MINUTES Town of Blowing Rock Town Council Meeting August 14, 2018

The Town of Blowing Rock Town Council met in regular session on Tuesday, August 14, 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 Director Nicole Norman, Public Works Director Mike Wilcox, Planning Director Kevin Rothrock, Fire Chief Kent Graham, Police Captain Aaron Miller, Building Inspector John Warren 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 Powell made a motion to adopt the agenda, seconded by Council Member Steele. Unanimously approved.

SPECIAL RECOGNTIONS AND REPORTS

Mayor Sellers read a Resolution of Appreciation for The Village Foundation. **Resolution** of Appreciation for The Village Foundation – Attachments A

<u>APPROVAL OF MINUTES</u>

Council Member Sweeting made a motion to approve the minutes for the regular meeting held on July 10, 2018, seconded by Council Member Matheson. Unanimously approved.

Council Member Steele made a motion to approve the minutes for the special meeting held on July 23, 2018, seconded by Council Member Sweeting. Unanimously approved.

SPEAKERS FROM THE FLOOR

John Phiefer of 403 Laurel Park Road advised he has been a summer resident for over thirty-five (35) years. Mr. Phiefer further advised that he and his spouse recently changed their residency to North Carolina and now vote in the Town of Blowing Rock. Mr. Phiefer wanted to bring to Council's attention a problem that exists at the intersection of Laurel Park Road and Main Street, just below Stories Carpet. He explained when they moved here, Blowing Rock was a "sleepy little Town" and that intersection didn't pose any threats to the residents that live in Laurel Park. Now because of the number of tourist and the traffic it has become a very dangerous intersection. Mr. Phiefer explained the intersection and how it is a steep hill you must come up or go down and is visibility difficult. He further explained people are using the intersection as a pull-off to talk on their cell phones and tourists are using that intersection as a turn around when they can't find parking downtown. Mr. Phiefer advised it's also a dangerous intersection because the curve

before Stories Carpet is a "blind curve" and if a car is coming there isn't enough time to get in or out safely. He explained a major issue is trying to pull into Laurel Park and someone is blocking the entrance doing a U-Turn causing the driver to have to sit on Main Street waiting to turn and could easily be hit from behind. He further explained recently Laurel Lane has become a "parking area". He stated in July he was coming up the road and out of the development and was going to make a left turn on Main Street and there were two (2) Town utility trucks parked (one going to Laurel Park and the other one coming from Laurel Park) with their windows down talking to each other and completely obstructing the vision to get out safely. He explained when pulling out he couldn't see fully what was coming up the road, and most people leaving Blowing Rock don't adhere to the speed limit and go 40-45 MPH. When he started to pull out a low to the ground yellow sports car nearly hit him and his passenger head on and scared them to death. He advised he came down to Town Hall to speak with the Town Manager, who was on vacation at the time, but did talk to one of the men that happened to be the driver of one of the utility trucks and explained how close they came to nearly having a head on collision. He re-stated that it's become very dangerous. He advised he was asking Council to consider putting a sign that says "No Standing/Parking/Turn Around" because he feels eventually someone will be hurt or killed there. Mr. Phiefer advised there are fifty-five (55) homes in that neighborhood and he assures Council he can go door to door and get everyone to sign something stating that they need some sort of signage to protect themselves when coming in and out of the neighborhood.

Mr. Phiefer advised the last issue he would like to bring attention to is there has been a lot of utility trucks parking at the top of Laurel Lane. Recently there was a "low boy" trailer parked on the side of the road at the top of the hill. He explained that coming from Town you have to make a right hand turn onto Laurel Park and go down the hill and because this "low boy" trailer isn't visible until you were right on top of it, it is dangerous. He explained that considering it was a "low boy" it was right at the perfect level that it could come right through someone's windshield and either hurt or kill them. He explained that it was parked in that location for an entire day and into the evening. The next day he came into Town Hall to report it, which was in turn reported to the Police Department and the "low boy" was removed. Within the last few days it was parked at the top of Laurel Park once again. He advised he didn't think it was Council's intention to have our streets "littered" with utility vehicles in resident's neighborhoods. He further advised if heavy equipment needs to be delivered, then it should be delivered and then park the utility trucks somewhere else. He stated Laurel Park is not the ideal place to use as a parking area. It's a hazard to anyone living in that neighborhood as well as people that use it to park, turn around etc. Mr. Phiefer reiterated he would like to see a sign placed at the top of Laurel Park stating, "No Standing/Parking/Turn Around". Mr. Phiefer thanked Council for their time.

