



Town of Blowing Rock

Date: *Tuesday, January 12, 2021, 6:00 p.m.*

Location: *Remote Meeting*

Agenda

| <i>Item</i> | | <i>Present & Participants</i> |
|--------------|---|---|
| I. | CALL TO ORDER – ROLL CALL FOR ATTENDANCE | Mayor Charles Sellers |
| II. | PLEDGE OF ALIGENANCE | Mayor Charlie Sellers |
| III. | APPROVAL OF MINUTES – By Roll Call 1. December 15, 2020 – Regular Meeting Minutes 2. December 15, 2020 – Closed Session Meeting Minutes REGULAR AGENDA ADOPTION – Vote by Roll Call CONSENT AGENDA 1. Budget Amendment - #2021-1 | Mayor & Council Mayor Mayor & Council |
| IV. | PUBLIC COMMENTS – emailed or mailed to the Town Clerk prior to 4:00pm on January 12th. | |
| V. | SPECIAL PRESENTATION 1. Blowing Rock Police Department – a. Ceremonial Swearing-in Oath b. Life Saving Award | Mayor Charlie Sellers & Police Chief Aaron Miller |
| VI. | PUBLIC HEARING 1. Foggy Rock CUP Amendment | Kevin Rothrock, Planning Director |
| VII. | BUSINESS MATTERS: 1. Loan RFP Results – Purchase of DOT Property | Shane Fox, Town Manager |
| VIII. | OFFICIALS REPORTS & COMMENTS: 1. Mayor 2. Council Members 3. Town Attorney | |

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|----|--|--|
| | 4. Town Manager | |
| I. | ADJOURNMENT/RECESS... <i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i> | |
| | | |

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
December 15, 2020

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, December 15, 2020 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Doug Matheson, Virginia Powell, Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Public Works and Utilities Director Matt Blackburn, Planning and Inspections Director Kevin Rothrock, Police Chief Aaron Miller, Parks and Recreation Director Aaron Miller and Town Clerk Hilari Hubner who recorded the minutes. Others in attendance via Zoom virtual/phone session were Fire Chief Kent Graham, and Finance Officer Nicole Norman.

CALL TO ORDER

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor verified attendance via roll call.

THE PLEDGE OF ALLEGINANCE

MINUTE APPROVAL

Mayor Pro-Tem Sweeting made a motion to approve the regular session minutes from the November 10, 2020, seconded by Council Member Matheson. Unanimously approved.

Council Member Matheson made a motion to approve the closed session minutes from the November 10, 2020 meeting, seconded by Council Member Powell. Unanimously approved.

EMPLOYEE SERVICE AWARDS

Mayor Sellers presented awards for years of service to the following employees; Tammy Bentley (10 years), Barry Ford (30 years), Jennifer Brown (15 years), Matt McGuire (15 years), Kent Graham (20 years) and Hilari Hubner (10 years).

REGULAR AGENDA ADOPTION

Council Member Harwood made a motion to adopt the agenda as presented, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

CONSENT AGENDA

1. Budget Amendment - #2020-12

To account for various items. **Budget Amendment #2020-12**

2. Tax Releases- #2020-02, #2020-03, #2020-04, #2020-05

Various tax adjustments over time become apparent and present themselves in the form of requests for release (adjustments). **Tax Releases - #2020-02, #2020-03, #2020-04 and #2020-05**

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

SPEAKERS FROM THE FLOOR

None

PRESENTATIONS

1. Blowing Rock Historical Society

Mr. Tom O'Brien, president of the Blowing Rock Historical Society presented via Zoom PowerPoint on behalf of the Historical Society and the Village Foundation of Blowing Rock a proposed history walk, asking the Council for conceptual approval.

Following the presentation Council agreed to allow them to move forward, work in conjunction with the Parks and Recreation Advisory Committee (if approved) and bring back to Council with a firm plan endorsed by the Parks and Recreation committee.

PUBLIC HEARING

1. Tree City USA

Planning Director Kevin Rothrock advised BRAAC is requesting review and approval of a Public Tree Ordinance to be eligible to apply on behalf of the Town of Blowing Rock as a Tree City USA member. The draft ordinance attached is proposed to be included in Chapter 16 – Article 22 – Screening and Trees. The additional language would be inserted at the end of the Landscape and Screening Ordinance of the Town Code.

Although the Town has a landscape ordinance, the Tree City USA standards require that the local government have an ordinance for the protection and management of public trees.

Council Member Powell stated for clarification this ordinance is only for trees on Public property. At the November 19th meeting, the Planning Board recommended approval of the draft ordinance.

Mayor Pro-Tem Sweeting asked Mr. Rothrock if he could update section 16-22.22.22 03 (b) and (c) to add a public works representative for the limb removal authorization. Mr. Rothrock advised he would make that change. He further stated he would remove the Building Inspector from the authorized list.

Mayor Pro-Tem Sweeting made a motion to close the public hearing, seconded by Council Member Harwood. Unanimously approved.

Mayor Pro-Tem Sweeting made a motion to approve the ordinance to protect and manage public trees and to set up Tree City USA, seconded by Council Member Matheson. Unanimously approved.

Council Member Yount asked if there would be signage stating the Town is a Tree City USA Town. Manager Fox advised there would be. **Tree City USA Ordinance #2020-02**

BUSINESS MATTERS

1. CUP Thirtle Building – Minor Amendment

Mr. Rothrock advised Mr. and Mrs. Iris Thirtle are requesting a minor amendment to their CUP for the Thirtle Building at 110 Sunset Drive to allow their satellite parking spaces to be allowed within 900 feet of the building.

In May of 2003, Town Council approved an amendment to the CUP which changed the allowable use of the second floor from restaurant to retail, office, and residential use. In allowing residential use, the Council required that satellite parking be required for that use within 400 feet of the property in downtown to be within 600 feet of the property.

