

MINUTES
Town of Blowing Rock
Town Council Meeting
January 8, 2019

The Town of Blowing Rock Town Council met in regular session on Tuesday, January 8, 2019, 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 Interim Town Manager Jim Freeman, Town Attorney Allen Moseley, Town Engineer Doug Chapman from McGill Associates, Finance Officer Nicole Norman, Interim Public Works and Utilities Director Matt Blackburn, Fire Chief Kent Graham, Interim Police Chief Aaron Miller, Planning Director Kevin Rothrock, Building Inspector John Warren, 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.

The Pledge of Allegiance

ADOPTION OF AGENDA

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

SPEAKERS FROM THE FLOOR

Mr. E.B. Springs of 113 Mockingbird Lane advised Council of a restrictions loop hole regarding short term rentals. He explained last fall, Board of Adjustment, conducted several hearings for people whom had violated the short-term rental ordinance. Mr. Springs further explained one of the violators was his next-door neighbor and even after being “caught” continued to rent his house short-term. Mr. Springs advised he had contacted Planning Director Kevin Rothrock and complained in which Mr. Rothrock did his job and contacted the owner of the property. In doing his investigation, Mr. Rothrock was advised by the property owner he still had people renting his property, but they were doing so with a lease for twenty-eight (28) days. Mr. Springs explained this was the “loop hole” out of a short-term rental regulation in which put the owner in compliance. Mr. Springs advised he was bringing this up to the Board as he felt this could be better defined in the current ordinance to keep this from continually happening.

Mr. Lee Rocamora of 412 Laurel Park Road advised one of the key elements of good government is “transparency”. He explained on the Town’s present website not all the Town’s Advisory Boards have their information up to date. In his opinion, such up to date information needed to be available so the public could be informed as to what is going on and not just hear it “here say”. He further explained through “here say” he learned of an already finalized proposal that to be presented at this evening’s meeting in reference

to a development ordinance related to the Town Center and Central Business District. Mr. Rocamora stated he felt anything impacting ordinances for the Town Center or Central Business district does impact all property owners and all should be notified. He further stated the timing of such presentations should coincide when a majority of affected property owners are available to attend the hearing.

Mr. Rocamora explained he felt the ten to fifteen day timing of sending out notices is in-sufficient in our community with so many non-full-time residents. He further explained with the current times publishing a notice in the newspaper is no longer adequate. Mr. Rocamora encouraged the Board to please continue to ensure this important aspect of good Government.

Mayor Sellers thanked the citizens for their input.

SPECIAL RECOGNITION

Five (5) Town employees were recognized for years of service to the Town of Blowing Rock. John Warren (10 years), Dan White (10 years), Lance Dotson (15 years), Chris Geis (15 years) and Mark Presnell (15 years).

APPROVAL OF MINUTES

Council Member Sweeting made a motion to approve the minutes for the special meetings held on December 5 and December 20, 2018 with the following change: instead of using the term “head hunting firm”, would like to change to “professional search team”, seconded by Council Member Matheson. Unanimously approved.

Council Member Sweeting made a motion to approve the minutes for the regular session meeting held on December 13, 2018, seconded by Council Member Powell. Unanimously approved.

CONSENT AGENDA

1. Budget Amendment Ordinance #2019-01

Budget Amendment Ordinance to account for various items. **Budget Amendment Ordinance #2019-01 – Attachment A**

2. Budget Amendment Ordinance #2019-02 Middle Fork Greenway

Budget Amendment Ordinance to account for various items. **Budget Amendment Ordinance#2019-02 – Attachment B**

3. Tax Release - #2018 – 06 Fred and Nancy Preddy (New Owner Brian Crutcher)

Various tax adjustments over time become apparent and present themselves in the form of requests for releases (adjustments). One tax release totaling \$506.98 has been identified for Council approval. **Tax Release – Attachment C**

4. NCDOT Contract – Middle Fork Greenway

NCDOT signed agreement for the Middle Fork Greenway, Section 2. For Council's information.