Lee Rocamora - 412 Laurel Park Rd, thanked Council Member Sweeting for promoting the Town Council's decision to move the citizens comments slot to the beginning of each meeting. He advised he hoped Council will continue their move of inclusiveness and transparently by removing the exclusion of citizens being able to speak on topics on the current agenda. He advised this restriction on hearing from citizens about agenda topics

puts off citizen's comments until the next Council Meeting a month later. He asked, "isn't it not better to know the thoughts of our fellow citizens so that Council can make decisions knowing and taking into account what citizens think and feel, rather than potentially needing to amend Council action at a future Council meeting." He advised that based on his attendance at meetings comments from the citizens seem to be a moderate component of the meeting and there's a three (3) minute limit. He concluded he would ask that Council consider opening the citizen comment period at each meeting to allow citizen's comments to include agenda items so that Council would know citizen's thoughts on agenda topics. Mr. Rocamora thanked Council for their time.

Mayor Pro-tem Yount advised Mr. Rocamora needed to also include Council Member Powell in promoting the moving citizens comments up on the agenda. Mr. Rocamora thanked him for that correction.

Mayor Sellers thanked the speakers for their input.

CONSENT AGENDA

1. NC Water Shortage Response – Resolution

North Carolina Department of Resources requires the Town to have a Plan to deal with water shortages. Town Staff submitted a report to be reviewed by NC Water Resources for the Water Shortage Response Plan (WSRP). The Town of Blowing Rock System meets the minimum criteria established and the WSRP Resolution must be adopted by the board. **NC Water Shortage Response Resolution – Attachment A**

2. ABC Store Travel Policy

In accordance with North Carolina General Statute 18B-700 (g2), the ABC Store must have a personnel travel policy in place. The travel policy must be approved by the board's appointing authority annually. Since the Town of Blowing Rock is the appointing authority for the ABC Board, it is necessary for the Blowing Rock Town Council to approve the policy. Also, as result of the Town of Blowing Rock being the appointing authority, the Town of Blowing Rock travel policy may be used. The ABC Board has requested the Town of Blowing Rock Board of Commissioners approve this policy for their use.

3. FY 2018-2019 Schedule of Fees Update

Council Member Sweeting made a motion to remove from Consent Agenda and place under New Business to discuss further, seconded by Council Member Matheson. Unanimously approved.

4. McGill Engineering Service Agreement – Sunset Drive Project

Town Council approved moving forward with the design of the Sunset Drive Streetscape improvements. McGill Associates PA has submitted the following agreement for adoption. The agreement is substantially the same as the Main Street Streetscape agreement from several years ago. Town Attorney Allen Moseley has reviewed the

agreement. McGill Engineering Service Agreement – Sunset Drive Project – Attachment B

5. EFLAP Bass Lake – Sidewalk – Right-of-Way Procurement Agreement Council Member Powell made a motion to remove from Consent Agenda and place under Old Business to discuss further, seconded by Council Member Sweeting. Unanimously approved.

6. Budget Amendment Ordinance - #2018-09

Budget Amendment Ordinance to account for various bond related items. **Budget Amendment Ordinance - #2018-09 Attachment C**

7. Memorandum of Understanding – School Resource Officer (SRO)
Town Council approved the inclusion of hiring a School Resource Officer (SRO) for
Blowing Rock Elementary in the FY 18-19 Budget. Watauga County Schools provided
the document agreement for approval. Blowing Rock Police Chief Tony Jones, Captain
Arron Miller and Manager Ed Evans have reviewed the document and believe all their
questions regarding content have been adequately answered. Town Attorney Allen
Moseley has reviewed the document.

Council Member Matheson asked what the reasoning was behind not wanting a SRO Officer there during the ball games and after school events. Manager Evans advised it's not that the Town doesn't want to but that the reason is that it's not included in the SRO's regular hours and in turn if the Town allowed them to work the extra hours the Town would have to pay additional monies toward the salary.

