

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**June 11, 2019**

The Town of Blowing Rock Town Council met in regular session on Tuesday, June 11, 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 Town Manager, 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 HR Administrator Tonda Spear, who recorded the minutes. Town Clerk Hilari Hubner wasn't present but wrote the minutes.

**CALL TO ORDER**

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

**THE PLEDGE OF ALLEGIANCE**

**REGULAR AGENDA ADOPTION**

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

**MINUTE APPROVAL**

Council Member Sweeting made a motion to approve the open and closed session minutes from the May 13, 2019 Special Meeting, seconded by Council Member Matheson. Unanimously approved.

Council Member Steele made a motion to approve the minutes from the May 14, 2019 Regular Council Meeting, seconded by Council Member Matheson. Unanimously approved.

**SPEAKERS FROM THE FLOOR**

Mayor Sellers reminded everyone that the Public Hearing for Rainey Lodge was over and could not be discussed during Public Comments.

Mark Crumpler, 215 Morningside Drive, advised he would like clarification about the three-hour parking enforcement on Main Street. Mr. Crumpler explained his understanding was the three-hour parking was no longer being enforced. Mayor Sellers asked Interim Town Manager Jim Freeman to explain. Interim Manager Freeman advised there is currently a court case appeal regarding parking enforcement marking tires. He further explained he had spoken with Interim Police Chief Aaron Miller and was advised the Police Department was going to continue enforcing three-hour parking until they were

given further legal direction. Mr. Crumpler advised he had spoken with the parking enforcement officer and he advised that basically his “chalk stick” had been taken from him as he could no longer mark tires. Mr. Crumpler further advised that the “word is out” and the parking is being abused three times worse than it ever had been before. Mr. Crumpler stated he had an employee from one of the restaurants parked in front of his building every day for eight hours each day. He stated this was a real problem. Manager Fox stated he had spoken with Interim Police Chief Miller and as for as he was concerned the parking is enforceable and will continue to be taken care of.

GiGi Poole, 147 Dogwood Lane, advised she would like to speak about the Legacy Trail closure. Ms. Poole advised the first time she noticed the closure was January 2<sup>nd</sup> of this year. She explained she lives on Dogwood Lane, her neighborhood consists of Laurel Park, Dogwood Lane and Quail Hollow. In that neighborhood there are at least seventy-five (75) homes, which are now being forced to walk to Town in the middle of the street instead of being able to access Legacy Trail from their neighborhood. Ms. Poole stated money had recently been spent on improvements for Legacy Tail and now those seventy-five (75) neighbors cannot use the trail. Ms. Poole advised on March 5<sup>th</sup> a meeting was held at Town Hall with Interim Town Manager Freeman, Interim Police Chief Miller and both of her neighbors on each side of her property also attended. She further advised in the meeting Interim Police Chief Miller stated there has never been accident, injury or incident for anyone coming off the stairs which have been there for seventy-five (75) years. Ms. Poole explained she didn’t understand why something that had worked for seventy-five (75) years was now an issue. Ms. Poole advised further that she inquired what the problem was and learned that it was because the Insurance company had been asked to look at areas in Town and decided this location was unsafe. Ms. Poole asked the question “who is running this Town, is it an insurance adjuster or a lawyer and are we scared of these people”. Ms. Poole explained the response she keeps getting is “we are working on it” but would like to ask Council to help her out and get something done.

Mayor Sellers thanked the citizens for their input.

### **PRESENTATION**

Chris Hatton and Elizabeth Young gave a presentation for the Hunger and Health Coalition.

### **CUP 2019-01 RAINEY LODGE HEARING**

Council Member Sweeting recused herself from this portion of the meeting.

Mayor Sellers asked the Public to please respect what Council has to deal with in their discussion and to please refrain from interjecting.

Council Member Matheson advised he would like to make a motion and read the following:

“I would like to make a motion to approve the Application for a Conditional Use Permit based on the evidence presented at the Quasi-Judicial hearings held on April 9, 2019 and

May 14, 2019. This Motion to Approve is based on the evidence presented at these hearings and is set forth in the Applicant's Proposed Findings which were submitted to our Town Council by the Applicant's attorney. I will reference in my motion the numbered paragraphs and subparagraphs in the Applicant's Proposed Findings. The evidence presented supports the following Findings:

