

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**November 12, 2019**

The Town of Blowing Rock Town Council met in regular session on Tuesday, November 12, 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 Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman from McGill Associates, Public Works and Utilities Director Matt Blackburn, Police Chief Aaron Miller, Planning Director Kevin Rothrock, Building Inspector John Warren, Fire Chief Kent Graham, Parks and Recreation Director Jennifer Brown, Finance Officer Nicole Norman 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**

**REGULAR AGENDA ADOPTION**

Mayor Sellers advised Manager Fox had an amendment to the agenda. Manager Fox advised the roof at Edgewood Cottage has had some repair issues over the past few years. He explained although things have been done to try to remedy those issues, the roof is now in need of being replaced. Manager Fox advised his request of Council is staff's ability to utilize current budget funds designated for the 1888 Museum in the amount of \$7,000 to be re-allocated to Edgewood Cottage for the roof replacement.

Council Member Sweeting made a motion to approve as presented, seconded by Council Member Powell. Unanimously approved.

Council Member Powell made a motion to approve the agenda as amended, seconded by Council Member Matheson. Unanimously approved.

**CONSENT AGENDA**

Budget Amendment Ordinance to Account for various items. **Budget Amendment #2019-15 – Attachment**

Council Member Steele, Seconded by Council Member Sweeting. Unanimously approved.

**MINUTE APPROVAL**

Council Member Sweeting made a motion to approve the minutes from the October 8, 2019 Regular Council Meeting open session, seconded by Council Member Matheson. Unanimously approved.

Council Member Steele made a motion to approve the closed session minutes from the October 8, 2019, seconded by Council Member Sweeting. Unanimously approved.

### **SPEAKERS FROM THE FLOOR**

None

### **PRESENTATIONS:**

#### **1. New River Conversancy**

George Santucci gave an update via PowerPoint on the Middle Fork Greenway restoration project near the water treatment facility.

Council thanked Mr. Santucci for the updated.

### **PUBLIC HEARING**

#### **1. Natalie Bovino Annexation – 250 Old HWY 321**

Natalie Bovino has submitted a petition of voluntary satellite annexation for Council consideration. The 0.826 acre subject property is located in the ETJ along Highway 321 South just outside of the Town corporate limits. The property is zoned General Business.

The applicant has submitted a petition for satellite annexation with the intention of connecting to Town Sewer utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.

At the October 8, 2019 meeting, the Town Council approved Resolution 2019-10 to initiate the satellite annexation process and Resolution 2019-11 to set the date for public hearing.

Ms. Bovino is responsible for the cost of extending sewer service to her property and for the availability fees for any buildings connected to the system. Public sewer service was installed on a nearby property lot when the lift station was installed for the Chestnut Ridge (Foley Center) PACF. Ms. Bovino has an adequate well to service her property. If there is a future need to connect to Town water, connection and extension costs will be borne by the property owner.

Since the boundaries of the subject property are not contiguous with the Town's corporate limits, the rules for satellite annexation have to be followed. The five basic rules for satellite annexation in North Carolina found in G.S. 160A-58.1(b) are:

- The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;

- No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- The area described is so situated that the Town of Blowing Rock will be able to provide the same service within the proposed satellite corporate limits that it provides within the primary corporate limits;
- No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.

Through staff review of the annexation petition, it appears that all requirements of satellite annexation will be satisfied.

If approved as presented, the annexation will become effective on November 30, 2019. The boundary map will be recorded with the Watauga County Register of Deeds and the office of the North Carolina Secretary of State. A copy of the map will also be delivered to the Watauga County Board of Elections.

Council Member Powell asked if approved would Ms. Bovino be able to vote. Mr. Rothrock advised she would once the annexation was complete.

Council Member Powell asked if trash and recycling services would be provided. Mr. Rothrock advised they would.

Mayor Sellers asked for public comment. With there being no public comment or questions Council Member Sweeting made a motion to close the public hearing, seconded by Council Member Matheson. Unanimously approved.