Council Member Matheson made a motion to approve Consent Agenda with the removal of FY 2018-2019 Fee Schedule (moved to New Business) and the EFLAP Bass Lake Sidewalk (moved to Old Business), seconded by Council Member Sweeting. Unanimously approved. **School Resource Officer (SRO) – Attachment D**

Old Business

1. Town Manager Evaluation

Council Member Sweeting thanked the sub-committee that worked on preparing the first draft for the rest of the Council members, the committee included Mayor Sellers, Council Members Steele and Sweeting. Council Member Sweeting advised they have revised the draft once and now they will look at it again to make final changes.

Council Member Powell stated she felt there needed to be some clarification to "the world at large" regarding the manager evaluation. She further stated there was nothing in place before this document to adequately evaluate the Town Manager and that was the reason for this document. Council Member Powell stated she applauds this Council for putting something in place. She advised this is to be used from here forward and is only fair to the Town and whomever is in the position to have something to know what they are being

evaluated on. She also thanked the sub-committee for all their hard work preparing the document.

Council Member Matheson advised the NC League of Municipalities highly suggests that all Town Managers of every Town in North Carolina have some type of evaluation form on file that Council can use and he was glad that the Town Council finally has done this. Mayor Pro-tem Yount advised he felt it was an "eyelash too long", but he wasn't going to make a big deal out of it.

Council Member Sweeting asked if anyone had any changes in the individual sections. No Council members had changes.

Council Member Steele noted that future Council may decide they want to make changes or update the current document but felt this is a start for the current Council and this form is something that needs to be done.

Mayor Pro-Tem Yount advised he wasn't sure about the wording on the question "Prepares a balanced Budget". He further advised he didn't feel it was even legal for the Manager to prepare an unbalanced budget. Council briefly discussed and decided to take out the word "balanced" and state "prepares a budget".

Council Member Powell made a motion to adopt the Town Manager Evaluation with the change removing the word "balanced" from the budget question, seconded by Council Member Steele. Unanimously approved.

Council discussed the grading system in which to score the evaluation. Council Member Powell made a motion to add the total scores to the bottom of each section and bring the document back for final review of the changes at the next Council Meeting, seconded by Council Member Sweeting. Unanimously approved.

2. EFLAP Bass Lake – Sidewalk – Right-of-Way Procurement Agreement
The Eastern Federal Lands Access Program (EFLAP) and the NC DOT are requiring
the Town to acquire right-of-way for some properties on US HWY 221 to move forward
with the sidewalk project. Town staff have neither the expertise nor honed negotiating
skills to acquire these rights-of-way and conform to the EFLAP requirements.
Therefore, the Town is seeking professional services from WR Martin (WithersRavenel).

Council Member Powell advised the reason she wanted to remove this topic for discussion is she had a question regarding some verbiage on the WithersRavenel contract. Manager Evans gave Council a copy of a change he had made on the contract, which was the section under "Compensation For Services", as he had already caught what needed to be corrected. Council Member Powell advised that made her very uncomfortable and thanked Manager Evans for catching it and making the change. All of Council Thanked Manager Evans for catching this.

Mayor Pro-term Yount asked Manager Evans if he felt WithersRavenel was acceptable firm to NCDOT being that NCDOT has their own appraisers. Manager Evans advised that they were acceptable. He further asked when this would start. Manager Evans advised it is the hope to start right away.

Council Member Matheson made a motion to approve the agreement with the updated change, seconded by Council Member Powell. Unanimously approved. **EFLAP Bass Lake Sidewalk Right-of-Way Agreement – Attachment E**

New Business

1. FY 2018-2019 Schedule of Fees Update

Town Manager Evans advised staff is proposing that a fee be added to the current schedule of fees due to the volume of afterhours calls the Town receives with water reconnects/disconnects. The proposed fee amount is \$50.00 for Public Works to come in after they have gone home for the day to reconnect water service or perform a disconnect at the customer's request.

