

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**November 14, 2017**

The Town of Blowing Rock Town Council met in regular session on Tuesday, November 14, 2017, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, N.C. Present were Mayor J.B. Lawrence, Mayor Pro-tem Albert Yount and Council Members Jim Steele, Sue Sweeting, Doug Matheson and Ray Pickett. Others in attendance were Town Manager Ed Evans, Town Attorney Allen Moseley, Finance Officer Nicole Norman, Planning and Inspections Director Kevin Rothrock, Public Works and Utilities Director Mike Wilcox, Fire Chief Kent Graham, Parks & Recreation Director Jennifer Brown and Town Clerk Hilari Hubner, who recorded the minutes.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed everyone.

**ADOPTION OF AGENDA**

Council Member Steele made a motion to adopt the agenda, seconded by Council Member Matheson. Unanimously approved.

**SPECIAL RECOGNITIONS AND REPORTS**

**Highway 321 Valley Boulevard Construction Update**

Kipp Turner of Maymead Construction was unable to attend the meeting. Manager Evans read the following update submitted by Mr. Turner.

- Currently wrapping up the project in the Town limits.
- Working on an option at the Green Hill Road intersection to help with the visibility issue.
- Have finished with grass cutting for the year, but have agreed to cut the grass one more time in the city limits.

**High Country Breast Cancer Foundation**

Irene Sawyer with the High Country Breast Cancer Foundation presented Mayor Lawrence, Council, Manager Evans and Parks and Recreation Director Jennifer Brown with a crystal statue in recognition of appreciation for the support the Town provided for the first annual High Country Breast Walk/Run.

**APPROVAL OF MINUTES**

Council Member Sweeting made a motion to approve the minutes for the regular meeting and closed session held on October 10, 2017, seconded by Council Member Steele. Unanimously approved.

## **CONSENT AGENDA**

### **2018 High Country Walk/Run for Cancer – Reserve Date Request**

The High Country Breast Cancer Foundation requests to hold their 2nd annual High Country Walk/Run for Breast Cancer road race on Saturday, October 27, 2018. It will begin at 9:00 am in front of the American Legion and continue to Laurel Lane, Wonderland Trail, down Meadow Lane, back on to Wonderland Trail and then return to the finish back at the American Legion.

### **2018 Mayview Madness – Reserve Date Request**

The Blue Ridge Conservancy requests to hold their 19<sup>th</sup> annual Blowing Rock Mayview Madness 5K/Fun Run road race on Saturday, September 22, 2018. The Fun Run will begin at 8:00 am on Park Avenue and continue on Laurel Lane to Clark Street, loop around Davant Field and then return to the finish at the rear of Memorial Park. The proposed route of the 5K Road Race will begin at 8:30 am at the rear of Memorial Park, continue up to the Mayview area, follow Hwy 221 to Clark Street and finish at Bistro Roca.

### **Proposed Budget Amendments**

Proposed Budget Amendments to account for various items. **Budget Amendments – Attachment A**

Council Member Sweeting asked if the money the Town received from the state was part of the Budget Amendment. Manager Evans advised the \$50,000 received from the State will be used, \$37,000 for the picnic shelter and \$13,000 for the wall, both are located behind Town Hall. Manager Evans further advised in addition to this money, \$5,000 from BRAAC will be used to fund the new sidewalks. He commented the project should be completed within approximately two weeks.

Council Member Sweeting asked Manager Evans what the plan is for trees in that picnic area since one was taken down. Manager Evans explained there is a plan to put trees back, staff just doesn't know exactly how many yet. He further explained staff will be working on a plan to decide, but at least two (2) trees.

### **Internal Cash Handling Policy**

To strengthen internal controls and ensure proper handling of cash transitions throughout the Town's departments, it has been recognized that a cash handling policy is needed and is presented

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

## **OLD BUSINESS**

### **1. Memorial Park Tree Report**

Manager Evans reviewed the tree report written and provided by Nancy Stairs with the North Carolina Forrest Service, Urban National Forestry Program Director. Manager

Evans reviewed the report and Ms. Stairs' recommendations for each tree in question. Manager Evans wanted to explain for the record that while eight trees have been deemed to be a hazard there are still twenty-five (25) trees in Memorial Park with no current issue and staff is not requesting to clear cut the park, only to remove the dangerous trees before they fall and harm someone or do damage, and the trees will be replaced.

Council Member Sweeting advised she would like staff to engage a certified arborist, one who deals with parks and declining trees that have a lot of ground compacting. She would like the arborist to be consulted with on a yearly basis as she feels Town staff doesn't know what they are doing and need some professional guidance. Council Member Sweeting continued that she was concerned that staff put in electrical conduits and are now being told by Ms. Stairs that doing that didn't help the roots of the trees. She advised she could provide some names of some arborist to contact that would have the expertise to help in Memorial Park, which is a park loved by all.

