners.

WITNESS my hand and official seal, this the ____ day of _____, 2014.

Notary Public

My commission expires:

NOTARIAL SEAL: