

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**March 13, 2018**

The Town of Blowing Rock Town Council met in regular session on Tuesday, March 13, 2018, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, N.C. Present were Mayor Charlie Sellers, Mayor Pro-Tem Albert Yount and Council Members Jim Steele, Sue Sweeting, Doug Matheson and Virginia Powell. Others in attendance were Town Manager Ed Evans, Town Attorney Allen Moseley, Finance Officer Nicole Norman, Public Works and Utilities Director Mike Wilcox, Fire Chief Kent Graham, Police Chief Tony Jones, Parks & Recreation Director Jennifer Brown and Town Clerk Hilari Hubner, who recorded the minutes.

**CALL TO ORDER**

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

**ADOPTION OF AGENDA**

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

**SPECIAL RECOGNITIONS AND REPORTS**

Mayor Sellers presented plaques to departing volunteer board members.

**APPROVAL OF MINUTES**

Council Member Sweeting made a motion to approve the minutes for the regular and Closed Session meeting on February 13, 2018 with the following correction: On the Speakers from the Floor, Council Member Powell's vote was not included; should be ***For: Council Members Powell and Sweeting; Against: Council Members Matheson, Steele and Mayor Pro-Tem Yount. Motion did not pass.*** Additionally, a few typos in the Blowing Rock Townhomes item were noted and the following correction was made: ***Mr. Fields asked that height be measured from the first-floor level, not the street.*** Seconded by Mayor Pro-Tem Yount. Unanimously approved.

**SPEAKERS FROM THE FLOOR**

None

**CONSENT AGENDA**

Mayor Sellers reminded Council that the Consent Agenda is generally items that are “pre-approved” and therefore there should be no discussion or debating the topics. If Council feels a topic needs to be discussed a motion needs to be made, the motion seconded, the item moved to old or new business for discussion and a decision.

Town Manager Evans presented the following consent agenda items:

**1. 2018 Road Resurfacing Project – Bid Award – Tri-County Paving**

On March 2, 2018, a total of two (2) bids were received for the subject project. Tri-County Paving Inc. was the lowest responsive, responsible bidder with a total base bid amount of \$869,918.82. McGill Engineers recommends the Town award the project to Tri-County Paving, Inc. It is also recommended that the Town establish a construction contingency in the amount of \$43,500 (5% of the Base Bid amount).

**2. Davant Field Improvements – Bid Award – Greene Construction**

On March 2, 2018, a total of two (2) bids were received for the subject project. Greene Construction Inc., was the lowest responsive, responsible bidder \$125,989.99.

**3. Delinquent Taxes – Advertisement Date Request**

Pursuant to North Carolina General Statute 105-363(a), I herein submit the following report under oath.

The total 2017 real property tax levy billed is \$4,111,290.36; as of February 28, 2018, \$3,946,889.82 or 96% of the total net levy has been collected. Releases total \$5,372.77. Unpaid taxes for the current fiscal year; that are lines on real property are in the amount of \$167,784.13.

Unless otherwise directed, advertisement for 2017 past due taxes on April 19, 2018.

Following Council approval to advertise the tax liens outstanding per North Carolina General Statutes 105-369(B1) each property owner will be notified by first class mail on or before March 16, 2018 to allow 30 days for payment (until April 16, 2018) prior to publishing the real property owner names and amounts outstanding at that time.

**4. Budget Amendment – Water Plant Cut-off Valve**

A Budget Amendment Ordinance for the fiscal year 2017-2018 for consideration. Water/Sewer Fund is to allocate water/sewer fund balance (\$40,000) towards the purchase of a main valve for the Water Treatment Plant as approved at the February 13, 2018 Town Council meeting.

**5. SouthMarke CUP – Minor Revision**

Ms. Karyn Herterich has requested a minor revision to the CUP for the Shoppes at SouthMarke to allow all six (6) of the pavilions on the property to be allowed to sell food and drink. In 1991, the CUP was approved to restrict the sale of food and drink to be served at all the pavilions on the property, provided any necessary approvals from the health department are obtained.

This request would not require any additional parking. This request would be consistent with the permissible uses that are allowed by right at other properties in the downtown in the Central Business and Town Center zoning districts.

The process for consideration of this revision is consistent with Section 16-4.17.1 of the Land Use Code, which requires no formal application, fee, or public hearing. Since the restriction was specifically listed in the approved CUP from 1991, staff deemed it appropriate for Council to consider the modification to the permit.

In the past seventeen (17) years, clarification has been made by staff on several occasions as to which pavilion can sell food and drink and the specific types such as restriction. If asked, staff would support a revision to the CUP that would allow food and drink to be served at all pavilions at SouthMarke.

#### **6. Town of Blowing Rock Finance Policy**

Currently there is no formal Town policy in place that outlines a guideline for the refund and collection of miss-paid occupancy taxes. This revision to the Comprehensive Financial Policy will allow for uniform administration of occupancy tax collections. The statutes speak similarly for the refund of Occupancy Taxes, leaving it up to each municipality's discretion.

Staff proposes a middle ground of five years to collect Occupancy taxes found to be due that were not paid and the same period for taxes that have been paid in error and are eligible for refund.

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

Council Member Sweeting asked if the road resurfacing list would be on the website. Town Engineer Doug Chapman advised it would be and that the reason it wasn't already is he wanted to wait for Council to approve it before updating.

### **PUBLIC HEARINGS**

#### **1. Trash/Recycling Can Ordinance**

Council Member Powell made a motion to go into Public Hearing, seconded by Council Member Sweeting. Unanimously approved.

Planning Director Kevin Rothrock advised at the Town Council Retreat, staff was asked to review and consider some amendments to the solid waste regulations in the Town Code. The suggested amendments include specific times for residents to have solid waste/recycling container enclosures.

A draft ordinance was presented to Planning Board for their February meeting. The Planning Board made a few modifications and recommendations to the draft ordinance

included for Council review and consideration. A recommendation was to delay the effective date of the ordinance to July 1, 2018 so residents would have time to be made aware of the changes by the Town website and newsletter.

Council Member Sweeting advised she would like to add to the ordinance that people also be notified of the change via email. She also asked if Planning Board discussed a penalty as she felt this had no "meat". Mr. Rothrock advised the current ordinance already has penalties, \$100.00 per infraction. Council Member Sweeting further asked if anything needs to be changed in the current ordinance to address recycling containers. Mr. Rothrock advised it does not.

Mayor Sellers asked if the penalty is for first time offence. Mr. Rothrock advised that to provide good customer service, the first offense is a phone call to the home owner to give them an opportunity to comply and thereafter the penalty would apply.

Council Member Matheson advised he would like to change 9 pm to 7 am the next morning the to give extra time for people who might be working a twenty-four (24) hour shift and unable to get the trash/recycling bins in a short time frame.

Council Member Steele advised one of his concerns is people who are only in town on the weekends and when they leave on Sunday afternoon they leave their trash out within the twelve (12) feet of the street to be picked up on Monday or Tuesday. Once Public Works picks it up and puts the cans back they aren't going to be put away until the homeowner returns or has cleaning staff come to clean which could be a few days or a week. Council Member Powell stated the home owner would be responsible for arranging someone to take care of it for them.

Council Member Steele stated he felt if Council does adopt this ordinance, staff is going to have to make sure and inform the public what the level of expectation is so they can make arrangements on how to handle the twenty-four (24) hour time frame or build containers to accommodate.

Mr. Rothrock stated that without this update, property owners will continue to do what is done now. Council Member Sweeting advised the cans are left on the street, they blow over, recycling blows in the ditches and the neighbors are picking it up. She advised that this action is being done because of the numerous complaints from residents.

Council Member Steele asked how staff plans to notify the residents. Manager Evans advised through the website, the newsletter, master email list and in the water bills prior to July 1<sup>st</sup>.

Council Member Matheson commented that the business owners wanted to be able to put their cans out at 5pm, since that is when many of the stores close.

Council Member Sweeting made a motion to accept the ordinance as presented with the following changes; under A-3 change the time from 6:00 p.m. to 5:00 p.m. so the

businesses can do their roll out and change to reflect the solid waste/recycling container must be removed from the curb by 7:00 a.m. on the day following collection, seconded by Council Member Matheson. Unanimously approved.