Manager Evans advised Ms. Stairs is the director of Urban Forestry and she is an arborist. He continued that he wanted to clarify if the request is to go with someone who is an independent arborist at an additional cost or continue with Ms. Stairs as she has the requested qualifications and is already paid for through tax money to the State.

Council Member Sweeting stated she would like staff to get pricing and she didn't feel as though Ms. Stairs would have the time to come up here as often as needed. She explained when Ms. Stairs had the meetings back in September she only had set times and hours of availability and felt as though her flexibility wouldn't be as free as someone who hired independently. She further explained Memorial Park is such a treasure and would like to have BRAAC help and in addition have professional guidance on how to prune, how to weed eat and whether or not the trees can be cabled rather than cut. Manager Evans advised he was fine with the request and if she had some names of arborist she would like staff to contact to let him know. He further advised staff has been in contact with three (3) companies already; Tony Hunter, Shawn Mckee and Wendell Hicks, all of which have expertise and have already been approached about providing pricing. Council Member Sweeting asked if they had expertise in doing work in parks. Manager Evans advised they do.

Council Member Pickett stated Ms. Stairs has offered to do these items that have been requested when she met with staff, Council and citizens in September. He stated she offered her assistance, her expertise and she told each person present at the meetings she would do this as an Urban planner, she would give the exact plan on what trees to plant and exactly where to plant them. Council Member Pickett stated he didn't feel as though Council should spend money to hire someone else when there is someone with the expertise of Ms. Stairs who is offering her assistance and advice. He continued by saying he has witnessed what cabling a tree entails and it's not as simple as it sounds, there would be an entire area of the park roped off for a tree that may be saved for a year at the most. He advised getting a new tree in the ground and letting it start to grow is what he felt should be done. He said "the Park is a living thing and is going to continue to change, it's not the same park it was twenty-five (25) years ago and won't be the same

park twenty-five (25) years from now. It will constantly change.” Council Member Pickett further stated numerous problems will soon be coming up that will need money to be spent on and if someone is offering to help for nothing and has the expertise to do so, he felt that is where the decision should lay.

Mayor Pro-tem Yount advised he agreed with Council Member Pickett. He stated he felt Ms. Stairs has got a head start and isn't "somebody they dusted off in Raleigh and sent up here" but rather she is actually the best in the state. Mayor Pro-tem Yount further advised he felt if another arborist were to be hired the first thing to happen is opinions would conflict and then "you're into it".

Council Member Matheson commented that Ms. Stairs already suggested getting an arborist for a couple of the trees which staff has already spoken with and received some pricing.

Council Member Steele commented he felt a plan was needed to move forward. Council discussed a few options.

Parks and Recreation Director Jennifer Brown advised she was present with every group during the meetings and Ms. Stairs did recommend removing all the front trees in the park, but also provided recommendations such as building a wall behind the park benches making a bed for the trees to be planted in protecting the roots from being walked on, mulching around current trees, removing the trees that are dangerous and a safety concern and developing a plan. Ms. Brown further advised the whole reason for this request is to have permission to go forward and work with Ms. Stairs on developing a plan. Ms. Brown stated the idea is not to "take trees down and just slap trees back" it is to make a whole plan to save the trees that can be saved and plant back the best fit trees for the park to keep this issue from happening again. Ms. Brown continued, Ms. Stairs has a plan and has discussed with the landscape department some of the ideas.

Council Member Sweeting asked Ms. Brown what her plan was for how many trees to remove as her interpretation from the report was not to remove all eight trees right away. Ms. Brown advised the most important is to remove all the front trees as it is easier to remove all at once and replant than it is to take a few down, replant and disturb the new growth and the wall that has been proposed with the removal of each tree. Ms. Brown advised Ms. Stairs has some great ideas, but staff needs to get approval to move forward.

Mayor Lawrence asked Town Attorney Allen Moseley, given this is now a known fact and has been highly publicized, the condition of the trees, how does that increase the Town's liability if something were to happen. Mr. Moseley advised instances like this is why insurance is carried, but this being a known fact does give more of a sense of obligation to do something about the trees.

Mayor Pro-tem Yount advised he felt tentatively Council needs to agree to address and act and then move to phase two (2).

Mayor Lawrence asked Council if those trees were in their yard and threatening their homes what would they do. Council Member Sweeting advised she would do what she could to preserve the trees she could. Mayor Lawrence further asked Council Member Sweeting if spending thousands of dollars on a tree to keep it alive at most three (3) years was worth it when a new tree could be planted and be growing for three (3) years. Council Member Sweeting advised she felt this would be where a certified arborist would be helpful to advised their expertise. Council Member Pickett and Mayor Pro-Tem Yount both replied Ms. Stairs is a certified arborist.

