

MINUTES
Town of Blowing Rock
Town Council Meeting
April 9, 2019

The Town of Blowing Rock Town Council met in regular session on Tuesday, April 9, 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

CONSENT & REGULAR ADOPTION OF AGENDA

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

CONSENT AGENDA

1. Consent Item #A

Utility Service Company (Suez) 20 July 2001 Contract: 90-Day Anniversary Date Termination Notification and authorization to utilize an engineer firm if so needed. **Utility Service Termination Letter – Attachment A**

2. Consent Item #B

BRAHM August Event Request: Town Parking Deck Area

3. Consent Item #C

Interlocal 1 July 2012 Governmental Agreement Watauga Co. and Town of Blowing Rock Consolidation of 9-1-1 Dispatch Services 12 Month Termination Notice **Termination Letter to Watauga County – Attachment B**

SPEAKERS FROM THE FLOOR

None

APPROVAL OF MINUTES

Mayor Pro-Tem Yount made a motion to approve the open and closed minutes for the special meeting held on March 5, 2019, seconded by Council Member Sweeting. Unanimously approved.

Council Member Sweeting made a motion to approve the minutes for the special meeting held on March 8, 2019, seconded by Council Member Steele. Unanimously approved.

Council Member Matheson made a motion to approve the open and closed minutes for the regular meeting held on March 12, 2019, seconded by Council Member Sweeting. Unanimously approved.

Council Member Steele made a motion to approve the open and closed minutes for the special meeting held on March 16, 2019, seconded by Council Member Powell. Unanimously approved.

Council Member Sweeting made a motion to approve the open and closed minutes for the special meeting held on March 18, 2019, seconded by Council Member Matheson. Unanimously approved.

PUBLIC HEARING:

Mayor Sellers read the law regarding Qiasi-Judicial Hearings.

Mayor Sellers advised he had received five (5) emails regarding the Public Hearing in which he forwarded them to the Town Manager. Mayor Sellers further advised he had a few people address him face to face and he had to address them individually and advise he could not comment.

Council Member Steele advised he too had received five (5) emails and hadn't opened them. He further advised he had met with Town Staff to ask a few questions on the report only to gather facts.

Council Member Matheson advised he too had received five (5) emails and was approached by one individual face to face and advised he could not participate in the conversation.

Council Member Sweeting disclosed she has received emails but did not read them, she has been approached by people, but told them she could not respond. She further stated she had attended a meeting that she had asked the Interim Town Manager if she could attend. She stated she was told she wasn't prohibited from attending, but she was not to speak at the meeting, as questions or discuss this project and she had done none of those things. She further stated she has no fixed opinions on this project.

Council Member Powell advised she had gotten the same amount of emails and she had been approached at various place around Town in which she advised she could not speak about the issue. She stated her husband had attended the Planning Board meeting because they have property close by and he wanted to hear information about the project.

Council Member Powell further advised she and her husband have not discussed that meeting.

Mayor Pro-Tem Yount advised he had received four (4) emails and had received a letter that was sealed, but not marked indicating what it was. He explained he had opened it not knowing what it was.

Planning Director Kevin Rothrock presented the following. Grand Dakota Development, LLC is requesting a conditional use permit to construct a 40-room hotel with restaurant, bar and surface parking. The property is located at 159 & 167 Rainey Street, but is also located off Hwy 221 and Morningside Drive. The property is zoned CB, Central Business. The majority of the subject property is in the WS-IV-PA water supply watershed.

The street setback in the Central Business zoning district is 15 feet. The rear setbacks on lots less than one acre is 5 feet. The proposed project meets the setback standards.

Since the hotel is setback 55 feet from the proposed Morningside Drive sidewalk, the maximum building height of 38 feet measured at the finished grade of the primary entrance. The other walls of the hotel are also limited to a maximum height of 40 feet measured along the average finished grade along that wall to the peak of the roof. The hotel meets the applicable building height standards provided in Section 16-12.6.5.4 of the Land Use Code.

Primary access to the site will be through a driveway cut on Morningside Drive and a second driveway onto Rainey Street. Direct access to Hwy 221 is not possible due to the severity of the slope on the lot.

During discussion at the Planning Board meeting, some expressed concern about the narrow street widths of both Morningside and Rainey. Staff measured pavement width on Morningside from Hwy 221 to Rainey and found no place where the street was less than 18 feet wide. Staff also measured pavement width on Rainey from Morningside to the curve just past the site. The pavement width was at least 18.5 feet and some places 23 feet wide. The only place that measured 17.5 feet in width was just past the site in the curve near the sewer manhole. Staff recommends the applicant provide curb and gutter and enough street pavement width to maintain at least 20 feet of width from the edge of pavement on the opposite side of Rainey and Morningside to the face of the curb on the project side of the street.

The Applicant has recommended signage at the driveways restricting right turns from the parking area to minimize hotel traffic from traveling East on Rainey and North on Morningside.

The proposed restaurant is 1750 square feet with 36 additional outdoor seats. According to the Land Use Code, the 40 hotels and restaurants use require 53 parking spaces. Fifty-three (53) spaces are provided on site.

