



# ***Town of Blowing Rock***

## ***Board of Commissioners Meeting***

Date: *Tuesday, December 10, 2024, 6:00 p.m.*

Location: *1036 Main Street, Blowing Rock, NC 28605*

### ***Agenda***

| <b><i>Item</i></b> |  | <b><i>Presenter and Participants</i></b>   |
|--------------------|--|--|
| <b>I.</b>          | <b>CALL TO ORDER –<br/>ROLL CALL FOR ATTENDANCE</b>  | Mayor Charles Sellers  |
| <b>II.</b>         | <b>PLEDGE OF ALLEGIANCE</b>  | Mayor Charles Sellers  |
| <b>III.</b>        | <b>APPROVAL OF MINUTES – By Roll Call</b><br><b>1. November 12, 2024 – Regular and Closed Session Meeting Minutes</b><br><br><b>REGULAR AGENDA ADOPTION</b>                        | Mayor & Council<br><br>Mayor & Council   |
| <b>IV.</b>         | <b>CONSENT AGENDA:</b><br><b>1. Tyler Sime Annexation Request – Lots 5 and 6 Wildwood Place</b><br><b>2. Budget Amendment – 2024-54</b>  | Mayor & Council  |
| <b>V.</b>          | <b>PUBLIC COMMENTS</b><br><i>Comments shall be limited to three (3) minutes</i>  |  |
| <b>VI.</b>         | <b>REGULAR AGENDA:</b><br><b>1. Swearing in - Joey Petrack – Town Attorney</b><br><b>2. Town Board Attorney Introduction and Resolution</b><br><b>3. Wonderland Trail Contract</b> | Town Clerk Hilari Hubner<br>Manager Shane Fox<br>Manager Shane Fox and<br>Town Engineer Doug Chapman |
| <b>VII.</b>        | <b>OFFICIALS REPORTS &amp; COMMENTS:</b><br><b>1. Mayor</b><br><b>2. Council Members</b><br><b>3. Town Attorney</b><br><b>4. Town Manager</b>                                      |  |

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| VIII. | CLOSED SESSION – NCGS 143-318.11. (a)(5) Discussion of potential property acquisition. |  |
|-------|--|--|

**Draft**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**November 12, 2024**

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, November 12, 2024, 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 Doug Matheson, Council Members Cat Perry, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Town Manager Shane Fox, Town Attorney Tucker Deal, Parks and Recreation Director Jennifer Brown, Finance Director Tasha Brown, Planning Director Kevin Rothrock, Police Chief Nathan Kirk, Landscape Director Cory Cathcart, IT Director Thomas Steele, Public Works Director Matt Blackburn, Emergency Services Director Kent Graham 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. Mayor Sellers verified attendance via roll call.

**THE PLEDGE OF ALLEGIANCE**

**MINUTE APPROVAL**

Mayor Pro-Tem Matheson made the motion to approve the minutes from the October 8, 2024, regular and closed session meetings, seconded by Council Member Gherini. Unanimously approved.

**REGULAR AGENDA ADOPTION**

Council Member Gherini made a motion to adopt the regular agenda as presented, seconded by Council Member Harwood.

**CONSENT AGENDA**

- 1. Tax Releases**
- 2. Budget Amendment**

Council Member Harwood made a motion to approve the consent agenda as presented, seconded by Council Member Gherini. Unanimously approved.

**SPEAKERS FROM THE FLOOR**

None

**SPECIAL PRESENTATION**

Police Chief Nathan Kirk presented Sergeant Daniel Harris with a Traffic Enforcement Investigation Certificate and Dispatcher Cassandra Reid with the Advanced Telecommunicator Certificate.

## **PUBLIC HEARING**

### **1. Pine and Laurel Townhomes**

Planning Director Kevin Rothrock stated that Lucrum 7, LLC is requesting a new conditional rezoning of the Pine and Laurel hotel property to Conditional Zoning – Central Business (CZ-CB). The 0.29-acre property is located between Pine Street and Laurel Lane and was approved for a conditional rezoning in 2021 for a 14-room hotel project. The applicant is now proposing the construction of eight (8) townhomes on the property.

The site was approved for a 14-room hotel in 2021. Initially the site was graded and underground utilities installed. Once building footers were dug and poured, the ownership paused with construction. The owners wish to change plans and seek approval of an 8-unit townhome project. The proposed townhome buildings size will be about half of the hotel size.

The applicable street setback for Town Center is fifteen(15) feet and is measured from the back of the existing/proposed sidewalk along each street. The proposed buildings meet the required street setbacks from both Pine and Laurel.

