

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
December 12, 2017

The Town of Blowing Rock Town Council met in regular session on Tuesday, December 12, 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. Mayor-Elect Charlie Sellers and Council-Elect Virginia Powell. Council Member Ray Pickett was absent. 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.

APPROVAL OF MINUTES

Council Member Sweeting made a motion to approve the minutes for the November 14 regular meeting and closed session minutes, seconded by Council Member Steele. Unanimously approved.

SPECIAL RECOGNITIONS AND REPORTS

Highway 321 Valley Boulevard Construction Update

Kipp Turner of Maymead Construction provided a brief and final update on the Hwy 321 project.

- Still working hard on completing work on the Mountain as weather allows.
- Updated the time line for the traffic signal to be located at Skyland Drive. The signal poles will not be available from the manufacturer until around February. Once available they will be installed as soon as possible.
- The Town section of the project, from Green Hill Road to just North of Tanger Outlets, was accepted and turned over to NCDOT as of the end of November.
- Maymead Construction will still be addressing a few items in Town, one being the turnaround near Ransom Street in front of Subway, the NCDOT Engineer has asked for that to be fixed. Also a few drainage projects have been requested by NCDOT to be done as well.
- Final layer of asphalt and final pavement markings will be done in the spring when weather permits.

Mayor Lawrence presented Kipp Turner with a Resolution of Appreciation in recognition of his loyal and dedicated work on the Hwy 321 widening project. **Resolution Honoring Kipp Turner - Attachment A**

Manager Evans presented Mayor Lawrence with a plaque in recognition for his twenty-eight (28) years of dedicated and loyal service to the citizens and staff of the Town of Blowing Rock.

Council Member Ray Pickett was also recognized, but was unable to attend the meeting and receive his plaque for his four (4) years of service on the Town Council.

OATH OF OFFICE

Judge Tom Lambeth administered the Oath of Office to Mayor-Elect Charlie Sellers and Council-Elect Virginia Powell.

Town Clerk Hilari Hubner administered the Oath of Office to incumbent Council Members Doug Matheson and Sue Sweeting.

ORGANIZATIONAL ISSUES

1. Selection of Mayor Pro-Tem

Council Member Steele nominated Albert Yount as Mayor Pro-Tem, seconded by Council Member Matheson. With no further nominations, unanimously approved.

2. Selection of RTAC Member (Rural Transportation Advisory Committee) for High Country Council of Government

Council Member Steele nominated Sue Sweeting, seconded by Council Member Matheson. With no further nominations, unanimously approved.

3. Selection of Executive Board Member for the High Country Council of Government

Council Member Steele nominated Doug Matheson, seconded by Mayor Pro-Tem Yount. With no further nominations, unanimously approved.

ADOPTION OF AGENDA

Mayor Pro-Tem Yount made a motion to adopt the agenda as presented, seconded by Council Member Powell. Unanimously approved.

CONSENT AGENDA

1. High Country Triple Crown Half Marathon

Parks and Recreation received a request from the High Country Triple Crown, to hold their 8th annual High Country Half Marathon that will begin at Kid Brewer Stadium at ASU and end at Davant Field.

The route through Blowing Rock will go from 221 to Laurel Lane, up Wonderland Trail, back on to Laurel Lane, and end at Davant Field.

2. Budget Amendment Ordinance

A budget amendment was presented to allocate donated funds for a memorial park bench. **Budget Amendment Ordinance #2017-13 - Attachment B**

3. Dogwood Lane Resolution

Manager Evans advised he received a request from property owners along Dogwood Lane to clarify that Dogwood Lane is a Town maintained public road in its entirety from Laurel Park Road to the end of the improved roadway at the driveway entrance to 873 Dogwood Lane, the home of Mark and Elizabeth Miller. At some time in the past, a misconception arose regarding Town maintenance ending at 675 Dogwood Lane, the home of David and Virginia Stevens. Historical records show that Dogwood Lane was improved and extended to the Miller property in 1965 by the Town of Blowing Rock. Subsequently, the Town has maintained and used the improved roadway to provide services to the residents along the entire length of Dogwood Lane. Manager Evans recommended that Council confirm that Dogwood Lane is a Town maintained public road in its entirety from Laurel Park Road to its terminus at 873 Dogwood Lane. **Dogwood Lane Resolution – Attachment C**