## **Old Business**

### **1. Valley Boulevard Mast Arm Signage**

Planning Director Kevin Rothrock advised, as requested by Council, a price quote of \$5,723.94 was received from 4S Sign & Supply for street signage for the mast arms at the signalized intersections on Hwy 321 Valley Blvd. There may be a few adjustments on this price quote but they will be minor as the sign bracket details is formalized. There are twenty-two (22) total signs with the appropriate bracket kits specified by NCDOT design load drawings. The signs are approximately five (5) feet in length and would be black with reflective white letters. Each sign would be mounted to the face of the mast arm between the traffic signals. Where two different streets intersect with Valley Blvd, two different signs would be mounted on each mast arm. The signs for Sunset Drive and all Valley Blvd signs would also have block numbers posted, if desired. 4S Sign & Supply has been a long-time provider of signage for the Town. Town crews will install the signs once they are delivered. Mr. Rothrock further stated the coloring of the signs will be white lettering on black.

Council Member Matheson asked if he remembered correctly that Council had requested the 911 numbers be on all the signs. Mr. Rothrock advised that was correct and the plan is to do that on Valley Blvd and Sunset Drive.

Council Member Powell asked if the decision on signage had already been made. All concurred that it had been. She advised this looks like a big City, not small Town and she was not in favor. Council Member Sweeting advised Council's reasoning for the signs were concern for public safety and they wanted people to be able to see the signs in fog and rainy weather.

Council Member Sweeting asked if there were twenty-two (22) poles. Mr. Rothrock advised there will be six (6) per intersection. Council Member Sweeting additionally asked if there were studies that showed you could see black better than the green signs. Mr. Rothrock explained the Town currently has the black signage and staff wanted to keep the same colors so they blend in and don't stick out.

Mayor Pro-Tem Yount made a motion to approve the purchase of the Mast Arm Signage, seconded by Council Member Steele. For: Yount, Steele, Sweeting and Matheson. Against: Powell. Motion was approved.

## **New Business**

### **1. America in Bloom Information**

Ms. Susan Sweet spoke to brief Council on an upcoming event that will be going on this summer, "America in Bloom." She explained it's a non-profit National Organization that

encourages beautification in cities and towns across America. The Garden Club took the lead on this and explored to see what all is involved. Part of the contest is they will send two (2) judges in the middle of July to judge the Town on: Volunteerism, Community Spirit, Urban Forestry, Floral Displays, and Community Involvement. A written report will then be given with suggestions on how to improve the overall appearance. Ms. Sweet advised the Garden Club had met with the Chamber to decide who all should be involved. They decided to make this an umbrella project to include all volunteer organizations. She explained that while the judges are in Town they will host a dinner and have a representative from each volunteer organization to meet with them to show appreciation. She further stated signs will be placed in store windows welcoming the judges.

Council Member Sweeting asked what they needed from Council to help with this. Ms. Sweet asked if Council would be willing to allow the Town to provide the copies of the booklets they needed to be printed. Council all concurred they were in support of helping and thanked Ms. Sweet for the hard work.

## **2. Resolution for Clean Energy**

Dr. Harvard G. Ayers – The Resolution calls for the State of North Carolina and the United States to establish a transition from a fossil fuel-based economy to a 100% clean renewable energy for all energy sectors-based economy, by January 1, 2050 or sooner to avoid climate catastrophe, to promote job creation and economic growth, and to protect the Earth for current and future generations from climate catastrophe. Achieving this goal would result in the total phase out of fossil fuels by 2050 for energy use.

Numerous scientists, policymakers, business and faith leaders, environmentalists and others have stated that we are in a “climate emergency.” The use of fossil fuels by society is the primary cause of climate change according to leading scientific, academic and governmental organizations, including the National Academy of Sciences, Environmental Protection Agency (EPA), Department of Defense, United Nations Intergovernmental Panel on Climate Change (IPCC) and numerous other authorities.

Climate change leads to rising sea levels through the melting of the glaciers and an increase in the severity and frequency of flooding, wildfires, droughts, heatwaves, infectious diseases among other disastrous impacts that can lead to death and dire economic impacts if not stopped. Human-induced climate change can only be stopped by phasing out fossil fuels, which cause greenhouse gas emissions such as carbon dioxide and methane. These emissions trap heat in the Earth’s atmosphere and oceans according to an overwhelming scientific consensus.