The Thirtles have had a residential use on the second floor for over 15 years and have utilized an agreement with First Citizens Bank for satellite parking. The Thirtles are trying to sell the commercial building at 110 Sunset Drive and are able to provide up to three (3) satellite parking spaces on their property at 284 Sunset Drive. The Thirtles request this minor amendment to secure satellite parking withing 900 feet for the second-floor residential use.

Mayor Pro-Tem Sweeting asked what the current use of 110 Sunset is. Mr. Rothrock advised the lower level is retail space and the upstairs is residential.

Mayor Pro-Tem Sweeting asked if someone purchased the building and wanted to divide up into apartments could they do so. Mr. Rothrock advised they could. She further asked if the apartments were to be short term rental how many parking spaces would they need. Mr. Rothrock advised one (1) parking space per bedroom.

Council discussed satellite parking.

Council Member Matheson asked if there would be designated parking signage if this were passed. Mr. Rothrock advised if Council decided to approve then it would have designated signage.

Council Member Yount asked if this would work as an easement if the Thirtles were to sale. Mr. Rothrock advised it would.

Ms. Sue Glenn, realtor for the Thirtles asked if she could address this issue.

Mayor Sellers advised not at this time.

Council Member Yount asked for further clarification if there were going to be an easement if Council approves this now for parking.

Mr. Rothrock advised Ms. Glenn's knowledge may help answer this. He explained she's selling the property and has more knowledge, but if it were him, he would say there would be an easement or an agreement. Council discussed the easement further with Town Attorney Allen Moseley.

Council Member Powell advised in her opinion, it seemed as though the Thirtles are currently in violation of their parking agreement. Mr. Rothrock advised there is nobody currently living at the property, but they would be in compliance even if there were.

Council Member Harwood advised he is not a fan of satellite parking and never has been. He explained this just highlights the problems it can cause, it creates and undo record keeping problems for our Zoning Administrator as well as a very good memory. He thanked Mr. Rothrock for his work.

Council further discussed the parking. Council Member Matheson asked for clarification about the parking fund and why they wouldn't be allowed to pay into the parking fund. Mr. Rothrock advised in the years that the Town has had the parking fund, there hasn't been one instances where Council has allowed it for residential use.

Council Member Harwood made a motion to not allow the amendment to the CUP, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

Ms. Glenn asked why she wasn't allowed to speak on behalf of the Thirtles. Mayor Sellers advised because Mr. Rothrock was presenting on behalf of the Town and Council was getting guidance from the Town Attorney. She stated she was sorry because she was led to believe she would be able to make a presentation. Mayor Sellers apologized for the misunderstanding.

2. Chetola Art Request

Parks and Recreation Director Jennifer Brown advised Chetola Resort and Spa hosted a Sculpture Walk in 2019. During that event, a sculpture was approved by Town Council to install on Main Street near Chetola for a year until the next Sculpture Walk event. Due to COVID, Chetola canceled their 2020 Sculpture Walk.

Chetola is requesting to leave the current sculpture up on Main Street until their next Sculpture Walk, which will hopefully be in 2021. At their December 8, 2020 meeting, BRAAC recommended that the sculpture remain until the next Sculpture Walk.

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

Council Member Powell thanked the artist for allowing the sculpture to stay for another year, it's a beautiful sculpture and very generous.

3. Parks and Recreation Advisory Committee

Council Member Harwood advised Blowing Rock is recognized for our public spaces, the quality of our landscaping, our park facilities and now wonderful, new playground. In recent years, Town Council has considered many improvements to the parks and implemented some of them. There are many competing users that want new amenities, or our existing ones improved. The users and supporters include BRAAC, tourists, Village Foundation, BRCA, parents, athletes, hikers, citizens, music groups and pickleball players. Council Member Harwood stated he is of the opinion that a solid, multi-year strategy for our parks, with an action plan is needed so that the Town can plan accordingly for continued maintenance, but also for improvements and new amenities. Such a strategy will allow the Town and Council to make informed decisions when opportunities are presented for partnerships and potential land acquisition. Additionally, there are North Carolina Parks and Recreation Trust Fund Grant (PARTF Grant) funds available which can significantly help offset the costs of such improvements. These grant funds would be administered through the High County Council of Governments (HCCOG) and they would also assist with the grant writing and application process.

Mr. Harwood advised he would like to request Council to authorize the information of a Parks and Recreation Advisory Committee. The committee will include the following individuals:

- | | |
|---------------------------------------|-----------------|
| • Council Representative | David Harwood |
| • Town Representative | Shane Fox |
| • Parks and Recreation Representative | Jennifer Brown |
| • BRAAC Representative | Melissa Pickett |
| • Planning Board Representative | Pete Gherini |

Mr. Harwood reviewed the timeline and advised the Parks and Recreation Advisory Committee will present the feasibility for PARTF application and seek endorsement for proceeding with the Parks Strategy Plan to Council at the Winter Retreat. The committee will seek guidance for next steps from Council at that time.

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

Mayor Pro-Tem Sweeting advised she thought it would be good to have a younger resident with children on the committee. Council Member Harwood agreed, but stated he would like to wait until after retreat when/if the committee is expanded. He further thanked Council for their endorsement of the committee.

OTHER BUSINESS

- Mayor Sellers – thanked staff for their continued hard work, the Council and to the citizens their hard work to make it through a difficult year.
- Council Member Yount – Would like Council to consider coming up with a sign identifying the New River. He advised he has a friend that could make a template of what the sign could look like for Council to review. The General consensus among Council review once the template was available.
- Council Member Harwood – thanked Manager Fox for his work, thanked Parks and Recreation for their hard work for creating a wonderful creative alternative to the normal Christmas party. Celebrating his first year on Council, it's been the greatest honor of his life to serve on Council and he thanked Council Members for welcoming him to the team and for their collaborative work.
- Mayor Pro-Tem Sweeting – thanked Manager Fox and staff for their continued hard work through all. She further thanked the citizens for their support of all the changes and difficulties COVID has caused.
- Council Member Matheson – reviewed some items discussed at the NC League Board of Directors Meeting.
- Council Member Powell – None
- Manager Fox – thanked Parks and Recreation for a wonderful Christmas party and to Thomas Steele for his hard work on making all the Zoom technology happen. Thanks to Public Works for their hard work on Thanksgiving fixing a water leak that took approximately 13 to 14 hours. There have been 60 something ordinance changes. Town decided to move forward with having Blowing Rock Law enforcement do foot patrol on Fridays, Saturdays and Sundays to enforce mask wearing. Update on Bass Lake sidewalk project, Green's Construction and Padco Excavating have been subcontracted out to finish out the project.