Storm water will be collected and detained in a detention system under the parking area, From the detention system, the storm water will be directed to a new drainage system, the storm water will be directed to a new drainage system in Hwy 221. Since the project is at 58% impervious and is subject to a Special Intensity Allocation, storm water detention storage is required at 13,600 cubic feet per acre of the total side.

An existing sewer line is routed through the property. A new public sewer line will be redirected through the side to Morningside Drive.

All overhead utility service to the site will be placed underground. Other existing above ground services along the streets will remain overhead.

All exterior lighting in the Project shall use the same coach-style lights selected as the lighting standard for the Town and shall otherwise be consistent with the Town's Land Use Code Section 16-21.8. Any diffused or otherwise visible light emanating from the Project and adjoining properties shall not be more than one foot-candle at the common lot line separating the properties. As an alternative, the Applicant may also install the new LED full cut-off style fixture that has been installed on the Hwy 321 Bypass.

The Applicant is providing public sidewalk on Morningside Drive and Rainey Street. The Town is constructing sidewalk along Hwy 221 with the Sidewalk to Bass Lake project. Staff recommends the applicant pay for the portion of sidewalk along the portion of their property that fronts Hwy 221.

The proposed landscape plan appears to meet the Land Use Code requirements for street trees, buffers/screening and parking lot shading. The buffer along the east side of the property is required to be a 4-foot wide broken screen. An 8-foot wide semi-opaque buffer is required along each street yard. An extensive detailed landscape plan will be reviewed with the submission of construction drawings.

All retaining walls in the Project shall be constructed with or faced with stone, rock or simulated stone or rock products. All retaining walls constructed in the Project shall be the approval of the Zoning Administrator for compliance with the Land Use Code and CUP.

A dumpster for the hotel is located in the northeast corner of the parking lot. All screening requirements in the Land Use Ordinance for the dumpster enclosure will be met. In addition, the draft CUP limits collection of garbage and recycling to the hours of 8:00 a.m. to 7:00 p.m.

A 12'x55' loading zone is provided on the east side of the parking area for hotel restaurant deliveries.

All exterior materials on the Project shall consist of, wood or simulated wood products; stone, rock or simulated stone or rock products; and glass for windows. Other exterior materials and colors shall be permitted upon approval of the Town staff consistent with

the renderings and elevations submitted for the hotel building. Final exterior colors shall be approved by the Zoning Administrator, unless specifically approved by the Town Council.

All ground-level floors of the building that face a street shall have at least 50% of the wall area constructed with windows or doors or false windows consistent with Section 16-21.4.4 of the Land Use Code unless the Town Council approves a variable design.

At their March 21, 2019 meeting and after the application review, the Planning Board made a recommendation to approve the CUP with a condition. That condition being that the architectural plan complies with the 50% window/door area as required by the Land Use Code and it is consistent with NC Building Code.

A full legal transcript of the meeting will be available for review in the clerk's office once the Public Hearing is completed.

At 11:00 p.m., after brief discussion on how to proceed with the meeting, Council Member Sweeting made a motion to continue the Public Hearing on May 14, 2019 at 6:00 p.m. and requested NCDOT review the TIA and make comments and/or recommendations, seconded by Council Member Steele. For the motion: Council Members Sweeting, Steele, Matheson and Powell; Against the motion: Mayor Pro-Tem Yount. Motion passed.

AGENDA ITEMS:

1. ASU Rosen Sculpture Program – Articulated History Sculpture

Parks and Recreation Director Jennifer Brown advised the Blowing Rock Art and History Museum is requesting to install a piece of art in front of their building in place of the current art piece that will be removed in May. They currently work with the Rosen Sculpture Program at ASU which picks the piece to be displayed for a year. The new piece of art will be installed around the first of June.

BRAAC made the recommendation during their April 2, 2019 meeting to approve the art piece for one year, however, requesting that BRAHM put up signage to discourage people trying to climb on it.

Council briefly discussed a few safety concerns including making sure it's secured and cannot move.

Mayor Pro-Tem Yount made a motion to approve, seconded by Council Member Sweeting. Unanimously approved.

2. Chetola Resort – Share the Whirled Sculptured Display

Parks and Recreation Director Jennifer Brown advised Chetola Resort is requesting to install a piece of art along Main Street which is next to the sidewalk, facing their lake, that runs from Valley Boulevard to Chetola's entrance. They are planning to have a four-day art walk around their lake around the first of June that will be open to the

Public; however, the proposed piece along Main Street would remain up for one year. The art pieces along the lake will be able to be purchased; however, the art piece on Main Street will remain up for one year.

BRAAC made a recommendation during their April 2, 2019 meeting to approve the art piece for one year; however, the art piece is sold it remains up for the one-year time period before it can be removed.

Council Member Sweeting asked who owns that portion of the sidewalk. Ms. Brown advised the Town does. Ms. Brenda Council and Mr. Kent Tarbuton advised they had also spoken with NCDOT and they didn't have any concerns.

Building Inspector John Warren advised the sculpture should be inspected and make sure it's up to code just as the wine cask at Speckled Trout was.