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

Public Hearing

1. Land Use Ordinance Amendment Central Business and Town Development Standards

Planning Director Kevin Rothrock reviewed the following:

Review of Central Business and Town Center Setbacks, Building Heights, and Density

- June 25, 2018 – Council asked Planning Board to study downtown development standards for Town Council and Central Business at the Mid-Year Retreat
- August 23, 2018 – Planning Board discussed downtown development standards and established a subcommittee to study the ordinance and existing conditions in depth to report findings and a recommendation back to the full Planning Board
- September 11, 2018 – Subcommittee met – walked Main Street and evaluated existing building heights.
- October 5, 2018- Subcommittee met
- November 8, 2018 – Subcommittee met
- November 28, 2018 – Subcommittee met – Finalized ordinance draft and staff prepared draft for December Planning Board
- December 20, 2018 – Planning Board reviewed draft ordinance and recommended a few modifications to forward to Town Council in January
- January 8, 2019 – Draft ordinance and recommendation from Planning Board sent to Town Council for consideration and to set a Public Hearing for February 12, 2019

Mayor Sellers advised Council has several options on how to proceed:

- Set a Public Hearing for the February for February 12, 2019
- Send back to Planning Board for revisions or more detail
- Table until an undetermined amount of time

Mayor Sellers asked Council for their thoughts.

Council Member Powell asked if this could be added to the Town Council Retreat for discussion.

Mayor Sellers asked Town Attorney Allen Moseley his thoughts. Mr. Moseley advised Council could discuss at Retreat.

Mayor Sellers stated in his opinion, the problem with discussing at Retreat is not having all the Public there, many of which would like to be involved.

Council Member Sweeting advised she felt there is already a lot on the agenda for retreat and this ordinance is a big deal and needs more time for thought and consideration. She further advised she had some questions that she felt Planning Board needed to look at or perhaps Council just consider tabling.

Council Member Steele stated in his opinion, this is a topic that has been discussed for a while and he would like to go ahead and hear what the recommendations are at the February Council meeting. He explained it would be good to hear what the people have to say at a Public Hearing and Council then could decide how to proceed after that. Council Member Steele further stated that there is no timeline saying Council has to make a decision at that meeting, but at least this provides an opportunity to receive more information and clarification and then decide how to proceed.

Council Member Powell made a motion to hold the Public Hearing at the February 12, 2019 Council meeting, seconded by Mayor Pro-tem Yount. Unanimously approved.

Mayor Pro-tem Yount requested the Planning Board Chairman to provide a definition of density for the Council at that Meeting.

2. Speckled Trout – CUP Application 2018-01

Town Clerk Hilari Hubner swore in Planning Director Kevin Rothrock and the applicants; Emily and Erica Brinker.

Planning Director Kevin Rothrock advised Speckled Trout, LLC is requesting a conditional use permit to locate and display an antique wine cask at the front of the building in the outdoor seating area. The property is zoned CB, Central Business.

Mr. Rothrock advised Speckled Trout made some significant modifications to the restaurant building and property over the past year. Most noticeably they eliminated the parking along Main Street and Hwy 221, thereby preventing vehicles from backing out into the street at a busy intersection. Mr. Rothrock further advised the owners worked with the Town to remove the parking in anticipation of the sidewalk being planned along both street frontages with the pending sidewalk to Bass Lake project. In exchange for removing the parking, the Town allowed the restaurant to create outdoor seating between the proposed back of sidewalk and the front porch of the restaurant. The seating area was enclosed by new iron fencing for safety purposes.

Mr. Rothrock noted the new owners of the restaurant also purchased the adjoining parking lot to secure parking for their restaurant to offset the loss of parking in front of the building.

Mr. Rothrock explained the restaurant owners were gifted with an antique wine cask from France that they would like to display prominently at the front of their restaurant. The cask would serve as a signature feature of the restaurant as an iconic image and photo

opportunity. The owners desire to have the cask located in the outdoor seating area in its current location. Another location possibility is about 10 feet back from the current location, closer to the front entry ramp.

Mr. Rothrock advised at the December 20, 2018 meeting, the Planning Board recommended approval of the CUP application with the following conditions:

1. The wine barrel structure must be moved to meet the applicable setback
2. The applicant must obtain a building permit

Mayor Pro-tem Yount advised there was quiet a bit of discussion at the Planning Board meeting as to what the wine cask is. Mr. Rothrock advised he thinks it is a structure, not a sign.