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 Plan

Curt Andrews from BRAAC stated that in March 2016, Eric Muecke with the NC Forest Service did a site visit and inspection of the trees in Memorial Park and provided the Town with a tree report regarding the declining conditions of 9 trees in Memorial Park that needed to be addressed. In June 2017 Town Council requested that the NC Forestry Service come back and re-evaluate the trees and their initial report. In September of 2017 Nancy Stairs, who is the Urban Forestry Program Coordinator with the NC Forestry Service, a certified arborist, and is qualified through International Society of Arboriculture as a tree risk assessor, came and held 4 sessions to have a walkthrough and show the results of their re-evaluation and the results of their resistograph procedure on the trees. After their re-evaluation, it was determined that we need to address three more trees since the original evaluation in 2016. It is recommended to remove at least nine of the twelve trees, and we could potentially remove dead wood from the other three to try to keep them a little longer; however, they will need to be removed in the near future.

Town Council decided in the November 2017 Town Council meeting to have Parks & Recreation staff, Chris Pate (a landscape and irrigation contractor with a degree in agronomy), and Ricky Hudson, work with Nancy Stairs and create a design/plan for

Memorial Park and tree replacement. They also requested that BRAAC be involved in the process. BRAAC met with Town Staff and Nancy Stairs on Tuesday, December 5, 2017 and they reviewed the proposed design and potential tree replacements. It was determined by BRAAC that by trying to keep a couple of trees, the cost would go up significantly when it came time to remove them because new trees would be planted around them, which would make it more difficult to take them down without damaging the new trees. It would also cost more in repairing sod, mulch etc. They voted unanimously to approve Town staff's design/plan, to remove all the trees from the NC Forestry's 2017 tree report, and to allow Town staff to choose the trees that will replace them, selected from a list provided by Nancy Stairs as being the most suitable replacements for the Park.

Manager Evans advised it's not something anyone "wants" to do, but it is something that "must" be done due to the condition of the trees and therefore staff recommends removing the twelve trees that are in the NC Forestry Service's 2017 Tree Report and replant twelve trees in staff's new design.

Parks and Recreation Landscape Staff; Ricky Hudson and Chris Pate brought in a large branch for Council to view. The branch had fallen recently from one of the trees in Memorial Park and hit a park bench. The purpose was for Council to see the inside of the branch and the condition of the branch as well as the size and if someone were to have been sitting on the bench at the time of the fall could have been seriously harmed.

Mr. Hudson advised staff met with Ms. Nancy Stairs to review a plan for the re-design of Memorial Park with the biggest issues being foot traffic in certain places which is causing the declining health of the trees. Mr. Hudson showed a photo rendering of some of the ideas including a new sidewalk, wall around the root beds behind the benches, planters and a mulch bed around the trees roots. Chris Pate added by doing the wall in this plan all the current benches would still be able to remain.

Mr. Hudson reviewed briefly the tree selections as advised by Ms. Stairs. Parks and Recreation Director Jennifer Brown advised the biggest thing is not to have all the trees be the same species so that staff can keep from having this same issue happen again.

Council Member Matheson asked if staff had thought about adding yard hydrants to the walls to keep from having to drag hoses across to water causing harm to the newly planted trees. Mr. Evans advised that had been discussed in the last meeting.

Council Member Steele asked what would be done to prevent kids from climbing on the newly planted trees. Ms. Brown advised they will have ropes and stakes for a while which will keep them from being climbed on.

Council Member Steele asked what was being done to save the remaining Oak trees. Ms. Brown advised staff is planning on taking up the grass around those trees and mulching.

Council Member Steele advised at least three times a year people will be standing on the newly built walls to watch the parades. How is staff going to prevent that from happening. Deborah McDowell advised from the audience she recalled from the BRAAC meeting this was discussed and the recommendations was during special events roping these areas off.

Council Member Matheson advised it would be a good idea to have someone come in on a yearly basis and plow the compacted soil and loosen it around the trees to keep it from compacting so much over time and doing harm.