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

## **2. 4 Forty Four – Conditional Zoning**

Planning Director Kevin Rothrock made the following presentation:

The Headwaters of the New River, LLC is requesting a conditional rezoning of the former New River Inn property from General Business to Conditional Zoning – General Business (CZ-GB). The 4.926-acre property is located at 6875 Valley Boulevard. The Applicant is proposing to renovate the former New River Inn office building for use as 4 Forty Four's office building and construct several residential cottages and treehouses and a future commercial building.

The Applicant is seeking the conditional rezoning to make use of the former New River Inn property by reconstructing and adding to the existing office building along Hwy 321, future construction of another office building, and the construction of up to 16 residential units – both cottages and treehouses.

The Applicant is requesting a 5-year vested rights period upon approval of the rezoning application to allow phasing of the development in response to capital investment and market conditions.

The Applicant is also requesting a 5-year vested rights period upon approval of the rezoning application to allow phasing of the development in response to capital investment and market conditions.

The Applicant is also requesting flexibility with respect to the overall mixture (cottage or treehouse), quantity, and location of the residential units. The plans currently show 10 residential units, but the Applicant wants the flexibility to increase the total number units up to 16 as long as such increase and placement is consistent with the fire access requirements of the NC Fire Code and NC Building Code.

The setback on Hwy 321 is 20 feet from the right-of-way and the side/rear setback on the property is 8 feet. The proposed project meets all setback requirements.

The existing office building is located partially in the 100-year floodway. All new construction will not expand the current footprint and will not add to the floodway encroachment. A flood study and/or certification will be required to verify the new construction will meet the Town's floodplain ordinance.

All building materials as proposed on the office building, cottages and treehouses are consistent with the commercial design standards and colors in the Land Use Ordinance. The proposed office building is designed with a photovoltaic solar panel system on the south facing roof. This system will provide 100% of the daily power needs of the office. In addition, the Applicant has provided a design of the future office building for consideration and would like the final design and details to be approved administratively.

Access to the site will be from the current driveway entrance of Hwy 321. The alignment will be shifted slightly to improve connection to the bridge. There is an existing south bound left turn lane for traffic approaching from Boone and the Blue Ridge Parkway. Access to the remainder of the property will be across the existing bridge/culvert and will follow the existing road to the proposed cottages and treehouses. The existing grade on the first hill is approximately 20% and the Applicant is proposing adjusting the road grade to not more than 15% to meet Town Code.

The proposed uses in the initial phases of the project require 38 parking spaces and there are 44 spaces proposed. The future office building requires at least 5 spaces and there is room on the site to provide up to 6 additional spaces when this construction is pursued.

The storm water runoff from the site will be conveyed to an onsite detention system and released to the New River, consistent with the Land Use Ordinance.

A sewer pump station will be installed adjacent to the office building and will be pumped under the road to force main on the west side of 321. The sewer lines south of the pump station are private and north (under the highway and on) are public. The ownership and maintenance of the pump station after installation belongs to the Town. All electrical service lines will be provided underground.

Garbage collection will be through roll-out containers and will be picked up by a private service or Town crews.

The Applicant is committed to providing and gifting an easement for the Middle Fork Greenway across the property.

A detailed landscape plan will be submitted for construction drawings. Tree removal on the property will be minimized as the proposed treehouses will be built on posts to reduce grading impacts.

Applicant Kevin Troyer advised he and his wife purchased the property and fell like it was an asset to own not only for them but for the community. Mr. Troyer further reviewed the history of the property and it uses in the past.

David Harwood, Architect for the project, advised when the team took on this plan, they looked at the comprehensive plan and how they could contribute to the community through that. He further advised the team came up with seventeen (17) things in the comprehensive plan the project met, exceeded or helped with.

Mr. Harwood explained with the type of accommodations and location offered it would be very attractive for younger families to stay at the properties, park their cars and ride bikes or walk the Greenway to their destinations for the duration of their stay. Mr. Harwood stated he felt it was very fortunate for the Town, the Middle Fork Greenway and Blue Ridge Conservancy that the Troyer's purchased the property as their goal is to work with all.

Mr. Harwood stated this property hasn't had an active business in it in for the last twenty-five (25) years. He further stated when Mr. and Mrs. Troyer purchased the building the first thing, they did was paint the building and by doing that made a huge difference in the look of the property. People actually thought they had done a whole remodel of the building, where as all that had in fact been done was painting. Mr. Harwood explained to take an underutilized building, make improvements and add it back to the tax basis is a huge thing.