Council took a ten-minute recess at 8:00 p.m. before going into closed session.

EXECUTIVE SESSION

At 8:10 p.m. Council Member Harwood made a motion to go into executive session *NCGS 143-3 18.11. (6) – to consider the qualifications, competence, character, fitness, conditions of appointment, or conditions of initial public officer or employee or prospective public officer or employee and NCGS 143-318.11. (a)(5) Discussion of potential property acquisition*, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

ADJOURNMENT

At 9:58 p.m. Council Member Harwood made a motion for Manager Fox to begin the process of purchasing the property across from Food Lion on HWY 321 from DOT for the appraised price of \$442,250, seconded by Council Member Powell. Unanimously approved. Council Member Matheson made a motion to increase Manager Fox's salary from \$106,000 to \$115,000 effective January 1, 2021, seconded by Mayor Pro-Tem Sweeting.

With no further business Mayor Pro-Tem Sweeting made a motion to adjourn at 10:03 p.m., seconded by Council Member Yount. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

Budget Amendment #2020-11 – Attachment A

Tax Releases - #2020-02, #2020-03, #2020-04 and #2020-05

Tree City USA Ordinance #2020-02



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Mr. Shane Fox, Mayor Sellers, and Members of Town Council
From: Nicole Norman, Finance Officer
Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2021-1)
Date: January 12, 2021

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2020-2021 for your consideration.

Section 1 (Water/Sewer Capital Fund) allocates remaining funds that were previously set aside for the Horseshow sewer project that was completed several years ago towards the motor replacements at the wastewater plant. This mid year expenditure was previously approved by Town Council however, due to a process error in our new purchase order system and previous purchase orders not rolling forward into the new year. It was discovered that funds previously set aside were showing available in the new year, so alternate funding is now being requested to fund the expense.

Please let me know if you need further details on the proposed amendment.

**2020-2021
Budget Amendment Ordinance 2021-01**

Be it ordained by the Town Council of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

Section 1. To amend the Water/Sewer Capital Fund, the appropriations are to be changed as follows:

| <u>Acct. No.</u> | | <u>Current Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed Appropriation</u> |
|------------------|---------------------------|----------------------------------|------------------|------------------|-----------------------------------|
| 50-91-5000-700 | Horse Show Grounds Sewer | \$ 24,690 | \$ 16,385 | | \$ 8,305 |
| 50-91-5000-550 | Wastewater Plant Projects | \$ - | \$ - | \$ 16,385 | \$ 16,385 |
| | | | <u>\$ 16,385</u> | <u>\$ 16,385</u> | |

This will result in a net increase of \$0 in the appropriations of the Water/Sewer Capital Fund. As a result, the following revenue will be increased.

| <u>Acct. No.</u> | | <u>Current Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed Appropriation</u> |
|------------------|-----------------|----------------------------------|-----------------|------------------|-----------------------------------|
| 50-91-3400-329 | Interest Income | \$ 57,745 | \$ - | \$ 17,530 | \$ 75,275 |
| | | | <u>\$ -</u> | <u>\$ 17,530</u> | |

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Finance Officer for their implementation.

Adopted this 12th day of January, 2021.

Attested by:

Charles Sellers, Mayor

Hilari Hubner, Town Clerk

Special Presentation Agenda - Staff Report

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: Blowing Rock Police Department Special Presentation

Date: January 12, 2021

Information:

The Blowing Rock Police Department is requesting the opportunity to conduct a Ceremonial Swearing-In and administering of Oath to the three newest Blowing Rock Police Officers. Chief Aaron Miller would also like the opportunity to present a "Life-Saving Award" to Police Officer Alan Hunt.

TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CUP 2010-03 Foggy Rock Restaurant –amendment

APPLICANT: Burt Myers

DATE: January 7, 2021

REQUEST

Foggy Rock Restaurant is requesting an amendment to their conditional use permit to provide up to 40 seats of additional outdoor seating on the south side of the building. The arcade that was approved by Town Council in July 2020 will not be built and the basement will remain as storage. The gravel parking lot on the side and rear of the property will be paved with 43 parking spaces when complete. The property is located at 8180 Valley Blvd. The property is zoned GB, General Business. The subject property is in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2817-05-9999-000.

The outdoor dining will be expanded on the front left of the building with a new covered porch area, and a seating area in front of the porch.

The required parking for the restaurant and proposed 40 outdoor seats is 40 parking spaces. The restaurant has 33 existing paved spaces and several gravel overflow parking spaces. Foggy Rock is proposing to formalize up to 14 gravel spaces and pave them for a total of 43 parking spaces. Some of the existing spaces in the upper lot will be removed and converted to landscaping.

A 16-foot opaque buffer is proposed along the rear of the lower parking area along the King's Ransom subdivision. In addition, a planted buffer will be added along the stream culvert headwall where the stream opens up behind the building.

Note also that the arcade that was approved in July 2020 will not be built. The downstairs of the restaurant will remain storage and equipment areas.

PLANNING BOARD RECOMMENDATION

At the December 17, 2020 meeting, the Planning Board approved the CUP Amendment as submitted.