Council discussed with staff several various options to discourage people from sitting on the walls and doing damage.

Council Member Powell advised it's important to remember while kids are playing in the park their moms are shopping in our Town and their dads are sitting working on their phones, so it's not a bad thing for the Town for kids to be playing in the park.

Council Member Powell asked if when voting if Council was voting on the whole plan and if BRAAC can provide modifications to the plan. Manager Evans advised yes, BRAAC is very involved and this will be done over phases and most definitely can have additional involvement from BRAAC. Manager Evans further stated this will be a slow process and carefully planned and well thought out.

George Wilcox stated from the audience he thinks everything sounds wonderful and he appreciated all the hard work, but would like to know when the cutting of the trees would be. Manager Evans advised, winter as the best time frame and the time frame for replanting is late winter, early spring.

Council Member Sweeting asked what the time line is to get all twelve (12) trees and stumps removed would be. Ms. Brown advised it is the time frame Manager Evans just stated, tree and or stump removal would need to be completed in the winter to be ready to plant in early spring which is the opportune time to plant the trees. Ms. Brown further advised the wall doesn't have to be built before the trees can be planted. The ultimate goal is to get all the trees down and new trees planted so they can start getting established and growing.

Council Member Sweeting asked about the site preparation to remove any other fungus that might infect future trees. Ms. Brown advised according to Ms. Stairs once the trees and stumps have been removed the majority of the fungus is gone. Mr. Hudson explained that's another reason it's important to bring in various species of trees.

Council Member Sweeting asked if a member of BRAAC could explain why tree "J" is being removed when according to the tree report it is one that could be monitored. Ms. Brown advised if all the trees aren't removed at once it's going to risk the new trees when you do eventually take it out. Ms. Brown further advised it would be much costlier to wait to remove at a later date and it's just better all-around to remove all the trees at one time,

both cost wise as well as not to damage the newly planted trees that are already growing and thriving.

Council Member Sweeting advised she understand the front line of trees need to come down, but she also understands there are three (3) trees that have been recommended to watch for a few more years and she wants to save those three (3) trees. She further advised BRAAC's recommendation is to remove all and it's important to remember that.

Council Member Powell stated she is worried with all the heavy, wet snow and ice coming in the next few weeks and months this will only continue to get more dangerous. She further stated if one child were to get hurt that's one too many. Council Member Powell further commented how soon could we get them down, that she felt it was imperative to get them down as soon as possible. Mr. Hudson explained if permitted, all the trees could be removed at one time, and then the ground repair would only have to be done once and would be much easier both work and cost wise.

Council Member Sweeting asked if Ms. Stairs gave any indication how long the three (3) trees would last. Ms. Brown advised she didn't and to keep in mind the tree report went from nine (9) trees to twelve (12) trees in a year.

Council Member Steele asked if a cost analysis had been done and if not, how quickly one could be done. After further discussion back and forth, Ms. Brown asked Stuart Scott from the NC Forestry to further clarify if she was correct in stating the three (3) remaining trees are ultimately in decline as the other trees are. Mr. Scott advised that is correct. Council Member Powell stated those trees are red maples, just as all the front trees are, and all the trees are sick, dying and need to be removed.

Council continued to discuss back and forth. Mayor Pro-Tem Yount advised he agreed with Council Member Powell, the trees must go.

An audience member asked if there was an estimated cost for all of this and if so where the money would come from. Manager Evans advised staff will be doing the majority of the work to reduce cost as well as buying multiple trees will help reduce the cost as well. He also stated that money has been allocated by the TDA for the tree project.

Council Member Powell asked if people could donate money and have a "memorial" tree to help fund the costs. Manager Evans advised that had been discussed and Ms. Stairs as well as BRACC had decided while memorial trees are popular, it also can cause issues, for example if the trees were to die, who would be responsible for replacing, etc.

Council Member Sweeting advised she had researched this topic and several Towns are doing this very thing and she felt as though it would be a great idea to do in Blowing Rock. She explained this would help soften some of the concerns people have with removing all the trees and she felt this is an important option to be considered for the citizens to make them a part of this process.