Mr. Harwood reviewed the plan in more detail via PowerPoint showing the detailed plans for the office building, cottages and/or treehouses.

He advised the hope of the team was to get everything approved at once so once they get down the road, they will already have approval and not have to come back before the board. He further advised the goal was to make the "unknowns known".

Mr. Troyer advised they had received letters of support from the Blue Ridge Conservancy, the Middle Fork Greenway and the Blowing Rock Chamber of Commerce.

Mr. Rothrock clarified to Council that the existing building on the property will be demolished, and a new office building will be constructed.

Council Member Matheson asked if any alterations would need to be made to the existing bridge that crosses the creek. Project Manager Preston Spencer explained they wouldn't have to make any alterations but had been working with Arete' Engineers and they made their recommendations. He further explained they still had to make sure that it's certified to meet weight requirements.

Council Member Matheson asked if the fireplaces would be wood or gas. Mr. Harwood advised they had considered wood burning but decided to do gas inserts instead.

Council Member Powell stated she hasn't seen with any other developments in the past Council giving a five-year (5) period. She was concerned with the five years and allowing changes to be made without coming back before Council as that was not something Council had allowed to be done in the past. She explained she loves the plan, the design, the treehouses, colors, the solar panels etc. She restated her only concern was allowing "free rein".

Mr. Harwood advised he would like to address her concerns. He explained typically a project gets two (2) years automatically as that is the minimum and per General Statute for North Carolina it allows up to five (5) years. He further explained the applicant isn't asking for anything out of the ordinary, the reason for the request is to allow for flexibility as they may or may not phase the project, they may build the sales office before the residential component or vice versa. Mr. Harwood explained once they start building the residential units, they may find that one or the other types (treehouse or cottage) rents better and will switch the configuration.

Council Member Steele asked for clarification on when the five (5) years would start. Mr. Rothrock advised it would start once approved.

Council Member Sweeting asked how the units were going to be rented. Mr. Troyer advised they would be short-term rentals and could be rented daily, weekly or monthly. Council Member Sweeting explained she was concerned about the trash because the Town only picks trash up once a week and using rollout containers would cause a bit of an issue with that. Mr. Troyer advised he could commit to the Town that the trash would not be an issue.

Mr. Troyer spoke to the question of the five (5) year request by explaining the intent was not to wait five (5) years to start the project. He further explained the goal is to start with the construction of the office building and then build the residential construction. Mr.

Troyer advised he would like to allow time for the market to tell which type of unit is better, the intention is for that purpose only and not to drag their feet in building.

Council Member Sweeting advised she was uncomfortable with giving the five (5) years and was also uncomfortable with any changes in the plans going back to administration to review and approve. She further advised she felt like that was a Council responsibility and felt any changes should go to Planning Board to review and bring back to Council.

Council Member Steele stated he felt the professionals had done their job and he trusted them. He further stated he didn't think Council needed to see anything more. Council Member Powell asked what would happen if someone came with another project and asked for the same thing. Council Member Steele explained he didn't feel that by allowing this it would set a precedent and each project had to be treated individually.

Mayor Pro-Tem Yount advised if he doesn't trust a man, he doesn't trust them no matter how many years he has known them and that he completely trusted Mr. Troyer and what he is proposing.

Chelsea Garret, Attorney for the Applicant, spoke and clarified that if Council likes the office building and the residential units proposed that is the whole scope of the project. The only change that could and would be made would be to change the types of units (example more treehouses or more cottages) just depending on the market need.

After further discussion and clarification on the plan, Council Member Powell asked if there were any concerns from any of the Hillwinds neighbors. Mr. Harwood advised that one of the neighbors that attended one of the neighborhood meetings asked for clarification of if the units were short term rentals. Council Member Powell further asked if the Parkway had been notified since the property was in close proximity. Mr. Rothrock advised they had received notification and that there were not specific requirements that had to be met.

Council Member Steel advised the whole plan not only fits the Town's overall plan but shows how you can make a change gracefully. He explained the plan is not to build and have them empty, but rather build the units as needed. He further explained this project will only enhance our Village and whole area and he did not personally see a downside to the project.