ATTACHMENTS

1. Draft CUP Amendment
2. Plan package with site plan and schematics of proposed building and seating area.
3. Planning Board minutes from 12-17-20

NORTH CAROLINA

WATAUGA COUNTY

**AMENDMENT
TO TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
Foggy Rock Restaurant
CUP No. 2010-03**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock considered the following application for a proposed minor amendment to the Conditional Use Permit that was previously approved for the Foggy Rock Restaurant approved on September 14, 2010, and recorded at Book of Records 1537, Page 474 of the Watauga County Public Registry, and a minor amendment approved on May 12, 2015.

Applicant: Burt Myers

Project Name: Foggy Rock Restaurant

Property Location: 8180 Valley Blvd

Tax Parcel No.: 2817-05-9999-000

Property Owners of Record: Burt Myers

Proposed Use of Property: Restaurant with outdoor dining

Current Zoning Classification of Property: GB, General Business

Meeting Date: January 12, 2021

Having heard all of the evidence and arguments presented at the above-referenced hearing, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant is hereby authorized to add up to 40 outdoor seats in a courtyard area, construct a front porch roof extension, and pave up to 14 gravel parking spaces. The changes shall be consistent with the site plan submitted
2. Forty-three (43) paved parking spaces are required for the additional outdoor dining seats.

3. A 16-foot opaque planted buffer is required along the rear parking areas and the neighboring homes in the King's Ransom Subdivision. Additional planting is required in the gravel area along the top of the culvert behind the building.
4. The use of the basement area of the building is limited to equipment and storage.
5. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. The existing propane tank shall be painted, buried, or screened with landscaping and perpetually maintained.
6. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
7. The dumpster screening shall be painted and repaired to match the building materials. Shrubbery shall be added around the sides of the screening to soften the appearance.
8. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.
9. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect. All conditions of the original conditional use permit (CUP 2010-03) shall remain in effect, except as amended herein.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: _____

Charlie Sellers, Mayor

ATTEST: _____
Hilari H. Hubner, Town Clerk

(CORPORATE SEAL)

DRAFT

Planning and Zoning Board

Minutes

Thursday, December 17, 2020

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, December 17, 2020 for their regularly scheduled meeting via Zoom. Chairman Gherini called the meeting to order at 5:30 pm. Members present were Harrison Herbst, Wes Carter, Mike Page, Pete Page, Bill McCarter, Joe Papa, Kim Hartley and Sam Glover. Staff members present were Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

Chairman Gherini asked if there were any changes to the agenda. *Mr. Mike Page made a motion to approve the agenda, seconded by Mr. Pete Page. All members were in favor of the motion.*

Chairman Gherini asked if there were any changes to the November 19, 2020 minutes. *Mr. Herbst made a motion to approve the minutes, seconded by Mr. McCarter. All members were in favor of the motion.*

1. CUP 2010-03 Amendment – Foggy Rock Restaurant

Mr. Rothrock presented the staff report and Powerpoint Presentation. Foggy Rock Restaurant is requesting an amendment to their conditional use permit to provide up to 40 outdoor dining seats on the south side of the building. The arcade that was approved by Town Council in July 2020 will not be built and the basement will remain as storage. The gravel parking lot on the side and rear of the property will be paved with 43 parking spaces when complete. The property is located at 8180 Valley Blvd. The property is zoned GB, General Business. The subject property is in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2817-05-9999-000.

The outdoor dining will be expanded on the front left of the building with a new covered porch area, and a seating area in front of the porch.

The required parking for the restaurant and proposed 40 outdoor seats is 40 parking spaces. The restaurant has 33 existing paved spaces and several gravel overflow parking spaces. Foggy Rock is proposing to formalize up to 14 gravel spaces and pave them for a total of 43 parking spaces on the property. Some of the existing spaces in the upper lot will be removed and converted to landscaping.

A 16-foot opaque buffer is proposed along the rear of the lower parking area along the King's Ransom subdivision. In addition, a planted buffer will be added along the stream culvert headwall where the stream opens up behind the building. Mr. Rothrock noted that the arcade that was approved in July 2020 will not be built. The downstairs of the restaurant will remain storage and equipment areas.

Mr. Preston Spencer with 444 Construction, project contractor, said they were working with Alan Crees with Municipal Engineering on the site prep documents. Mr. Spencer asked Mr. Burt Myers, co-owner of Foggy Rock, to speak to the Board.

Mr. Myers said they have lived in Blowing Rock for 40 years and love the community and are blessed to be here. Mr. Myers said that they rethought the game room to meet customer demand. Mr. Myers said they also want more curb appeal up top and more parking on the lower level.

Mr. Spencer said that Burt and Yvonne wanted to make the entry warmer and more welcoming as opposed to just going from a parking lot into the restaurant. Mr. Spencer said their list also coincided with the comprehensive plan in protecting the character of the neighborhood and added that the current renovations add to the "Blowing Rock feel". Mr. Spencer noted that the planned addition of the upper parking landscaping buffer will enhance that parking area and allow better ingress and egress with directional arrows to help with the overall flow of all the vehicular traffic.

Mr. Spencer noted that the rendering of the added seating incorporates a retaining wall to make the slope useable making the addition of the outdoor arbor and fireplace possible.

Mr. Myers said they sought out 444 because they do beautiful work and are local.

Mr. Mike Page noted the rendering does not show the stairs from the upper to lower parking area and asked how these areas would be accessed. Mr. Spencer said very few customers used the stairs, that eliminating them helps to designate the entrance. Mr. Rothrock advised that the stairs do not meet the building code as currently built. Mr. Mike Page noted that customers must walk up the slope.

Mr. Mike Page asked Mr. Rothrock if there is an issue with the amount of glass on the front of the building. Mr. Rothrock asked from the Land Use Code standpoint. Mr. Page confirmed. Mr. Rothrock said the minimum is 30%. Mr. Spencer advised the rendering is not accurate and there are more windows than shown. Mr. Rothrock said there is not an issue with the amount of windows.