Manager Evans explained Public Works has a standby crew that rotates each week and if this service is needed they are called in with it being after hours in which the Town must pay a minimum of two (2) hours per Town policy. Public works hours are 7 a.m. to 3:30 p.m. Manager Evans explained the question has arisen what is "after hours". He further explained to public works staff "after hours" is 7 a.m. to 3:30 p.m. as that is their normal working hours. Anything after 3:30 p.m. would be considered after hours. The other thought is Town Hall is open 8 a.m. to 5 p.m. and that is what most people think of when they call for service.

Council Member Powell stated she honestly didn't realize that Public Works hours were 7 a.m. to 3:30 p.m. and in knowing that she leans more toward the 8 a.m. to 5 p.m. being after hours.

Council Member Sweeting advised she feels it's more of a management decision. She further advised she felt that most people think the hours are 8 a.m. to 5 p.m. and even a Council Member that didn't realize the hours. She felt management needs to come up with a way for a Public Works Staff member to be there 8 a.m. to 5 p.m. Monday thru Friday to be there in cases such as this and can be rotated however management sees fit and that way the Town doesn't have to absorb the cost of paying time and a half. She said she thinks citizens expect service until 5 p.m. and that the Town needs to provide that service to them.

After further discussion, Council Member Powell made a motion for the time to be 8 a.m. to 5 p.m. and any calls after that time would be "after hours" and incur a \$50.00 fee, seconded by Council Member Sweeting. Unanimously approved.

2. Sourwood Lane – Discussion about possibility of making one way

Sourwood Lane is approximately 1,650 feet from its intersection with Green Hill Road to the intersection of Green Hill Woods. The road slopes downhill continuously from Green Hill Road. Currently, the road is in poor repair (although recent patching has improved the surface) and is scheduled for both water line replacement, some sewer line replacement, and resurfacing when construction of the water line is complete. Additionally, the ditches will be reworked to enhance drainage of storm water. The improvements to water and sewer lines and resurfacing are projects that were approved and are included in the General Obligation Bond. Documents for permitting approval have been submitted to the North Carolina Division of Water Quality for permitting and the plan is to put the project out for bid soon so that an award can be made as soon as possible upon approval by the State. Measurements of the road surface reveal that the width of the road varies along the entire 1,680 feet. The narrowest portion is 8'4" and the widest portion of road surface is 13 feet. Beginning at Green Hill Road, measurements were taken every fifty feet to the intersection with Green Hill Woods. The average width using those measurements at fifty feet intervals is 10.8 feet wide. Typically, roads that meet NCDOT standards are 18 feet wide. The narrowest portion of the road comes 400 feet from the intersection with Green Hill Road. This very narrow section is approximately 150 feet long. We have done our best to poll all the residents on Sourwood Lane who have driveway access on the street. This includes eleven (11) houses. As of this writing, six (6) are in favor of changing the road to a one-way street with the direction of travel being from Green Hill Road headed downhill or in a northwesterly direction toward Greenhill Woods and Goforth. Two (2) are not in favor of making any change. Staff has not been able to correspond with three (3) of the people yet. One (1) person who lives on Sourwood Lane, but not on a portion that would change to one-way, is opposed as they use Sourwood to get to Greenhill Road since access to Goforth was changed near the Green Park Inn.

The road is technically too narrow to be a two-lane road over most of its length. Other roads in Blowing Rock may be similarly too narrow for two-lane. However, few if any are as narrow as Sourwood. There is a possibility that the road will be improved in some areas (where feasible) to increase width. However, making it a true two-lane road is not feasible without great expense due to the need for retaining walls.

Due to how narrow the road is, some think it a safety issue. Those who live there have figured out how to navigate and negotiate the road, with like-minded residents who work with one another.

Council determine the merits of leaving the road as is, that is two-way traffic, or changing it to one-way traffic, and if a change is considered, whether it would be permanent or only during construction, or make a determination after we see if we can improve the width any.

Council Member Powell asked Manager Evans to clarify what an average width if a twolane road in Town is. Manager Evans advised it varies all over Town, most roads are sub-standard, but DOT standard is eighteen (18) feet in term of width. He noted the Town has very few that are that wide and very few as narrow as Sourwood. Manager Evans further advised one lane is typically nine (9) feet wide.