The side setback is five (5) feet and the proposed buildings meet the side setbacks.

The maximum building height is thirty (30) feet from the finished sidewalk elevations to the standard 15-foot setback. Beyond the 15-foot setback, the allowable building height for both end units is twenty-eight (28) feet ten (10) inches. The building height for the next two (2) interior units is thirty-three (33) feet ten (10) inches. Based on the proposed elevations provided, all of the buildings meet the building height requirements for the Central Business district.

The building materials include a board and batten siding, lap and cedar shake siding, stone veneer, architectural roof shingles and architectural stone veneer. Some metal roofing accents are planned for some shed dormers and eave overhangs.

Access to the site will be through Pine Street, one-way through the site and exiting to Laurel Lane. The proposed project requires fifteen (15) parking spaces, and fifteen (15) angled spaces are provided.

The storm water runoff from the site will be conveyed to an onsite detention system and released to Pine Street. The system has already been installed with the previous hotel construction.

Sewer has been connected to Pine Street. Water has been connected to Pine Street.

A hot box for the sprinkler system and backflow preventer has been installed along Laurel Lane. It has a bright silver cover that the Town requests it be painted or changed out to a brown or green to blend in with the surroundings, and has added it as a condition.



All electrical service will be provided underground.

There is a significant buffer along Laurel Lane since the Town owns an area 20 feet from the back of the existing sidewalk. As part of the hotel project, the Applicant has removed the large white pines on the Town property and will replace with other trees.

A neighborhood meeting was held at Town Hall on October 10, 2024 where the Applicant shared their vision for the property and reasons for changing from hotel to townhomes.

At their meeting on October 24, 2024, the Planning Board made recommendations to approve the conditional rezoning request for Lucrum 7, LLC for the Pine and Laurel Townhomes.

Mr. Rothrock stated he did receive one comment from Ms. Susan Devore, 222 Wallingford Street and she also owns the meadow that abuts the proposed project area. Ms. Devore had an agreement with the contractor of the hotel as they had to remove some of the trees on her property. The agreement was those trees would be replaced when landscaping was done on the project property. Mr. Rothrock spoke to contractors about honoring that agreement.

Mayor Pro-Tem Matheson asked if Ms. Devore was satisfied with the landscaping agreement with the contractor.

Mr. Rothrock explained she didn't specifically mention that, but more about the loss of the trees. He further explained he had reached out to the contractor, and they were agreeable to honoring the previous contractor's agreement with Ms. Devore.

Council Member Harwood commented he felt that sounded more like a private matter between the two parties and didn't think the Town should be involved in that agreement.

Mr. Rothrock replied it could involve the Town because this is a new application.

Mayor Sellers stated he had spoken with Ms. Devore and she had three (3) concerns; the trees, the color and the height. Addressing Council he acknowledged it meets the Town's current guidelines, but when he talks to a homeowner whom will be located directly across from the project and she's concerned with the height and color, he too is concerned.

Mr. Rothrock explained in Ms. Devore's letter she had asked about the color being green and he explained to her the color isn't green, it's brown.

Council Member Perry stated at forty (40) feet it's seven (7) feet higher than Main and Pine and when you drive down Pine Street and pass Main and Pine there it is. Her opinion is it's out of scale in terms of height. She recognized the project isn't on Main Street so it didn't have to comply with that ordinance, but was curious about the reasoning for the forty (40) feet.

Mayor Sellers opened the Public Hearing.

Mr. Bill Dixon with Appalachian Architecture explained the forty (40) foot height is at the gable and the very center of the building is the highest point. He further explained the height drops down as it approaches Pine and Laurel. Mr. Dixon mentioned it meets the current height standards and is in fact two (2) inches below the maximum height allowed.

Mr. Rothrock explained the building is staggered according to height limitations.

Mr. Mike Trew with Municipal Engineers, project engineer, gave some insight on the color explaining the computers can sometimes distort the coloring and insured the color is brown and should blend very well with the surroundings. He further stated they wanted to honor the previous contract and were more than willing to work with Ms. Devore on the landscaping and plant whatever species of trees she would like. Mr. Trew also noted the site is lower than Main and Pine which will make it about the same height of Main and Pine, maybe even slightly lower.

Council Member Harwood inquired about parking vs the number of bedrooms, in the request they are suppose to be one (1) bedroom units. He explained with these being allowed to be rented as short-term rentals, his thought was if the owner were to fall to temptation and advertise as two (2) bedroom units would the Town have any re-course to mitigate that.