Council Member Sweeting asked Mr. Rothrock if he felt doing a CUP was best because this is a structure that's changing the building. Mr. Rothrock advised it's not changing the building it's changing the site.

Emily Brinker and Erica Brinker addressed Council and explained their family background ties to Blowing Rock and what brought them permanently to Blowing Rock to live and open their business.

Ms. Emily Brinker explained they had the opportunity to purchase the business from the former owner, David Bartlett, and they jumped at the chance to have a spot on Main Street and be a part of the Blowing Rock community. She advised they had begun the renovations in January, 2017 and opened the newly remodeled Speckled Trout in May, 2017.

Ms. Erica Brinker advised that they worked early on to define their business values. They use locally sourced food and beverages and engaged local artists for the restaurant décor. Several local artist works are displayed in their business. Ms. Brinker explained the wine cask was added a decorative element and to add interest to the sight. She further explained it's a conversation piece in which they often get questions "what exactly is it." She added there are a lot of shops in Town that have added elements such as this to their property. Ms. Brinker admitted it is large, but felt that is what makes it so great.

Council Member Sweeting asked the applicants if they weren't aware of the permitting process while doing their remodel of the building. Ms. Emily Brinker advised they got all the proper permits during the whole process for everything they thought they needed a permit for. Ms. Brinker further advised they just didn't realize they needed a permit for the wine cask, they thought it was a feature. Council Member Sweeting complimented the applicant on the hard work they had done on the renovation of their business and how beautiful it was.

Ms. Emily Brinker explained with the wine cask just now being defined as a structure and needing a permit she didn't think it was fair to them to have known that when the Town didn't really know either ahead of this the whole process.

Council Member Sweeting asked what the height of the wine cask is with the stand. Mr. Rothrock advised it was 8 feet. She further asked what the building height restriction is in that area. Mr. Rothrock advised it is 30 feet.

Council Member Matheson asked the applicants if they were comfortable with the Planning Boards recommendation of moving the wine cask back 8 feet, getting a permit and restructuring a stand to meet code.

Ms. Erica Brinker advised they were mostly comfortable; the uncomfortable part is the cost associated with having to move it.

Mayor Pro-tem Yount advised he wanted to establish a fact to suit him. He asked the applicants if they did or did not have arrogance or malice of forethought when they added the cask to their property or did they just get caught by the Town not thinking they would get caught.

Ms. Emily Brinker stated they had no arrogance, no malice; they honestly just thought it was pretty and added it without knowing they would need permission to do so.

Council Member Powell asked Mr. Rothrock what he needed to be changed with the current stand. Mr. Rothrock advised the applicant to need to get a building permit and provide enough information for the Building Inspector to approve something that will hold the cask and meet the building code. Council Member Powell further asked if Planning Board had a feeling the structure was unsteady. Mr. Rothrock advised they just don't know and want to be sure.

Council Member Sweeting asked if the Planning Board had gone through "finding of facts". Mr. Rothrock advised they had not. Council Member Sweeting asked if that wasn't required in order for the CUP to be approved. Mr. Rothrock explained that is required of Council to make those findings. He further explained he could make sure and put those into the CUP specifically.

Mayor Pro-tem Yount stated for clarification if approved, this is a CUP and what happens in a CUP sets no precedence.

Mayor Sellers asked for further questions or comments. With no further questions or comments the Public Hearing was closed.

Council Member Sweeting advised she felt Council needs to be careful about people who are putting things up without permits, without going through the proper permitting process and without even asking anyone. She further advised somehow Planning and Inspections, Planning Board and Council are having to approve them. Council Member

Sweeting stated to the applicant she had a problem with the fact that they didn't ask anyone about putting up an 8-foot structure. She further stated this could start to be a real problem and Council needs to be aware of that.

Council Member Steele stated for clarification to the applicant, if approved, the Town would not share in the cost of moving the structure.

Mayor Pro-tem Yount advised he understood where Council Member Sweeting was coming from, but he didn't feel the applicant needed to be condemned. He stated he asked the applicant a fact and they indicated they had no malice or forethought, they simply made a mistake. Mayor Pro-tem Yount further stated he felt they should get a reward for the work they had done to the building, as when they purchased it, the building was in much need of repair, and they had worked hard and beautified that corner of the Downtown.