Seventeen of the eighteen hottest years on record since 1850 have occurred in the twenty-first century and 2017 was the hottest year on record if the El Nino boost is not included.

In December 2015, nearly 200 nations, including the United States, signed a climate agreement in Paris, France to phase out all fossil fuels and to keep the global temperature increase since the 19<sup>th</sup> Century to well below 2 degrees Celsius and to pursue efforts to keep it below 1.5 degrees Celsius.

North Carolina is second in the nation in solar capacity behind California, and has the biggest potential for offshore wind energy on the Eastern Seaboard. This resolution has been endorsed by the North Carolina Climate Solutions Coalition (NCCSC), a group dedicated to fight climate change and support clean energy, which consists of the following organizations: Climate Voices US, Justice Action Mobilization Network, Hip Hop Caucus, The Climate Times, Sustainable Sandhills, The Canary Coalition, Beyond Extreme Energy, Divestment Student Network, Blue Ridge Environmental Defense League (BREDL), NC Power Forward, Temple Emanuel Environmental Movement, Appalachian Voices, and the Long Branch Environmental Education Center. The Coalition is led by Co-Executive Directors Dr. Harvard Ayers, Professor Emeritus of Anthropology at Appalachian State University and Joel Segal.

The Advisory Committee for the North Carolina Climate Solutions Coalition includes internationally recognized scientists and author/activist: Dr. Michael Mann, Distinguished Professor of Atmospheric Science, Penn State University; Dr. Robert Howarth, David R. Atkinson Professor of Ecology and Environmental Biology, Cornell University; Dr. George Woodwell, Founder and Director Emeritus of the Woods Hole Research Center; Dr. Mark Z. Jacobson, Professor of Civil and Environmental Engineering, Director of the Atmosphere/Energy Program, Stanford University; Bill McKibben, author, climate activist, Schumann Distinguished Scholar at Middlebury College, Founder of 350.org; and Dr. Richard Gray, Professor of Physics, Appalachian State University. On December 15, 2016, the Boone Town Council adopted by a vote of 5-0 a resolution calling for a goal of 100% clean energy and green jobs for all energy sectors for the State of North Carolina and the United States by the year 2050. The vote was historic because the Town of Boone became the first municipality in the United States officially calling for a 100% clean energy for all energy sectors goal for their state and the United States., Fifteen municipalities in North Carolina have passed a 100% renewable energy resolution. A joint Stanford University and University of California-Berkeley study concludes the United States and the world energy supply could be based entirely on renewable energy by the year 2050 using current technologies and 80% renewable energy by 2030 while creating numerous green jobs. The U.S. Conference of Mayors passed a resolution in 2017 calling for 100% renewable energy by 2035. At least 40 U.S. cities have already committed to 100% clean energy.

In 2016, 48 countries of the Climate Vulnerable Forum agreed while attending the United Nations Climate Change Conference in Marrakech, Morocco (COP22) to make

their energy production 100% renewable "as rapidly as possible" and by between 2030 and 2050 at the latest.

On March 16, 2017, an almost identical legislation (House Resolution 401), called the "100% Clean Energy and Green Jobs Resolution," was introduced in the North Carolina House of Representatives by State Representatives Pricey Harrison, John Autry, Jean Farmer-Butterfield, and Susan Fisher and currently has a total of 16 sponsors.

Dr. Ayers advised the Town of Boone and Watauga County Board of Commissioners signed this Resolution unanimously as well as thirteen (13) other counties, cities and towns across the state have signed this in 2017.

Council Member Steele stated he researched and reviewed the studies on the opposing view and in doing so he still has a lot of doubts about this. He further stated personally that this is something he feels he should not be endorsing.

Mayor Sellers advised he is all for different sources, the problem Blowing Rock faces is the only option they would have would be solar panels.

Council briefly discussed currently what the Town is paying in energy bills.

Council Member Sweeting stated this is “a wave of the future” and it will be protecting our children’s environment.

Council Member Powell made a motion to adopt the resolution for Clean Energy, seconded by Council Member Sweeting.