Manager Evans advised staff wasn't opposed to this option and would investigate ideas. He said they were simply going on a recommendation.

Mayor Sellers advised he felt the "memorial" trees are a mute point at this time and can be decided later. What is important currently is making a decision on removing the trees or not. He further asked if he were correct in saying the Town has set aside funding already for this project. Manager Evans advised some money has been, but it will require additional funding.

Council Member Steele re-stated he wants to know exactly what all this is going to cost, how it's going to be paid for before he votes on anything. He further stated if staff is afraid of someone getting hurt until a decision is made then he suggests closing the park down and roping it off.

Mayor Sellers advised Manager Evans has some cost figures and to allow him to go over them. After discussion and review of the cost analysis Council agreed on an estimated figure of around \$120,000 for the total project. Some funding has already been allocated and some funding will come from the Blowing Rock TDA. Manager Evans advised a lot of the work will be done in house, reducing the cost.

Council Member Powell made a motion to honor BRAAC's recommendation to remove all twelve (12) trees. She further commented, as a lover of trees and children who love to climb trees, she hated to make this her first motion, but it's a small price to pay for someone who could get hurt. The motion was seconded by Mayor Pro-Tem Yount. Unanimously approved.

Council Member Sweeting made a motion to have staff look into and do some research on adding a "memorial" tree and replacement tree fund and for it to be managed by Parks and Recreation staff, seconded by Mayor Pro-Tem Yount. Unanimously approved.

Mayor Sellers called for a 5-minute recess at 7:45 p.m. Council reconvened the meeting at 8:00 p.m.

NEW BUSINESS

1. Draft Ordinance – Beekeeping

Planning Director Kevin Rothrock advised staff received a letter from Mary P. Williams, President of the Watauga County Beekeepers Association, requesting the Town to consider allowing people to keep bees in the town limits. Currently, beekeeping is allowed in the R-A, R-MH, CB, and TC zoning districts. There are currently no requirements for beekeeping in these areas. A draft ordinance was presented for Council review, and if approved would allow beekeeping as an accessory use in all areas of the Town and ETJ. Mr. Rothrock further advised the draft ordinance requires a zoning permit for compliance, a limit of four (4) hives, a water source for the bees, and a bait hive to attract swarming bees.

Mr. Rothrock stated at the November 16th meeting, Planning Board recommended approval of the draft ordinance which includes some modifications based on comments and clarifications from Ms. Williams.

Council Member Steele asked Mr. Rothrock if all zones included R15, Mr. Rothrock advised it does. Council Member Steele further asked what would happen if someone living in this area were to be allergic to bees, what would happen. Ms. Williams explained honey bees don't usually sting and if someone were to be stung they have an epi pen. Ms. William further explained beekeepers go through a course and are educated what to do and not do.

Ms. Williams advised it is very important to have bees for vegetation and to help pollinate the flowers in Town to help beautify as well as pollinate our food.

Council Member Powell asked what the water sources are. Ms. Williams advised it could be as simple as a birdbath.

With no further comments or questions Council Member Sweeting made a motion to close the Public Hearing, seconded by Council Member Matheson. Unanimously approved. Council Member Sweeting made a motion to accept the Beekeeping Ordinance as presented with the requirements accepted by Planning Board, seconded by Council Member Matheson. Unanimously approved. **Beekeeping Ordinance – Attachment - D**

2. Conditional Rezoning from CB to CZ-CB, Inn on Cornish

Council Member Powell asked to be recused from this discussion and vote due to the fact that the real estate office she works for being the listing agent for this property which is being sold to Mr. Winkler. All unanimously approved Council Member Powell's request.

Planning Director Kevin Rothrock advised the Winkler Organization is requesting a conditional rezoning of two parcels on Main Street from CB, Central Business to Conditional Zoning - CB. The property, totaling 0.906 acres, is located at 567 Main Street, at the intersection of Cornish Road, and includes the adjacent vacant lot. The Applicant is proposing to demolish one residential structure and construct a 21-room inn on the property. The property is located on the corner of Main Street and Cornish Road. The majority of the property lies within the flood hazard area and half of the property is within the regulated floodway. No part of the building will be located within the regulated floodway.