Council Member Matheson made a motion to approve the CUP with Planning Boards recommendation and reference to Findings of Fact 16-4.10.3, seconded by Council Member Steele. For the motion: Council Members Matheson, Steele, Powell and Mayor Pro-tem Yount; Against the motion: Council Member Sweeting. Motion passed.

The Findings of Fact (16-4.10.3) will be listed in the CUP. **CUP Application 2018-01 – Attachment D**

Agenda Items:

1. Monthly Financial Presentation

Finance Officer Nicole Norman provided a monthly financial overview for the month end December 2018. Council had no questions or concerns and thanked Ms. Norman for her presentation.

2. Wastewater Centrifuge and Truck

Interim Public Works Director Matt Blackburn advised the Town currently contracts the hauling of wastewater sludge with Honeywell Pumping at a cost of \$70,000 per year. This product is approximately 98% water and only 2% solids. Mr. Blackburn further advised during the last budget process, the Town budgeted \$200,000 utilization of loan proceeds to purchase a sludge centrifuge which is capable to process sludge into a product with a moisture content of 15% or below. Mr. Blackburn explained this would greatly reduce the amount of haul trips and potentially save money. This past September the dewatering equipment performed extremely well by producing a product with a moisture content of around 15%. However, after the demo, it became clear that this solution is not a viable option being that the equipment could not be permanently installed/located at the site to accept generated solid waste.

Mr. Blackburn advised Wastewater staff with assistance from the Finance Officer explored the purchase of a sludge hauling truck with the intention of the Town hauling its own sludge. Finance Officer Nicole Norman ran a cost benefit analysis for the purchase

of the truck. Mr. Blackburn further advised they estimate a ten (10) year useful life of the truck and the approximate savings for the Town over that ten-year period of \$169,156.

Council Member Sweeting asked how many Town employees it would require taking the truck back and forth to the plant in Lenoir and did the estimate include gas. Mr. Blackburn advised it would be one employee and that did include gas.

Council Member Steele asked for clarification on why there isn't anywhere in the county to dump the Town sludge. Mr. Blackburn advised there is nowhere to take it in Watauga County. He explained Lenoir will take our liquid sludge because it goes straight to their Wastewater Treatment Plant, but they won't take the Town's dry sludge because we aren't in Caldwell County.

Council Member Powell asked if the truck could be used for pro-active measures with sewer lines to keep them flowing rather than just repairs. Mr. Blackburn advised it would be used mainly for repairs. He explained they try to be as pro-active as possible with the lines etc. and the sludge truck would be more of a reactive measure.

Council briefly discussed the cost savings.

Mayor Pro-tem Yount made a motion to approve the request, seconded by Council Member Powell. Unanimously approved.

Interim Manager Freeman advised due to the cost estimate of the sludge truck, he will request it go out for formal bid in which will come back before Council for approval.

Council thanked staff for their hard work.

3. Adverse Weather Policy Amendment

Interim Manager Freeman advised in reference his earlier December 14th memo background to Council regarding the Town's present Adverse Weather Condition Policy which became effective during this past State of Emergency winter storm event. Mr. Freeman advised unfortunately, this disappointed those non-essential hourly employees who were not paid while department offices were closed. However, if those employees did work from home resulting from the storm event, the Interim Manager permitted paying for those actual hours on behalf of the Town. Mr. Freeman explained in implementing, it was brought to his attention that the Town's previous policy was interpreted for Manger to permit such non-essential hourly employees to be paid if Town offices were closed without fault of these employees.

Manager Freeman advised it was up to the Council to decide if they would like to remain with the previous policy which allowed the Manager to pay the employees (\$2,900 estimated cost) or continue with the existing policy which doesn't allow the Manager to pay the employee for lost wages.

Council Member Sweeting asked if any of the employees had the capability to work from home. Mr. Freeman advised some do, but not all.

Mayor Pro-tem Yount stated the employees being discussed work for the Manager. Mr. Freeman advised that is true, but since this had to do with Council established policy Council could make the determination.

Council Member Matheson advised he had no issue paying the employees this time but felt that going forward it needed to be clarified in the policy who is designated essential and non-essential.

Council Member Powell commented that wasn't clear this time and wasn't fair for employees who have budgets that depend on that pay.