After further discussion Council Member Steele made a motion to accept the tree report from Ms. Stairs and requested that Parks and Recreation develop an action plan to be presented at the next Council meeting. Council Member Sweeting seconded the motion with the addition she would like BRAAC to be included. Unanimously approved.  
**Memorial Park Tree Report - Attachment B**

## **2. Sunset Gateway – Survey Report**

Teresa Buckwalter presented via Power Point the Sunset Streetscape survey results.  
**Sunset Gateway Power Point - Attachment C**

## **NEW BUSINESS**

### **1. Inflatable figures in Memorial Park**

Manager Evans advised he had received a request to allow two inflatable figures in Memorial Park during the Holiday Stroll on December 8. The event lasts from 4pm to 9pm. This is for setting a festive atmosphere with no advertising. The inflatables have been used off and on in the Park for the past sixteen (16) years during the WinterFest event. This request for placement of the inflatable figures is for a short duration and will be removed after the event.

Council Member Sweeting asked where they would be located. Manager Evans advised from his understanding they would need to be placed near the Gazebo to be near a power source.

Council Member Matheson made a motion to approve the request, seconded by Council Member Pickett. Council Member Sweeting advised she had some concern about it, and some residents she had spoken with expressed they didn't feel as though it was conducive to "The Village" atmosphere, that it was more like Gatlinburg or Pigeon Forge and she didn't feel that was a direction Council wanted to go.

Council Member Pickett commented this is something that has been going on for sixteen (16) years and not been a problem before.

Council Member Matheson advised he had also spoken with the public and they had expressed they felt it was a great thing to help bring business downtown.

Mayor Pro-Tem Yount reminded the other request is if this needs to be brought before Council on a yearly basis. Manager Evans stated the Chamber would like for this to not have to come up each year.

Council Member Sweeting asked if the Town had a policy on inflatables. Manager Evans advised the Town does not. Council Member Sweeting asked if perhaps that should be done since requests are being made. After brief discussion Council Member Steele advised he would like to revisit once a tree plan has been established for the park, but was in favor of allowing the inflatables for this year.

The motion stood; For: Council Members Matheson, Pickett, Steele and Mayor Pro-Tem Yount. Against: Council Member Sweeting, for her "constituents who didn't like it". Motion approved.

## **2. Repair of Laurel Lane Flood damage and Capital Project Ordinance Request**

On Monday, October 23, 2017, Blowing Rock received an unprecedented rainfall, characterized by a seven-inch rainfall over a fifteen-hour period, with four and one-half inches of that falling over a three-hour period in the afternoon. Runoff exceeded the capabilities of our storm drainage systems in many areas. One area affected was Laurel Lane. Broyhill Lake was very full, and the spillway functioned as designed allowing for safe discharge of the stormwater into the stream below the lake.

Stormwater also flowed down Wonderland Trail and Laurel Lane, exiting the roadway by flowing over the road shoulder across from the lake. The runoff flowing down the slope caused a slide or slope failure. The result was that some of the dirt along the edge of the road and face of the slope slid down slope and compromised a couple of trees in the process. Fortunately, damage was limited, and town staff recognized the situation almost immediately and closed the east-bound lane to traffic with cones and barricades. Staff also had a section of sidewalk compromised by similar, excessive stormwater at another location further north on the side of Laurel Lane toward the ballfield and the Lake.

Recognizing that these affected slide areas were vulnerable and could be further compromised with any additional large rains, staff reached out to contractors to get an immediate evaluation and plan for stabilization. Staff solicited bids from Iron Mountain, Inc., Mountain Crest, Inc., and JW Hampton, Inc. Mike Wilcox and Manager Evans both thought the Town needed to get a contractor committed to the repair as soon as possible, fearing that most contractors would be dealing with similar situations all around the area and would be unable to address our issue in a timely manner.

Staff called McGill and they too evaluated the slide area and concurred, for the most part, with the evaluations and potential remedies posed by the contractors. However, they wanted to call in a geotechnical engineering firm to evaluate further because of the proximity of the slide area to the Broyhill Lake, Laurel Lane and the discharge area near the stream below. It took several days to get this firm on site, but they came and produced the report provided in your Town Council Packet. This company is ECS

Southeast, LLP and they agreed with most of the remedial action proposed, and added some additional requirements including recommending a much more thorough and long-term solution for handling the stormwater in the area and the need to incorporate geotechnical fabric under the proposed rock armoring on the slope face.