1. The Applicant's Application is complete, based on the testimony of Town Planning Director, Kevin Rothrock.
2. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare. In support of this Finding, I would rely upon and refer to paragraph 2, subparagraphs 1-9 which are set forth in the Applicant's Proposed Findings.
3. The use or development complies with all required regulations and standards of the Land Use Ordinance and with all other applicable regulations. In support of this Finding, I would rely upon paragraph 3, subparagraphs 1-14 of the Applicant's Proposed Findings.
4. This use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is located. In support of this Finding, I would rely upon paragraph 4, subparagraphs 1-12 of the Applicant's Proposed Findings.
5. The use or development will not substantially injure the value of adjoining or abutting property. In support of this Finding, I would rely upon paragraph 5, subparagraphs 1-9 of the Applicant's Proposed Findings.
6. The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Town of Blowing Rock Comprehensive Plan, and any other duly adopted plans of the Town. In support of this Finding, I would rely upon paragraph 6, subparagraphs 1-6 of the Applicant's Proposed Findings.

I would further move that the proposed Town of Blowing Rock Conditional Use Permit as drafted by the Town Planning Director and made a part of our record be approved, subject to the following specific conditions.

1. That approval of this permit will be conditioned upon the restriction that due to the classification of Morningside Drive under our Code of Ordinances, all deliveries made to the Project after completion will be limited to trucks having no more than 2 axles.
2. The prior to commencement of any land disturbing activity, the applicant shall provide a performance bond or payment to the Town to cover 125% of the Applicant's estimated costs, as approved by the Town Engineer, of the installation of the Project's storm water drainage facilities, water and sewer utilities, sidewalks, full site-stabilization, the proposed Project landscaping, and restoration of all excavated areas to pre-disturbance grade level, to be used by the Town as recommended by the Town Engineer and the Town Planning Director based upon progress of completion of the Project at the time the performance bond or payment is utilized.

Council Member Steele seconded the motion for discussion, he advised he would like to suggest adding to the motion requiring a finished landscape plan. Council Member Powell advised she thought that was already included. Town Attorney Allen Moseley confirmed that was already included in what had been submitted from the applicant.

Council Member Powell asked about noise ordinance and how it will be controlled. Manager Fox advised the current ordinance for food/beverage consumption is 12am-7am and music/loud noise/dumping trash and/or recycling is 11pm-7am. Council Member Powell further asked if there would be a different ordinance for this neighborhood. Planning Director Kevin Rothrock advised the noise ordinance if Town wide.

Council Member Powell briefly discussed with Mr. Rothrock the storm drain plan.

Council Member Steele addressed the crowd and advised when CUP's come before Council, Council Members are bound by what the Town's ordinances are and what the laws are. He further advised Council doesn't get to pick and choose which ones they like and which ones they don't like. Council Member Steele advised the applicant owns the property and has met all the criteria that the Town's ordinances require. Council Member Steele stated the Town is going to have to be diligent to make sure all the conditions are followed, that the contractors and sub-contractors are not parking on the street and blocking access to an already very narrow street. Council Member Steele explained he wanted the public to understand that Council had a difficult task during their deliberation. They had to look out for all stakeholders and make sure everyone's rights are met. He further explained it's not only the right thing to do, but also according to the Town ordinances and the law.

Mayor Pro-Tem Yount advised he had known the applicant, Mr. Stephen Barker, for a long time and that he was a good person. He further commended Mr. Walter Fields for being equally as good and that he just had a difference of opinion from them. Mayor Pro-Tem Yount stated he felt the building was too high up in the air and too massive for that location. He further stated in his opinion he felt it was a cross between Sugar Top and Helen, Ga. Mayor Pro-Tem Yount advised he would be willing to help in any way he could to make this project the best it can be for our Town and to work together. He further advised he is counting on Mr. Barker to do all the things he says will be done.

Mayor Sellers advised politics is new to him as he has always known the business side and when it came to this situation with Council Member Sweeting it greatly disappointed him as well as all the Council Members. He further advised he felt that all Council had learned a valuable lesson; we have rules, ordinances and protocol that must be followed. Council must represent everyone and had to follow the letter of the law. Mayor Sellers stated a lot of sleep has been lost over this process. He further stated he concurred with Mayor Pro-Tem Yount that he hoped the applicant would follow through and go above and beyond with what the project should look like.

Council Member Powell stated that unfortunately this project has brought out the worse in some of us. She further stated as we move forward she expected Rainey Lodge to be a good neighbor and she would be a good neighbor to Rainey Lodge. Council Member Powell advised this is an opportunity for this side of Town to blossom and Rainey Lodge will be part of that. She further advised with all the new sidewalks and trails connecting all over Town it's a great opportunity to make Town a walkable place. Council Member Powell stated she would like to ask for people to welcome this new development and move forward together with this opportunity of growth.