Council briefly discussed the placement, who would carry the insurance and liability to damages to the sidewalk upon removal of the sculpture etc. It was determined Chetola would assume responsibility.

BRAAC Chair Melissa Pickett advised BRAAC suggested it be installed Monday thru Thursday and Chetola agreed.

Mayor Pro-Tem Yount made a motion to approve, seconded by Council Member Sweeting. Unanimously approved.

3. Monthly Financial Report

Finance Officer Nicole Norman provided a monthly financial overview for the month end March 2019. Council had no questions or concerns and thanked Ms. Norman for her presentation.

4. Downtown Vision & Highway 321 Bypass/Valley Blvd. Ad Hoc Committee Composition

Council Member Sweeting made a motion to develop an Ad Hoc Committee on Land Use to serve as a recommending committee only. The recommended committee members would consist of: Spike Bachman, John Aldridge, Keith Tester, Joe Bogdahn and Pete Gherini, Council Members Jim Steele and Mayor Pro-Tem Albert Yount and Council Member Sue Sweeting would serve as Ex-officio Member with no vote.

Mayor Sellers asked Town Attorney Allen Moseley if this could be done with three (3) Council Members on the committee. Mr. Moseley advised it could be. Interim Town Manager Jim Freeman reminded everyone that this would constitute the open meeting laws and would have to be properly advertised.

Council Member Matheson questioned why there couldn't just be two (2) Council Members on this committee. He further stated he would personally rather just have two

(2) Council Members. Council Member Powell concurred she would rather just have two (2) Council Members as well.

Mayor Pro-Tem Yount questioned why Council Member Matheson wanted to only have two (2). Council Member Matheson advised it was just his opinion because of perception. After some discussion Council Member Steele made a motion to withdraw from the committee, seconded by Council Member Matheson. The committee consists of: Spike Bachman, John Aldridge, Keith Tester, Joe Bogdahn and Pete Gherini, Mayor Pro-Tem Albert Yount and Council Member Sue Sweeting would serve as Ex-officio Member with no vote.

OTHER BUSINESS

- Mayor Sellers - FYI...he contacted the Governor's office about the crosswalk signage at Sunset and Main Street. They have contacted NCDOT and are currently working on pricing for what it would cost the Town....it's the Town's responsibility.
- Council Member Steele stated per general information he would like to request Council think about an amendment to the current cemetery ordinance. He advised he had been contacted by an individual regarding the current restriction on headstones. Currently Section One is the only section that can have an upright headstone and the request would be to change the ordinance to allow upright headstones in the other sections. Council discussed briefly and would like that item to be added to a Council Meeting in the near future.

Interim Manager Freeman briefed Council on the following:

- Legacy Trail Stairs: Street Access & Railing.....As last March 12th reported of being underway, please find completed two cost options to address the pedestrian safety stair access issue onto Main Street. Option 1 would close the existing stair access and construct a sidewalk from Laurel Park to the Downtown. Of course, if the Town should simply close the stair access and not construct a sidewalk, there would not be any substantial cost. Option 2 (\$350,00) would relocate the stair access out of the street "blind" area, incorporate pedestrian crosswalk signals and construct a sidewalk to Laurel Park. Do realize there are cost/benefit considerations to either eliminate the existing stair access onto Main Street or mitigate the risk by relocating such access in a safer manner. If Council should desire to pursue the second option, the Town may want to touch base with NCDOT. Besides crosswalk/signal needed approval, any possibility NCDOT would consider/plan on installing curb, gutter and sidewalk at this location on their street? Or is this a project to consider funding later from any remaining bond issuance?
- NCLM Codification Service for Blowing Rock...This \$15,000 service proposal was the first presented at Council's March 18th budget work session with

Departments...at end of long day. Being the Interim Manager did not attend, it is unclear if Council desires to pursue this agreement in the upcoming fiscal year. Direction is sought.

- NC Rural Water Association: Water & Wastewater Facilities Energy Assessment...Per information, staff met this morning with NC Rural Water Energy Specialist Marcus Abernathy. The purpose being to review in detail a completed energy assessment (25 page) conducted at the Town's water and wastewater plant. A draft executive assessment summary for the Water and Wastewater Plant is provided for reference. It is hoped that some if not all the assessment's recommendation can be included in the upcoming budget process.
- ASU Public Administration Intern...Please find reported that Mr. Dylan Powell will on May 13th begin an internship with the Town of Blowing Rock. As part of his internship, he will be assigned to work a varied schedule with all departments, before completing (August 4th) his internship with the Town Manager.
- FY 2019-20 Proposed Budget Status....Per general information and as of this writing, without considering any tax rate, fee schedule, water/sewer rate or other proposed fee increases to boost revenues, General Fund expenditures exceed revenues by \$1.4 million and Utility Fund expenditures exceed revenues by \$495,000. It is the Interim Manager's intention to focus on budget work activates over the next three weeks with Finance and Departments.
- Other....Reserved, in case something else may be report worthy since this note writing.

EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, Council Member Sweeting made a motion to adjourn at 12:00 a.m., seconded by Council Member Steele. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

ATTACHMENTS

Utility Service Termination Letter – Attachment A
Termination Letter to Watauga County – Attachment B