Mr. McCarter asked the number of seats allowed after the renovation. Mr. Rothrock said the formula is based on the number of indoor square footage and outdoor seats and outlined the formula. Mr. Rothrock said 40 spaces are required and they are providing 43. Mr. McCarter noted there is adequate parking.

Chairman Gherini asked Mr. Myers if the entrance will remain and asked if there is any way to provide room so patrons waiting to be seated aren't so cramped. Mr. Myers said the staff won't need to be around the doors allowing for more space.

Mr. Herbst asked about the health of the creek behind the restaurant and how blacktop surfaces will impact the creek. Mr. Rothrock said the arcade approval required the paving of the lower spaces. Mr. Rothrock advised that gravel and paving have a comparable impervious value once the gravel compacts and this gravel has been there for many years. Mr. Rothrock said there won't be much change.

Mr. Alan Crees with Municipal Engineering said the green area shown is now hard packed and that gravel will be removed, and the area reclaimed. Mr. Rothrock said the gravel area, with cars as shown on the plan, is not required to be paved, that this is overflow and

employee parking. Chairman Gherini asked how customers will know where to park when they enter the parking lot. Mr. Rothrock said all parking is customer parking adding that he expects Mr. Myers will manage the gravel spaces not counted in the total.

Mr. Carter asked if there is enough space to navigate the new parking area. Mr. Rothrock confirmed. Chairman Gherini asked how firetrucks will access the property. Mr. Rothrock presumed from the south entrance. Mr. Crees said there is enough room to reach all points around the building.

Mr. Carter asked, if in creating one-way traffic, they are expecting to use part of the front as a drive-through. Mr. Myers said there will not be a drive-through. Mr. Spencer said it is one-way now but is not designated.

Ms. Hartley asked if customers must walk up the grade and not use the steps. Mr. Rothrock said the steps do not meet the building code and will be removed. Mr. Carter asked if the steps are being removed. Mr. Rothrock confirmed, adding that the deck will be constructed over the steps.

Mr. Rothrock advised the Board that he had not received any emails or calls adding that the public notice was mailed on December 7th.

Chairman Gherini made a motion to open Public Comment, seconded by Mr. Carter. Mr. Rothrock advised there was no public, that he did not get a request for the link to access this meeting.

Mr. McCarter made a motion to recommend to Town Council as presented, seconded by Mr. Pete Page. All members were in favor of the motion.

1. 321 Visioning – Valley Blvd Study Implementation Strategies

Mr. Rothrock said the consensus from the October subcommittee meeting was to add an introduction and work on implementation strategies. Mr. Rothrock said at some point they will need to break away and be specific as to the parts of the code being amended. He added that this must be broken down into smaller bites for the Town Council and the public hearing. Mr. Rothrock noted the following from the document:

- Specific actions to be finalized at this time include:
 3. Limits to Exterior Building Materials – Attachment A
 4. Reduce Maximum Building Height – Attachment B
 5. Reduce the Required Front Setbacks – Attachment B
 2. Remove Permission for Subjective Modifications – Attachment D

Mr. Rothrock advised that other information will come in as these items are worked through. He said that these can possibly be taken to the Town Council at the retreat. Mr. Rothrock said they also need to work on how to handle getting the information to the public and property owners and how to incorporate the information from Mosaic Civic Design.

Chairman Gherini asked Mr. Rothrock if he had contacted Benchmark to see if other communities are doing this. Mr. Rothrock said he had not yet contacted them.

Chairman Gherini asked Mr. McCarter if he had any experience using a points system. Mr. McCarter advised he had not. The Board discussed how a point system could be devised and implemented.

The Board discussed each item in detail. The Board agreed that they do not want to be too restrictive and want to reserve the ability to review projects along Valley Boulevard on a case-by-case basis when necessary.

Mr. Gherini made a motion to move forward with Attachments A, B and D, seconded by Mr. Herbst. All members were in favor of the motion.

Other Business

Chairman Gherini for an update. Mr. Rothrock advised that John Winkler has applied for a CUP for a subdivision fronting Green Hill Road on lots owned by the Country Club. Mr. Rothrock advised that this will be presented to the Board at the January 2021 meeting. Chairman Gherini asked if Mr. Winkler is moving forward with the subdivision off Rankin Road. Mr. Rothrock advised he is not. Chairman Gherini asked what becomes of the CUP. Mr. Rothrock said it is valid for two years, after which it expires.

Mr. McCarter advised the Board that he has spent a lot of time revising NCGS 160-D and hopes to review it next week.

Chairman Gherini asked the status of Rainey Lodge. Mr. Rothrock advised that he is waiting for the bond letter of credit.

Mr. Rothrock advised the Board that the Bass Lake sidewalk project was awarded to Country Boy Landscaping and they have subbed that to Greene Construction.

Having no further business Mr. Herbst made a motion to adjourn, seconded by Mr. Carter. All members in favor of the motion.

Chairman Gherini adjourned the meeting at 6:43 p.m.

Chairman Gherini

Tammy Bentley
Planning & Zoning Support Specialist



Blowing Rock, NC

Outdoor Dining Experience

Please hold all questions to the end of the presentation.
Thank you!



The Design Team



4 Forty Four
General Contractor
& Project Manager
Preston Spencer



Municipal Engineering
Services Company, P.A.
Site & Civil Engineering
Alan Crees



Areté Engineers
Structural Engineering

Agenda

Project Vision & Summary

Artistic Rendering of Proposed Site
Plan

Artistic Renderings of Proposed Outdoor Space



Our Vision:

As community members of beautiful Blowing Rock, it's important to us that we find ways for our business to participate in and promote the things that make this place so special.

Our vision for this project is to provide added visual appeal from Valley Boulevard, additional natural landscape, and a warm, welcoming entrance to our business. Our outdoor dining experience will allow our guests to enjoy the best of what our restaurant can offer, while piquing their curiosity to further explore the beauty of this place we call home.