With no further comments the motion stood. For the motion: Council Members Matheson, Steele and Powell. Against the motion: Mayor Pro-Tem Yount. Motion was passed.

#### **Attachment A - CUP 2019-01 RAINEY LODGE**

Council took a ten (10) minute recess.

Council Member Sweeting re-entered the Meeting.

#### **AGENDA ITEMS:**

##### **1. Financial Report**

Finance Officer Nicole Norman gave the Financial report for May 2019. Council had no questions or concern and thanked Ms. Norman for the update.

##### **2. Ordinance Amendment – Chapter 13 Cemeteries Article IV**

Manager Fox advised per Council's April 9, 2019 meeting direction, a proposed amendment to the Town's two cemetery ordinances, 13-18 and 13-19 had been requested by several Council Members to amend the current ordinance to allow upright headstones. Manager Fox further advised he and Interim Public Works Director Matt Blackburn discussed and researched and come up with some proposed changes to allow upright single and double markers. Manager Fox stated currently the only section in the cemetery that allows upright headstones is section one.

Manager Fox explained the dimensions and had a visual drawing for Council to refer to. Manager Fox further explained from a maintenance standpoint, this change does not require any additional up keep.

Council Member Matheson asked if this passed and someone who currently has a headstone wanted to change to an upright headstone if they could do so. Manager Fox advised that could be done.

Council Member Powell asked to put in the ordinance that the owner of the plot can change to an upright headstone if they wish to at their expense.

- 3. Council Member Steele made a motion to approve with the change requested by Council Member Powell, seconded by Council Member Sweeting. Unanimously**

approved. **Attachment B - Ordinance Amendment – Chapter 13 Cemeteries  
Article IV**

**OTHER BUSINESS**

- Mayor Sellers – Gave an update on the newly planted trees on Valley Blvd. Cullie Tarrleton, a DOT Board Member and resident, advised approximately fifty (50) dead and/or dying trees will be removed ASAP. The new trees will begin being replaced on September 15<sup>th</sup> and completed on December 15<sup>th</sup> of this year. This does include all the median as well. The contract for warranty will be effective December 15<sup>th</sup> and will be for 18 months. Between this time, if any trees die DOT will have to replace them. Mr. Tarrleton is checking into the mowing, currently he thinks the contractors are supposed to keep Valley Blvd mowed every ten days and thinks it will be mowed until December, but Mr. Tarrleton will make sure that is correct.
- Council Member Sweeting - the Land Use Ad Hoc committee's met twice, and both meetings were very productive. Currently they are working on their scope for their purpose. It was decided the best interest of the Town is to hire someone to help with the process. The Comprehensive Plan will be used as the core and have them look at the plan from Main Street, Sunset and Valley Blvd. The hope is to have them give options, present the suggestions to the community and let the community decide what they want. Also hope to have provided what ordinances need to be changed to protect what the community wants. Currently the committee is in the process of looking for someone, getting quotes and once those tasks are completed can look for funding.
- Council Member Matheson – the shuttle has had 129 riders so far, the past weekend had a low attendance, but that was due to the weather. Manager Fox, Mayor Sellers and Council Member Matheson will be having a conference call to discuss the upcoming proposal for Short Term Rentals. Currently a group in North Carolina Real Estate and online companies that are trying to have language that would allow short term rentals everywhere. Trying to fight it and asked if anyone would like to oppose it let Senator Ballard or Representative Russell know.

Manager Fox briefed Council on the following:

- Thanked Police, Fire, Public Works, Street, Waste Water and Sanitation Departments for their hard work and approximate 100 hours of over time spent over the weekend with the large amount of rain fall. There were a few incidents that were able to quickly be rectified.
- Reminded about the upcoming Budget Work Session meeting on Monday, June 18<sup>th</sup> at 6 p.m.

**EXECUTIVE SESSION**

At 7:30 p.m. Council Member Powell made a motion to go into Closed Session pursuant to NCGS 143-318.10 (a) (5), seconded by Mayor Pro-Tem Yount. Unanimously approved. Council directed Manager Fox to finalize and execute an agreement with Skyline Skybest to have a hub in Blowing Rock for internet, tv and phone service.

**ADJOURNMENT**

There being no further business to discuss, Council Member Sweeting made a motion to adjourn at 8:00 p.m., seconded by Council Member Steele. Unanimously approved.

**MAYOR** \_\_\_\_\_  
**Charlie Sellers**

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

**ATTACHMENTS**

**Attachment A - CUP 2019-01 RAINEY LODGE**

**Attachment B - Ordinance Amendment – Chapter 13 Cemeteries Article IV**