Someone asked from the Audience why Council would consider adopting this with no financial information. Dr. Ayers stated there is no financial involvement. Mayor Sellers brought the meeting back to order.

Council Member Matheson stated he was for cutting the carbons back, but remembers that as part of the Resort Towns and Convention Cities organization, to which Blowing Rock belongs, it was voted as a whole against this very thing last summer. He advised if he were to vote for the motion it would be “stabbing his brothers in the back” and he didn’t feel he could do that when they have always stuck by the town and helped with other issues.

Council Member Steele stated we don’t know what the long term economic consequences would be and what it would cost the Town. Dr. Ayers advised there is no financial consequence to signing this resolution.

Mayor Pro-Tem Yount stated the key word is “goal” and that it is not a mandate. It’s a goal and what could a goal hurt. Dr. Ayers advised that is how the Town of Boone is treating the Resolution, as a goal.

Council Member Sweeting agreed with Mayor Pro-Tem Yount. She advised it’s not a mandate and by agreeing to the Resolution, she sees it as something to strive for, and not that the Town will necessarily make it. Rather, it’s the Town looking forward – to keeping its sights on making better decisions that will help our environment.

The motion stood. For the motion: Council Members Powell, Sweeting and Mayor Pro-Tem Yount; Against: Council Members Steele and Matheson.



### **3. Electronic Speed Monitoring**

Police Chief Tony Jones advised from Council Retreat, staff received direction to further research electronic speed signs. Chief Jones explained, for Council's information, two sign options; one being a permanent sign appropriate for Hwy 321 and the other appropriate for smaller areas such as North and South Main, Sunset Drive or Greenhill Road. Chief Jones advised he would recommend going with the smaller signs and placing in areas like North and South Main, Green Hill Road or Sunset Drive.

Council Member Powell advised when this topic was discussed originally at Council Retreat, she personally wasn't for more signage, she was for writing tickets and didn't care if Blowing Rock got the repetition of a "speed trap" if that is what it took to let people know Blowing Rock is serious about speeding.

Council Member Sweeting thanked Chief Jones for researching the signs. She asked Chief Jones if he felt like the light that will be added at Skyline Drive will help with slowing traffic down. Chief Jones advised he felt it most definitely would. Council Member Sweeting advised she would like to wait until the Skyland traffic light is installed before making a decision.

Council Member Powell commented she would like to promote "Walk Blowing Rock" and encourage walking around Town rather than driving.

Mayor Pro-Tem Yount stated he felt Chief Jones knows what is needed and he would suggest going with what Chief Jones recommends.

Council Member Sweeting asked Chief Jones if he would bring back a pricing breakdown to the Department budget meeting for a sign at each of his suggested locations.

Mayor Pro-Tem Yount made a motion to move this to the Department Budget meeting, seconded by Council Member Steele. Unanimously approved.

### **Manager's Report**

- The May Town Council meeting will be held on May 15 instead of May 8
- The letter sent out to residents without sewer service on Chestnut Drive, Chestnut Circle, and Grandfather Ave generated only three responses – Two in favor of getting more information and one not in favor
- A BRAAC member appointee has declined his reappointment. We have advertised for candidates to bring to Council at the April Town Council meeting.
- We had eight items no longer being used by the town. We put these items, all with potential values under \$30k, on GovDeals. I'm happy to report that all items sold and we generated \$36,085 of revenue from sold assets. Items included a truck, trash truck, truck utility bed, scraper blade, Bush Hog mower, diesel generator, forklift, and a Ford Crown Victoria police car
- We have received shipment of trees for Memorial Park and will be planting over the next two weeks. One is already in the ground.

**OTHER BUSINESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

There being no further business to discuss Council Member Sweeting made a motion to adjourn the meeting at 7:50 p.m., seconded by Council Member Matheson. Unanimously approved.

**MAYOR** \_\_\_\_\_  
**Charlie Sellers, Mayor**

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

**ATTACHMENTS**

- Budget Amendment – Attachment A**
- Town of Blowing Rock Finance Policy – Attachment B**
- Trash/Recycling Can Ordinance – Attachment C**
- Clean Energy Resolution – Attachment D**