PROJECT SUMMARY

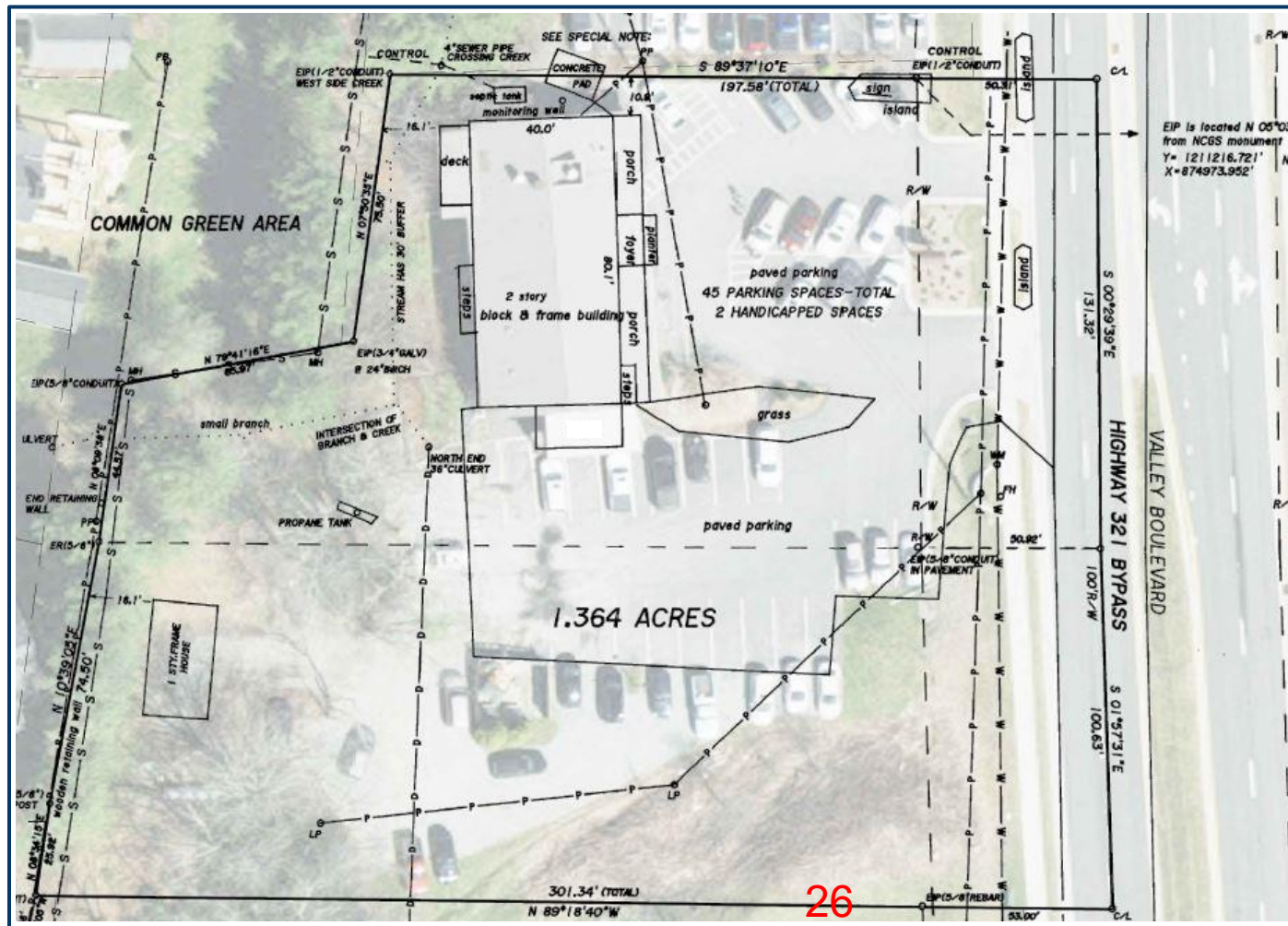
Our Community (Comprehensive Plan)

- Protect the character of our neighborhoods (LC-2)
- Protect & enhance the aesthetic quality & unique architectural character of Blowing Rock (LC-4)
- Meet parking needs (T-3)
- Protecting our Natural Landscape (ENR-2)

25

Our Requested Modifications to Current C.U.P.

- Abandon plans for a Game Room. Lower level remains as storage.
- Add outside seating as an approved use.
- Add paved parking to support outdoor seating, relocating parking to side of the building



Site Layout; Current

COMMON GREEN AREA

1.364 ACRES

PARKING

| EXISTING SPACES | SPACES ELIMINATED | SPACES ADDED | TOTAL SPACES PROPOSED |
|-----------------|-------------------|--------------|-----------------------|
| 0 | 0 | 0 | 0 |

OUTDOOR SEATING

| MAXIMUM ALLOWED |
|-----------------|
| 0 |

| | | |
|------------------------------|----------|-----------|
| EXISTING SPACES | = | 33 |
| SPACES ELIMINATED | = | 4 |
| SPACES ADDED | = | 14 |
| TOTAL SPACES PROVIDED | = | 43 |

| | | |
|-----------------|---|----|
| MAXIMUM ALLOWED | = | 40 |
|-----------------|---|----|

Building; Current



Building; Artistic Rendering



Building; Artistic Rendering





Thank you for your consideration

Please direct all questions related to this submission to:

Project Manager
Preston L. Spencer | 4 Forty Four
Preston@4fortyfour.com
828.295.8929





Town of Blowing Rock

Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Shane Fox, Mayor Sellers and Members of Town Council

From: Nicole M. Norman, Finance Officer

Subject: Hwy 321 Land Acquisition

Date: January 12, 2021

Following land acquisition cost from the NCDOT for land located on Hwy 321 and the intent for Council to purchase the land for future needs, a request for proposals was release to 8 area banks seeking a rate for financing the amount of \$442,250. Proposals were received from 3 of the 8 banks requested with 3 no bid responses being received. Below is a summary of terms and rates received.