Manager Evans advised if that if there is any way possible it is our hope to upgrade the road in some of the areas where it's so narrow. It's also the hope to widen it some if there is room.

Council Member Sweeting asked what the estimated time frame for the project is. Manager Evans asked Doug Chapman to weigh in on the question, and Mr. Chapman advised he thought two (2) to three (3) months for the installation of the water line and then a few weeks for paving the road.

Council Member Sweeting asked if the work would be done on Green Hill Woods at the same time. Manager Evans advised work would begin first on the Green Hill Woods side and the intent is to have that side done before winter, so it can also be resurfaced.

Town Engineer Doug Chapman explained the area and the plan.

Council Member Matheson made a motion to make Sourwood one-way for the duration of construction and re-visit when construction is complete to see what the road looks like before making a permanent decision, seconded by Council Member Sweeting.

Discussion:

Council Member Sweeting stated she would like staff to wait and get a response back from the other few houses on that street they haven't been able to contact yet. She was not comfortable with making a decision making that street one-way permanently until she heard back from them.

Mayor Pro-tem Yount advised a few people had made a special effort to come to the meeting and would like to allow them to speak. The consensus among Council was to allow them to speak.

Rita Wiseman spoke and asked if it had been realized that the water line for her house is on the gravel utility road her driveway is on and asked what would happen to that. Town Engineer Doug Chapman explained the plan for that water line. Ms. Wiseman stated it would be very difficult, nearly impossible, for her to come out of the utility road and to turn right onto Sourwood. She also stated it sounded like some of Sourwood will have to be shut down with no traffic going either way for part of the construction due to the narrow road and construction equipment etc. Town Engineer Doug Chapman confirmed that was true.

Ms. Wiseman explained two (2) houses of the eleven (11) houses on Sourwood have recently been sold and are "fixer uppers", but everyone else on that road bought their property "as the road was" and everyone has always been generous to one another

passing and/or getting through and that there has never been an issue in the thirty-eight (38) years she has owned her house.

Council Member Powell advised she had just remembered to mention that Blue Ridge Electric Membership Corporation (BREMCO) will be replacing the wooden pole with a steel one (which this location is their main area for their company), and felt the Town needed to contact them to see how this utility road might be affected and so forth.

Ms. Wiseman stated she wanted to note that before she built her garage behind her house she had an attorney research the deeds to any properties touching that area. She explained everyone has always been so cooperative. She stated she uses the utility road and she maintains it and would like to continue to do so. Ms. Wiseman acknowledged BREMCO and the Town have an easement for right of way, but don't maintain it.

Don Hubble advised he didn't understand how the proposed one way would work due to the steepness of the turn off-of Green Hill Road. Manager Evans explained the way the route would work.

Lorry Mulhern stated she didn't want to see this change increase the traffic going through the back of Green Park Inn.

Mayor Sellers thanked the citizens for their input.

Council briefly discussed the steepness of the curve at Green Hill Road and Sourwood.

With no further comments the motion stood: Council Member Matheson made a motion to make Sourwood one way for construction and revisit when construction is complete to see what the road looks like before making a permanent decision, seconded by Council Member Sweeting. Unanimously approved.

Managers' Report

- 1) We have been notified by Republic Services, Inc. that the recycle industry is struggling and a rate increase is imminent, perhaps before the end of this fiscal year (which has just begun). It appears any increase would be small. China, the largest consumer of US recycling formerly took one third of it and has stopped accepting any recycling from the US. Other countries will likely buy the recycling and process it for China. The representative told us that the price for paper was down from \$180 to \$60 per ton. The price for plastics is nearly zero. The price of glass was a negative \$10 per ton. They only continue to collect glass because it is environmentally responsible.
- 2) The pickleball courts were striped almost a month ago and there are now three courts to play on simultaneously. The striping for the upper basketball court is complete. Our staff had to paint the lines as we could not get any contractor to commit to the project in a timely fashion. Hopefully, by the Council meeting the