Town Attorney Tucker Deal weighed in on the enforcement process. He explained all of this is conditions of the approval and if there were to be a violation of any of what was approved, the Town can then enforce violation.

Will Garner, the owners rep for Lucrum 7, LLC explained they have made efforts to make the project smaller and issues they ran into with the hotel led them to this being the best project for the property.

Mayor Sellers asked if the building would be sprinkled.

Mr. Garner advised it would and they had already spoken with the Fire Department.

Council Member Pickett made a motion to close the public hearing, seconded by Council Member Harwood.

Council Member Pickett asked for clarification from Mr. Rothrock, the height is within the ordinance and the color is one of the Town's approved colors for commercial properties.

Mr. Rothrock stated that was correct.

Council Member Perry mentioned she thought it was odd the rear of the building would face Wallingford and the front of the building face Main Street looking at the parking lot and shops.

Mr. Trew explained the reasoning was a few factors, the lot is an odd shape and since these units can be rented short-term, it will shield the residential area from the disruption and heavy traffic of people going in and out. He further explained it just made more sense to lay the building out this way.

Council Member Gherini asked what the time frame for construction and completion was.

Mr. Garner advised as soon as they can begin in the spring and currently have a year budgeted for completion.

Town Attorney Deal reminded Council if they wanted to make the planting of trees a condition that needed to be done during the motion.

Council Member Harwood made a motion to approve the project as presented.

Mayor Sellers asked if Council Member Harwood wanted to include the trees as part of his motion.

Council Member Harwood felt the trees were a private matter between Ms. Devore and the contractor as they are on a separate piece of property from the project and didn't want to include as a condition.

Council Member Gherini seconded the motion.

Mayor Sellers called the vote. For the motion; Mayor Pro-Tem Matheson, Council Members Harwood, Pickett and Gherini, against the motion; Council Member Perry. Motion passed.

## **2. Downtown Subcommittee**

Mayor Sellers stated the Town Department Heads and personnel follow protocol for various projects. Many citizens have said they were not informed of this taking place. As Mayor he took responsibility and apologized to the citizens. Mayor Sellers assured moving forward he will make sure everyone is better informed.

Council Member Harwood requested Council vote on the guidelines for public comment. He proposed a time limit of three (3) minutes for each speaker as he would like the meeting to be productive, respectful and inclusive to give everyone a chance to speak. He also asked that all the speakers direct their comments only to Town Council and not to Town staff.

Council Member Harwood made a motion to put a three (3) minute time limit on comments and the guidelines as outlined above, seconded by Council Member Gherini. Unanimously approved.

Town Manager Shane Fox made a presentation towards transparency and stated in emails over the past few weeks to him, staff and Council Members it had been made apparent there was a lot of misinformation out there about the downtown subcommittee.

Manager Fox gave some history on the downtown subcommittee; at the Winter Retreat in January of 2022 public discussion on reforming the subcommittee the 2018 group, October 2022 the Planning Board started the subcommittee with Bill McCarter, Pete Page, Cat Perry and Tom Barrett to revisit 2018 discussions on Downtown, Town Center, etc., November 2022 the Planning Board added David Harwood, Doug Matheson, Steve Cohen and Sue Glenn, spring of 2023 Public Notices were sent requesting public input on what is liked and not liked about Downtown, summer of 2023 Comprehensive Plan took priority, the downtown was deferred until Comp Plan was completed, Winter Retreat day one (1) - January 29, 2024 Comp Plan and Downtown Subcommittee was discussed with next steps including building heights, setbacks, etc., February 2024 the Comp Plan was adopted, April 2024 the subcommittee started back up with adding Chris Squires and Carole Gilliam, the Downtown Subcommittee has met a total of eight (8) times since April of 2024, Summer Retreat on June 25<sup>th</sup> an update on the subcommittee progress to date and next steps were given, State of the Town an update was given on the subcommittee and next steps, public hearing date set, Planning Board, Public Hearing held on September 10, 2024 at the Town Council meeting Council reviewed the “draft” of the ordinance and set the Public Hearing for November 12, 2024, at which there were no public comments. September 19, 2024 Planning Board reviews ordinance draft and makes recommendation to the Town Council with no public comment, October 24, 2024 Planning Board – one member of the public attended and spoke towards the changes and lack of transparency, November 12, 2024 Town Council will hold a Public Hearing to discuss the proposed ordinance changes.

Manager Fox shared articles from the Watauga Democrat with printed coverage of the meets and stated all the meetings video recordings are on the Town website and available for the public to watch.