| Bank | Term | Interest Rate | Fees/Pre-payment Penalty Y/N |
|-----------------------|----------|---------------|---------------------------------|
| BB&T/Truist Bank | 10 Years | 1.77% | \$5,900 Closing Costs/N |
| PNC | No Bid | | |
| Wells Fargo | No Bid | | |
| Yadkin Valley Bank | No Bid | | |
| United Community Bank | 10 Years | 1.89% | \$116-1,500/N |
| First Citizens | No Bid | | |
| First National Bank | 10 Years | 2.16% | ROD/N |
| Bank of America | No Bid | | |

The low bid was submitted by United Community Bank with a rate of 1.89%. They included a closing costs range of \$116-1,500 and no prepayment penalty in the case of early repayment of the loan. Though the rate is higher than BB&T, when the closing costs are factored in the United Community Bank proposal is approximately \$1,500 less. The proposal is attached for reference.

January 6, 2021

Mrs. Nicole M. Norman
Finance Director
Town of Blowing Rock and
Blowing Rock Tourism Development Authority
PO Box 47
Blowing Rock, NC 28605

Re: Proposed finance to purchase vacant land on Valley Blvd

Dear Nicole,

United Community Bank is pleased to have the opportunity to potentially provide such financial accommodations to The Town of Blowing Rock in the amount and under the conditions outlined on the attached preliminary Term Sheet dated January 6, 2021.

Please note, however, that this letter and the attached Term Sheet are not a contract or an offer to enter into a contract, nor are they a commitment by United Community Bank to provide the credit facility described on the attached Term Sheet.

Rather, the purpose of this letter is to confirm United Community Bank's present interest with respect to establishing a possible lending relationship with The Town of Blowing Rock and to provide you with the attached preliminary outline of the general terms and conditions under which United Community Bank may consider providing such credit facility.

In the course of our due diligence and consultation with legal counsel, we may become aware of facts or requirements which affect the structure, terms and pricing of the credit facility. In any event, we will need to obtain internal credit approvals as a condition to proceeding with the credit facility and must inform you that at this time, given the preliminary nature of our discussions, such approval process has not been initiated and there is no assurance that such approval will ultimately be obtained.

Again, we appreciate this opportunity to discuss your banking needs and look forward to your comments or any questions you may have regarding this matter.

Very truly yours,

UNITED COMMUNITY BANK

Joe Antonucci
Branch Manager

Exhibit A

TERM SHEET

Dated as of January 6, 2021

The terms and conditions outlined in this Term Sheet are strictly for discussion purposes only. This Term Sheet is not an offer, agreement or commitment to lend. The actual terms and conditions upon which Lender (as defined below) might extend credit to Borrower (as defined below) are subject to requisite internal approvals, satisfactory review of documentation, satisfactory completion of due diligence and other such terms and conditions as determined by Lender. This Term Sheet is to be held confidential between Lender and Borrower.

Lender: United Community Bank (“Lender”)

Borrower: The Town of Blowing Rock (“Borrower”)

TERM LOAN

Credit Description: up to \$442,250 Term Loan (the “Term Loan”) but not to exceed 100% of the **cost** of the Collateral.

Closing: The Term Loan must be closed on or before March 1, 2021 (the “Loan Closing”).

Use of Proceeds: Proceeds of the Loan will be used to finance the purchase of vacant land on Valley Boulevard in Blowing Rock. NCDOT property description: Property R-2237C 186 formerly Mull property GIS 2817-19-3552, across from Food Lion, Blowing Rock, NC.

Loan Fee: 0%

Interest Rate: A fixed rate of interest of 1.89% per annum.

Repayment Terms: The Loan will be repayable in Annual installments of principal and interest based upon a (10) ten year amortization schedule commencing November 1st of each year, with payments to begin on November 1, 2021, with remaining principal and interest due on the Loan Final Maturity Date.

Loan Final
Maturity Date: November 1, 2031

Security: The Loan will be secured by a first-priority fully-perfected lien in favor of the Lender on the following vacant land and any improvements on Valley Boulevard in Blowing Rock. NCDOT property description: Property R-2237C 186 formerly Mull property GIS 2817-19-3552, a cross from Food Lion, Blowing Rock, in Watauga County, NC. All of

Conditions Precedent to Closing
the Term Loan:

the foregoing shall be referred to collectively as the
“Collateral”.

Conditions precedent to Closing shall be customary for this
type of transaction, all satisfactory in form and substance
to the Lender, including but not limited to the following:

1. Evidence of Liability Insurance covering the Collateral
naming Lender as loss payee and being satisfactory to
Lender in all other aspects.
2. Lender shall have received satisfactory evidence of the
perfection of Lender’s liens on the collateral for the
Loan as well as satisfactory evidence of the absence of
other liens on all such collateral.

General Conditions Applicable to all Loan(s)

Documentation:

1. The Credit Facility, as well as the Collateral therefore,
shall be evidenced and secured by a final **Loan
Agreement** as well as promissory notes, collateral
documents and other documents, all in form and
substance satisfactory to Lender and containing such
conditions, representations, warranties, covenants,
indemnities, events of default and remedies as are
customary for Lender’s transactions of this type
(collectively, the “Loan Documents”).
2. Lender shall have received certified charter documents
and good standing certificates of a recent date for each
of Borrower.
3. Borrower shall have obtained all orders, consents,
approvals and other authorizations and shall have
made all filings and other notifications (governmental
or otherwise) required for the consummation of the
Credit Facility and the transactions contemplated in
connection therewith.
4. All municipal proceedings and other legal matters in
connection with the authorization, legality, validity,
and enforceability of the Loan Documents shall be
satisfactory to Lender.
5. Lender shall have received such other documents,
certificates, approvals or filings as Lender may
reasonably request.