- lower court striping will be complete. The hump left at a seam in the pickleball court has been fixed by heating the court and re-rolling it.
- 3) Line painting on our roads continue, albeit at a slow pace due to the non-availability of paint and rainy weather. Additionally, the parking lot behind town hall has been worked on and striped.
- 4) The first street name signs have been installed on the mast arms on Valley Boulevard and South Main Street. Others will follow soon.
- 5) Davant Field drainage improvements and paving of the track around the field are now complete. Additionally, a major repair to a main beam in the floor/support structure of the Rotary Pavilion that was rotten has been replaced.
- 6) The fountain in Broyhill Lake has been inoperable due to problems. Parts were ordered to repair, but it took a while for them to arrive. The parts have been received and the electrician hopes to have it completed before the Town Council meeting.
- 7) Luke Taylor has been hard at work doing masonry projects and has spent over a week cutting stone for the rock wall in Memorial Park. He has been cutting rock when the weather is bad at the old recycling building (his shop) and laying rock when it is good. This is a slow process with one person, but he is doing beautiful work on the wall. Take a look!
- 8) Richard Steer has been working on the public restroom behind town hall preparing it for the Donation tree that we hope will be here soon. He has pressure washed the building and is now painting the building
- 9) Short term rental information
 - a. STR ordinance adopted at June Council meeting. An application is being drafted and notification were sent out with a target date for compliance of September 1, 2018. The plan is to permit renewals by September 1st of each year
 - b. Twenty-four rental enforcement letters were mailed out for violations discovered through STR Helper
- 10) Trash and Recycling Can Enforcement Despite several efforts to inform citizens about the new ordinance on placing/removing trash and recycling can from the curbside, many still do not know the rules. We are working with citizens on what the ordinance requires and how they can construct trash container bins on their property.
- Miller condemnation at 712 Possum Hollow Road John Warren has been involved in the condemnation proceedings on the Miller house for almost one year. There have been repeated efforts to contact Mr. Miller by phone and certified mail. There have been multiple hearings scheduled but no one has attended. John is working with the Town Attorney to navigate through the legal process since the property is in a life estate and owned by Frances Henson (Miller's grandmother) who is in a nursing home in Asheville. A final hearing notice will be sent including estate owners where an order to demolish will be given. The order to demolish will eventually come to Council if the owners take no action.
- 12) The High Country Council of Governments (HCCOG) is assisting the UNC School of Government with a needs assessment that will solicit input from local

elected officials across North Carolina. "It has been over a decade since the School of Government gathered personal feedback from you about the important issues you face and how they might help you be better prepared to meet the many challenges of governing now and in the coming years. The Needs Assessment Project is designed to hear what you think could be most helpful and valuable with respect to your leading and governing." UNCSOG email The UNC School of Government has requested that one elected official from each town participate in a "Needs Assessment." DATE: Wednesday, August 29, 2018 TIME: 1:00pm to 3:00pm. One volunteer from Council should attend this meeting. (Council agreed that Doug Matheson should participate in the assessment since he is the HCCOG representative for Blowing Rock)

13) Tasha Johnston, Accounts Payable Clerk in the Finance Office will be attending the Introduction to Local Government Finance Course at the School of Government later in the month

OTHER BUSINESS

None

EXECUTIVE SESSION

At 8:00 p.m. Council Member Steele made a motion to go into closed session pursuant to NCGS 143-318.11. (a) (3) – Attorney-Client Privilege – Occupancy Tax Delinquency, seconded by Council Member Powell. Unanimously approved. Council discussed the issue at hand and its potential resolution. Council Member Powell made a motion to return to open session, seconded by Council Member Sweeting. Unanimously approved. Action taken: A decision was made to continue pursuit of the Delinquent Occupancy Tax, which is not public record.

ADJOURNMENT

There being no further business to discuss Council Member Powell made a motion to adjourn the meeting at 8:40 p.m., seconded by Council Member Sweeting. Unanimously approved.

MAYOR		ATTEST		
	Charlie Sellers, Mayor		Hilari Hubner, Town Clerk	

ATTACHMENTS

NC Water Shortage Response Resolution – Attachment A
McGill Engineering Service Agreement – Sunset Drive Project – Attachment B
Budget Amendment Ordinance 2018-09 – Attachment C
School Resource Officer (SRO) – Attachment D
EFLAP Bass Lake Sidewalk Right-of-Way Agreement – Attachment E