Council Member Steele made a motion to approve the project as presented, seconded by Mayor Pro-Tem Yount.

Discussion:

Council Member Powell advised she now understands the reasoning behind five-year (5) year request. She thanked Mr. Harwood for his great explanation and appreciated the team answering all Councils questions.

Council Member Sweeting asked if Council Member Steele or Mayor Pro-Tem Yount would be willing to amend their motion to request any changes be brought back to Planning Board and then Council for approval first and not to only administration. Mayor Pro-Tem Yount advised he would not amend the motion. With no further discussion the motion stood to approve the project as presented. In favor of the motion: Mayor Pro-Tem Yount, Council Members Steele, Matheson and Powell. Against the motion: Council Member Sweeting. Motion was approved.

Council took a 10-minute recess.

## **AGENDA ITEMS:**

### **1. Blowing Rock Chamber Winterfest Request**

Parks and Recreation Director Jennifer Brown advised per your request from the October meeting the Blowing Rock Chamber of Commerce has submitted to two more special event applications for the dog keg pull during Winterfest on January 25, 2020.

Option one is requesting to close Park Avenue from Main Street to the Police Department parking lot and use that section for the dog keg pull. The original proposed beer garden would be on private property.

Option two is requesting to close Wallingford from Park Avenue to Laurel Lane and have the dog keg pull in that section. Again, the original request of a beer garden would be on private property.

Option three is requesting closing Park Avenue from Main Street to the Police Department for the dog keg pull and have the beer garden in the Police Department parking lot.

Town staff has reviewed the Special Event application and is good with closing Park Avenue and the beer garden is up to Council.

Council Member Matheson made a motion to approve option two – closure of Park Avenue and holding the beer garden on the Chambers lawn, seconded by Council Member Sweeting. Unanimously approved.

### **2. Bond Resolution**

Finance Officer Nicole Norman reviewed via Power-Point a recap of the 2014 General Obligation bonds and resolution for the third issuance which would plan to be funded in January 2020. This issuance is for \$4.370 million with the remaining authorization of \$1.695 million.

Ms. Norman noted staff received notification from S&P the Town has remained at an AA plus for bond rating.

Council Member Sweeting made a motion to approve the third issuance resolution, seconded by Council Member Steele. Unanimously approved.



### **3. Financial Report**

Finance Officer Nicole Norman via Power-Point the First Quarter Financial report. Council had no questions or concerns.

### **OTHER BUSINESS**

- Mayor Sellers – Advised the Foley Center had been sold as of October 1<sup>st</sup>.
- Mayor Pro-Tem Yount – Thanked the voters for his re-election. Asked Police Chief Miller who controls the speeding violations. Chief Miller advised it was mandated by the state. He further asked if the Town gets speeding ticket funds. Chief Miller stated it was a very small amount that came back to the town through the state.
- Council Member Matheson – 60 Riders for the AppalCart last month with the only day in operation being Saturday. He also thanked Public Works Director Matt Blackburn and his staff for their work over the Veterans holiday weekend on the water leaks in town.
- Manager Fox – Updated the following:
  - Sunset Project – milling began and should be completed by the end of the week. Paving will begin next week provided the temperature stays above 40 degrees.
  - Sourwood project is 99% complete with only a few “punch list” items left to do.
  - HWY 321/Valley Blvd planting is more than half way complete
  - Thanked the Public Works staff for their hard work on the water leaks over the holiday weekend

### **EXECUTIVE SESSION**

At 8:30 p.m. Council Member Powell made a motion to go into closed session under NCGS 143-318.11(a)(5) – discussion of potential acquisition and NCGS 143-318.11(a)(3) – attorney-client privilege, seconded by seconded by Council Member Steele.

### **ADJOURNMENT**

There being no further business to discuss, Council Member Sweeting made a motion to adjourn at 9:00 p.m., seconded by Council Member Powell. Unanimously approved.

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

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

### **ATTACHMENTS**

- Budget Amendment #2019-12 – Attachment A**
- Bovino Annexation – Resolution #2019-10 and #2019-13 – Attachment B**
- 4 Forty-Four – Conditional Zoning #2019-14 – Attachment C**
- Bond Resolution – Attachment D**