Council Member Steele advised he agreed with Council Member Matheson but feels the Town Manager should have the flexibility to "call the shots" on who he thinks should be working and pay them accordingly.

Council Member Matheson explained he didn't particularly like the fact that one employee would get paid for staying home not working when other employees are working long hours due to the weather.

Council discussed further. Interim Manager Freeman advised his recommendation was to continue with the current policy, pay the employees and let it come back to Council as a case by case basis.

Council Member Matheson made a motion to keep the weather policy as is, designate who are essential and non-essential employees for clarification and make the one-time payment to pay employees for the storm hours, seconded by Council Member Steele. Unanimously approved.

4. Council 2019 Meeting Calendar

Interim Manager Freeman explained in order to better plan for the upcoming year, Town Clerk Hilari Hubner prepared a 2019 draft meeting calendar for Council's review. Mr. Freeman advised this doesn't include special meetings that may need to be called but is a good way for Council to plan accordingly with setting all the planned meeting in advance.

Council discussed and asked staff to make a few revisions to a few of the dates. Staff will make the changes accordingly and bring back to Council for final approval at the February Council Meeting.

5. Chamber of Commerce Savor Proposed Change Request

Chamber of Commerce Director Charles Hardin advised this will be the 12th year of "Savor Blowing Rock" and due to a number of requests they have received, the Chamber would like to propose changing the location of the event. He explained they are requesting to

move the main wine tasting event on Saturday that occurs from 12-4 pm from Maple Street to Main Street (between Sunset and Morris Street).

Mr. Hardin reminded Council that in 2010 the Chamber closed Main Street for an event called "Heritage Days" to celebrate the 75th Anniversary of the Blue Ridge Parkway. He explained that event was very popular, and he's had many folks inquire about doing an event like that again.

Mr. Hardin stated the Chamber had sent a survey out to Downtown Merchants inquiring their opinion of the event. To date twenty-four (24) business owners respond in favor of the event and one merchant not in favor.

Mr. Hardin reviewed the event and the benefits of the new location.

Council Member Sweeting asked if Council could get a copy of the survey responses. Mr. Hardin advised he would get that information to Council.

Council briefly discussed the logistics of the event with Mr. Hardin. Mayor Pro-tem Yount commented he remembered the huge success the Heritage Day event was in 2010.

Mayor Pro-tem Yount made a motion to approve changing the event location to Main Street, seconded by Council Member Powell. Unanimously approved.

Council Member Sweeting asked Mr. Hardin to please come back and update Council on the event so all can know the pros and cons to the new location.

OTHER BUSINESS

Interim Manager Freeman briefed Council on the following:

- Retreat Topic info.....if council members desire any "specific" department background information included in the retreat agenda packet, please let Town Clerk Hilari know by this Thursday, January 10th.
- Public Works Uniforms...per last audit, besides strengthening Town policy that uniforms are not to be worn off duty, it was suggested that the Town should redesign or arrange/control differently the assignment of Public Works and Recreation Departments uniforms. Otherwise, an IRS ruling that such may be considered a benefit and the employee is to be personally taxed. Presently, the Town purchases said uniforms for the employee and the employee maintains the uniform.
- Sled Area...please find shared attached email from NCLM Risk Management Consultant Amy Whisnant, generally endorsing the Glen Burney Trailhead parking lot area for community sledding. If desired, Recreation Director Jennifer Brown can report on coordinating efforts to have ready for next snow event.

- Date Reminders....Joint Council and BRAAC 9:00 am, Thursday, January 10th meeting at Town Hall. Also, Sunset Drive Streetscape Project bid opening at 2:00 pm, Thursday, January 17th in Town Hall.
- Agenda Format....recognizing this evening's agenda and executive format is different, the Interim Manager is open to any suggestions and/or comments to further customize to become more useful. Also, there is no problem if after a "trial" period, Council desires it best to revert back to another or original format.

EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, Council Member Matheson made a motion to adjourn at 8:30 p.m., seconded by Mayor Pro-term Yount. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

ATTACHMENTS

- Budget Amendment Ordinance #2019-01 – Attachment A**
- Budget Amendment Ordinance#2019-02 – Attachment B**
- Tax Release – Attachment C**
- CUP Application 2018-01 – Attachment D**