A driveway on Main Street will connect to the main level parking area and front entrance. A second driveway on Cornish Road will connect to a lower level parking area with internal access into the building.

The applicable street setbacks for Central Business is 15 feet and is measured from the back of the existing/proposed sidewalk along each street. The building as proposed will

encroach into the street setback along Cornish Road on three corners of the building. Most of this due to the applicant moving the proposed sidewalk toward the building to widen Cornish Road and provide curb and gutter and sidewalk. The applicant has requested this flexibility in the list of proposed conditions.

The maximum building height of 30 feet is measured from the average elevation of the sidewalk along Main Street. The proposed building height is 32 feet. The applicant has requested this flexibility in the list of proposed conditions. The project requires 21 parking spaces. The upper garage provides 7 spaces and the lower garage provides 20 spaces.

The storm water runoff from the site will be conveyed to a drainage collection system under the building and under the lower parking garage. This will meet the Land Use Code storm water requirements and will slowly release storm flow between 2.2 and 2.4 cfs to the Middle Fork New River. Garbage generated from this property will be minimal and will be collected by cleaning staff and placed in an area in the lower parking garage. As currently planned, this garbage will be hauled away privately.

A general landscape plan has been submitted for review. Once construction plans are finalized, a detailed landscape plan will be produced. All the trees on the front of the property will be removed including the large white pines. The applicant plans to replace these trees with shade trees between the building and the sidewalk.

All landscape materials shown on the final plans will meet the Land Use Code standards for species and size.

A neighborhood meeting was held at Town Hall on October 26, 2017. Approximately thirty-five neighbors and other citizens attended the meeting. The Applicant shared with the group their vision for the property, the hotel building materials, how the hotel would function differently from a traditional hotel, the construction timeframe, and other related topics. At the November 16, 2017 meeting, the Planning Board recommended approval of the conditional rezoning as submitted.

Council Member Sweeting advised she loved this idea and thought it was beautiful. She stated the Middle Fork New River is by this property and the Town has a flood ordinance. She asked Mr. Rothrock to explain to the audience why there was no need for an impact study. Mr. Rothrock explained the Town's ordinance would require a study if the applicant placed any fill or any encroachments in the flood way. If that were the case, the Town would require a flood study and either a notarized certification or some kind of map. He further explained that since they are staying out of the flood way with their construction, they aren't required to provide any of that. Mr. Rothrock explained the applicant still is required to have a development permit and any development in the flood plain, the lowest habitable floor must be two (2) feet above the base flood elevation. They are about seven (7) feet above that so they meet the Town's ordinance.

Council Member Sweeting asked what happens when the drainage collection system in the bottom parking deck gets full, does it go back and discharge into the Middle Fork or does it remain in the parking deck. The applicant's contractor advised that is something that roughly happens every hundred years, but if it does he explained how it would pump out using gravity feed.

Council Member Sweeting asked what the recycling and or trash collection plan was. The applicant's contractor advised since staff will be there around the clock that all trash and recycling collection will be handled only through staff and taken off to the nearest convince center and not contracted through the Town or Republic Services.

Council Member Matheson asked, regarding the sprinkler system, where the PIV and Axillaries on the outside of the building would be located and if they could be in easy access for the Fire Department. The Contractor advised they would.

Mayor Pro-Tem Yount asked the architect what the materials would be. He advised the majority would be board and batten with bark and stone accents.

Alice Roess asked from the audience if the applicant would be willing to bury the power lines in front of the property. Mr. Winkler advised now they have no plans to do that.

Mayor Sellers asked Mr. Winkler if he had any comments. Mr. Winkler advised the only comment is he was hoping to make this project the finest they could and something everyone could be proud of.