Default Interest:

Default rate of 2.0% per annum additional interest may be
added by Lender to the Credit Facility.

| | |
|-----------------------------|---|
| Interest/Fees Computations: | All computations of interest and fees on the Credit Facility shall be made on the basis of a 365-day year and the actual number of days elapsed. |
| Prepayments: | The Credit Facility may be prepaid in whole or in part at any time at the Borrower's discretion, without penalty. |
| Financial Covenants: | N/A |
| No Material Adverse Change: | The closing and funding of the Credit Facility also will be conditioned on no material adverse change having occurred June 30, 2020 in the financial condition, operations, assets, liabilities, business, management, control or prospects of the Borrower taken as a whole prior to the Closing(s)(a " <u>Material Adverse Change</u> "). |
| Lender Expenses: | All expenses incurred by or on behalf of the Lender including reasonable attorney fees, filing and recording fees, in connection with its analyzing, structuring, negotiating, documenting and closing of the Loans, and the collateral therefore, will be paid or reimbursed by the Borrower at the Closing. If the Credit Facility does not close for any reason, Borrower will reimburse Lender for all such expenses upon demand by Lender. An estimate of the closing costs are \$ 116 for recording cost, if an internal evaluation of property value is only needed then \$450, if an appraisal is needed then \$1,500, it depends if there are comparable properties available in the market and bank's attorney fee. |
| Lender Expenses: | Regardless of whether or not the Credit Facility closes, Borrower shall reimburse Lender for all out-of-pocket expenses (including the fees, charges and disbursements of counsel) incurred by Lender in connection with the initial closing of Credit Facility, any related transactions and any related documentation (including but not limited to the Loan Documents) and in connection the administration, amendment, modification, collection or enforcement of the Credit Facility. |
| Reporting Requirements: | Borrower agrees to provide the following financial information so long as the Loan outlined herein are outstanding: |

Fiscal year end audited financial statements of Borrower, due within 120 days of Borrowers fiscal year end. Commencing June 30, 2020.

Deposit Accounts:

Borrower agrees to maintain deposit accounts with Lender so long as the Credit Facility is outstanding.

Additional Conditions Precedent to Funding each Loan:

Customary for Lender's transactions of this type including: but not limited to the following:

1. There shall exist no event of default or potential event of default under the Loan Documents.
2. Accuracy of representations and warranties in the Loan Documents in all material respects.
3. No event or circumstance shall have occurred that has had or could reasonably be expected to cause a Material Adverse Change.
4. No material inaccuracy, omission or change in any of the information, representations and materials (including historical and projected financial statements) submitted by or on behalf of Borrower in support of its request for the Credit Facility.
5. No action or proceeding shall be pending or threatened (i) with respect to the Credit Facility or the Loan Documents or (ii) which could have a Material Adverse Change.
6. The Loan to be made and the use of the proceeds thereof shall not violate any applicable law, regulation, injunction or order of any government or court.

Other Conditions to the Loan:

1. There will be no deficiency judgment in the event of default by the Town nor can the taxing power of the Town be pledged as security for the financing.
2. There must be a non-appropriation clause in the financing agreement. Non-substitution clauses are not permitted.
3. This rate is good for 60 days from the date of this term sheet.

4. Bank to fully fund at closing into an account established at United Community Bank, in the name of the Borrower, to be used to reimburse paid invoices on said collateral listed above.
5. Receipt by Lender of the signed purchase contract of the Collateral, which shall in all respects be satisfactory to Lender, showing an estimated total cost of up to \$442,250.
6. Town will certify that this is a qualified tax exempt obligation

Binding Arbitration:

The Loan Documents shall provide that either Lender or Borrower shall have the right to submit any dispute between such parties with respect to the Credit Facility to binding arbitration.

Governing Law:

State of North Carolina

AMORTIZATION SCHEDULE

| Principal | Loan Date | Maturity | Loan No | Call / Coll | Account | Officer | Initials |
|--------------|------------|------------|---------|-------------|---------|---------|----------|
| \$442,250.00 | 01-04-2021 | 11-01-2030 | | | | | |

References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item.
Any item above containing "****" has been omitted due to text length limitations.

Borrower: TOWN OF BLOWING ROCK

Lender: UNITED COMMUNITY BANK GEORGIA
PO BOX 398
177 HWY 515 E
BLAIRSVILLE, GA 30514

Disbursement Date: October 1, 2021
Interest Rate: 1.890

Repayment Schedule: Installment
Calculation Method: 365/360 U.S. Rule

| Payment Number | Payment Date | Payment Amount | Interest Paid | Principal Paid | Remaining Balance |
|----------------|--------------|-------------------|------------------|-------------------|-------------------|
| 1 | 11-01-2021 | 48,177.67 | 719.76 | 47,457.91 | 394,792.09 |
| 2 | 11-01-2022 | 48,177.67 | 7,565.20 | 40,612.47 | 354,179.62 |
| 3 | 11-01-2023 | 48,177.67 | 6,786.97 | 41,390.70 | 312,788.92 |
| 4 | 11-01-2024 | 48,177.67 | 6,010.24 | 42,167.43 | 270,621.49 |
| 5 | 11-01-2025 | 48,177.67 | 5,185.78 | 42,991.89 | 227,629.60 |
| 6 | 11-01-2026 | 48,177.67 | 4,361.95 | 43,815.72 | 183,813.88 |
| 7 | 11-01-2027 | 48,177.67 | 3,522.33 | 44,655.34 | 139,158.54 |
| 8 | 11-01-2028 | 48,177.67 | 2,673.93 | 45,503.74 | 93,654.80 |
| 9 | 11-01-2029 | 48,177.67 | 1,794.66 | 46,383.01 | 47,271.79 |
| 10 | 11-01-2030 | 48,177.67 | 905.88 | 47,271.79 | 0.00 |
| TOTALS: | | 481,776.70 | 39,526.70 | 442,250.00 | |

NOTICE: This is an estimated loan amortization schedule. Actual amounts may vary if payments are made on different dates or in different amounts.

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