The initial evaluation and quotes from the three contractors represent the first steps in the recommended repair. The lowest bid from a capable contractor came from Iron Mountain, Inc. and is \$42,500. This work provides for stabilization of the slope face at the slide area and provides removal of the substrate and loose vegetation and then covering the slope with a geotextile fabric to help prevent additional soil loss on the slope. Large boulders will be placed on top of this fabric at the toe of the slope, followed by large rip-rap material and eventually, dirt to provide a base for vegetation. Following this first phase of the repair, there will be additional stability studies with core boring to determine the consistency of the substrate in the area, followed by evaluations to determine if any additional work that might be required, including stormwater management study to prevent uncontrolled stormwater from causing a similar situation in the future.

The sidewalk repair is also included in this quotation which includes additional fill dirt, two drainage structures and pipe and a new section of sidewalk. The entire compromised sidewalk has to be replaced beyond the affected area until it reaches sound subgrade. This area also abuts another section of sidewalk with severe spalling, which can be replaced at the same time for an additional \$2,500.

Future expenses are certain for engineering, core boring, and potential repairs revealed as necessary by this additional study.

A course of “no action” is not a possibility. To leave the area “as is” would pose a risk of additional damage to the slope area and eventually undermine Laurel Lane. Therefore, McGill, ECS, and staff recommend moving forward with Phase 1 of the repair to provide some immediate stabilization of the slope and support Laurel Lane to allow traffic to resume.

This repair is not included in the FY 2017-18 budget. A budget amendment will be necessary to accommodate the repair by utilizing fund balance.

Council Member Sweeting asked if the state has mandated any money for emergency management for this matter. Manager Evans explained the process and advised a request for reimbursement is in process awaiting approval. Manager Evans further explained the Town can go ahead and have the work done and does not have to wait for funding. He further advised he felt like this should be treated as though the Town will not be reimbursed and if the Town is, “great!”

Mayor Pro-Tem Yount commented the most important thing is there is no objection from FEMA to proceed, pay for it and maybe be reimbursed. Manager Evans advised that was correct that he had spoken with someone at the North Carolina Emergency

Management who reviewed the photographs and agreed the Town has an emergency situation and she advised him to proceed.

Council Member Matheson made a motion to approve the ordinance request, seconded by Council Member Pickett. Unanimously approved. **Laurel Lane Flood Repair Capital Project Ordinance #2017-13 – Attachment D**

### **MANAGER'S REPORT**

Town Manager Evans gave a brief report to Council:

1. Nicole Norman completed ten years of service on September 7, 2017. Congratulations and good work Nicole.
2. Work will soon begin on replacing the wall at the rear of town hall and work has already begun to redesign of the picnic shelter grounds and sidewalks. The area will be impressive and beautiful at completion.
3. The Fire Department has been busy completing the Semi-Annual hydrant flushing, generating several opportunities for citizen interaction.
4. Christmas in the Park events are scheduled for Friday, November 24 beginning at 1:00 pm. The Christmas Parade will be held on Saturday, November 25 at 2:00pm.
5. Town Staff and McGill have been working on the priority list for road paving for the upcoming season and second phase of bond funding.
6. The foundation repair at the old recycling building has now been completed and the building has been cleaned and new locks have been installed. The foundation repair was completed within the budget. We are seeking quotes on the roof and siding.

### **SPEAKERS FROM THE FLOOR**

None

### **OTHER BUSINESS**

Mayor Pro-Tem Yount advised the Fire Department will be going before Planning Board at the December meeting to request a change in the ordinance to increase the maximum size of the flag pole to thirty (30) feet. If the Planning Board approves the request, it will come before Council at the January meeting.

Mayor Lawrence advised Council Member Pickett will not be present at the December Council meeting and wanted to thank him for his hard work and dedication while serving on the Board.

### **EXECUTIVE SESSION**

At 7:55 p.m. Council Member Steele made a motion to enter Closed Session to discuss further a real property acquisition, seconded by Council Member Sweeting. At 8:05 p.m. Council Member Sweeting made a motion to re-enter open session, seconded by Council Member Steele. No action was taken in the meeting.



**ADJOURNMENT**

Manager Evans advised he would like to ask Council for permission to be absent from the July 10, 2018 Council meeting as he will not be in the country. Council Member Sweeting asked who would perform the meeting in his absence. Manager Evans advised he would have staff adequately prepared and the same will be for the time he is out. Mayor Pro-Tem Yount made a motion to approve Manager Evans request, seconded by Council Member Pickett. Unanimously approved. With no further business to discuss, the meeting was adjourned at 8:00 p.m.

**MAYOR** \_\_\_\_\_  
**J.B. Lawrence**

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

**ATTACHMENTS**

**Budget Amendments – Attachment A**

**Memorial Park Tree Report - Attachment B**

**Sunset Gateway Power Point - Attachment C**

**Laurel Lane Floor Repair Capital Project Ordinance #2017-13 – Attachment D**