With no further comments or questions. Council Member Matheson made a motion to close the Public Hearing, seconded by Council Member Sweeting. Unanimously approved. Council Member Matheson made a motion to accept the project, seconded by Mayor Pro-Tem Yount. Unanimously approved. **CZ 2017-02 Conditional Rezoning from CB to CZ – CB, Inn on Cornish – Attachment - E**

3. Town Council Retreat Location

Council Member Sweeting made a motion to try for one year holding the Council Retreat in Blowing Rock and supporting local businesses, seconded by Council Member Powell. Council Members then discussed. Council Member Powell asked for clarification on what exactly the Council Retreat was. Council Member Sweeting and Council Member Steele both explained the purpose of the Retreat is to plan and discuss important issues and upcoming projects throughout the upcoming year. Council Member Sweeting advised the Mid-Year Retreat is then held in June to make sure and refresh on those topics and make sure they are kept as priorities for the year. Council Member Steele advised the Retreat is also in his opinion a good bonding for Council, especially for newly elected Council Members to bond with the incumbent Council Members.

Council Member Steele explained he didn't feel as though having the Retreat out of Town was to get away and hide from the Public, but instead allowed Council to be much

more productive and stay on topic without the distractions of the audience and influences of everyday life getting in the way. Council Member Steele explained he had spoken with several past Council Members that concurred with his thoughts and feelings that it is important for Council to hold the annual Retreat out of Town for productivity and bonding.

Mayor Pro-Tem Yount asked what the “beef” is with holding the Retreat out of Town. A few audience members advised it is “transparency.” Mayor Pro-Tem Yount advised he didn’t understand how Council wasn’t being transparent. George Wilcox advised it was important for the news media especially to be present to give the full story of what is discussed at the meetings. David Rogers advised the minutes don’t give the full details of what the conversations and discussions are and he further advised according to past minutes from Retreats over the past few years Council has been making decisions at Retreat and out of the Public. Several Council Members denied this had happened and gave several examples.

After further discussion, the motion stood; Council Member Sweeting and Powell were for the motion, Council Member Steele, Matheson and Mayor Pro-Tem Yount were against the motion. Motion denied. Council Member Steele made a motion to hold the Retreat in Ashville, seconded by Council Member Matheson. For: Council Member Steele, Matheson and Mayor Pro-Tem Yount; Against: Council Member Sweeting and Council Member Powell. Motion approved.

MANAGER’S REPORT

Town Manager Evans gave a brief report to Council:

1. The paver portion of our picnic shelter project was completed on Thursday, December 7. It is beautiful. We are still waiting for the wall contractor to come and hope that it will be soon.
2. We are refurbishing our picnic tables to go in the picnic shelter at the rear of town hall.
3. Additional beautification projects are occurring to enhance our new pavers at the rear of town hall and the wall.
4. The Glenn Burney Trail is closed due to damage to the trail and the bridge being washed out and destroyed. We are working with trail contractors to best determine the needs going forward to replace the bridge and to make repairs. This will be brought to Council for discussion and decisions soon.
5. Mayor Charlie Sellers attended a one-day training session for new mayors in Burlington on December 1.
6. Town Hall will be closed in observance of the Christmas holiday on December 25, 26 and 27. It will also be closed on January 1, 2018.
7. The Lighting of the Town and Christmas parade were huge successes and were very well attended. In fact, through some electronic wizardry, we could determine

that there were around 5,200 smartphones pinging on our WIFI between the hours of 1 and 2 pm on Saturday.

8. We are still working with North Carolina Emergency Management to seek funds for repairs for storm related damage on October 23.
9. Phase 1 repairs to the slope on Laurel Lane, washed-out on October 23 have been completed and the slope has been stabilized.
10. Sidewalk repairs with new storm drains are under way on Laurel Lane.

SPEAKERS FROM THE FLOOR

None

OTHER BUSINESS

None

ADJOURNMENT

With there being no further business, the meeting was adjourned at 9:10 p.m.

MAYOR _____
Charlie Sellers, Mayor

ATTEST _____
Hilari Hubner, Town Clerk

ATTACHMENTS

- Resolution Honoring Kipp Turner - Attachment A**
- Budget Amendment Ordinance #2017-13 - Attachment B**
- Dogwood Lane Resolution – Attachment C**
- Beekeeping Ordinance – Attachment - D**
- CZ 2017-02 Conditional Rezoning from CB to CZ – CB, Inn on Cornish – Attachment - E**