Planning Board and Subcommittee Member Chris Squires stated he joined the subcommittee in April of this year. The board met through the summer, their meeting schedule was interrupted during hurricane Helene, but picked back after that. He noted this first phase is just a piece of what the committee has been working on and is not intended to be the entirety of their recommendations. Mr. Squires further noted the thought was to start with some building blocks, get them in front of Council and get reactions, approval or disapproval before moving forward. He explained the proposal this evening includes zoning districts, changing downtown zoning districts and for the most part dimensional things. Mr. Squires further explained as a group they were able to talk about and reach a majority agreement and bring forward to the Council allowing the committee to move forward and have other discussions about items in detail.

Mr. Squires stated the subcommittee was a great group with members that have a lot of different experiences in life and professionally. He further stated they all have different perspectives, priorities and all want the downtown to be a great and vibrant place everyone can love. He explained it created a good series of discussion among the committee. The

recommendations before Council were not unanimous amongst the committee, but were among the significant majority. He further explained there were alternate opinions/views and the committee wanted to make sure the Council knew that. Mr. Squires thought the difference in opinions/views was a healthy thing to have.

Planning Director Kevin Rothrock thanked the subcommittee for all their hard work and time they have put into this ordinance and stated the work was far from being complete. The downtown development subcommittee spent the past six (6) months studying the Land Use Code and the development standards for downtown zoning districts. The subcommittee specifically focused on building setbacks and building heights for the Central Business and Town Center as well as roof design, building with natural stone, and expansion of the Town Center.

Mr. Rothrock share that on two occasions, the subcommittee walked Main Street and Sunset Drive to observe the existing conditions of building heights, setbacks, sidewalk widths, mass, landscaping, design, etc. The walk proved to be beneficial to more closely understand the relationship of buildings along both sides of the Main Street to conclude that east and west Main Street have a different character and development pattern. Additionally, the group summarized that the Town Center should extend down Sunset Drive to extend the business core in that direction.

The subcommittee agreed on the attached draft ordinance which:

- establishes three (3) new zoning designations: Town Center, Town Center West, and Town Center Sunset
- defines setbacks and building heights for each zoning district including the remainder of Central Business
- limits the use of stone products to natural stone in the downtown; and
- simplifies the language of the Land Use Code pertaining to dimensional standards in these downtown zoning districts

The subcommittee based a lot of their recommendations on building heights on existing building height information provided by a subcommittee member. The tallest building on the East side of Main Street was the JW Tweeds building with a height above the sidewalk of twenty-nine (29) feet. With the complexities of designing a flat roof building on the east side of Main Street with adequate ceiling heights and space between floors for the utilities and allowance of parapets, ultimately the subcommittee arrived at the maximum building height of thirty (30) feet from the Main Street sidewalk to the highest point of the building for the Town Center District.

Across Main Street in Town Center West there are several more buildings with pitched roof construction and building heights closer to thirty-five (35) feet. With an increased setback of twenty-five (25) feet, the subcommittee agreed it was appropriate to allow a building height of thirty-five (35) feet in the Town Center West zoning district.

The proposed draft ordinance simplifies some of the Land Use Code text that allowed buildings to have higher building heights by increasing the setbacks. That language has now been removed.

- The proposed ordinance has a provision that limits any building that faces Main Street in the CB or TC District to be limited to thirty-five (35) feet of height regardless of where the building is measured.
- The proposed ordinance has language that requires that roof lines, parapets and facades have variable heights in relation to other buildings.
- The proposed ordinance reduces the required green space in front of buildings to be forty (40) percent instead of seventy-five (75) percent. This is due to the limited space available for landscaping within the front setback.
- There are no proposed changes to the Table of Permissible Uses at this time. All uses currently allowed in the CB and TC Districts will be allowed in the TC East/West/Sunset Districts. Section seven (7) of the draft ordinance includes only a portion of the entire proposed use table. The entire table will be updated in the Land Use Ordinance to reflect the additional Town Center Districts for all use categories.

At their meeting on September 19, 2024, the Planning Board recommended approval of the draft ordinance with a clarification dealing with requiring natural stone being used in commercial buildings in the Town Center Districts.

Mayor Pro-Tem Matheson asked Mr. Rothrock to explain the difference in the two heights.

Mr. Rothrock explained the difference and the change is needed because the current one is so complicated.

Mayor Pro-Tem Matheson further asked if the reason the subcommittee decided not to do the whole thing at once was due to it being so complex.

Mr. Rothrock stated it was and had taken six (6) years to get to this point and if everything was added at once it would be too much to digest at once.

Mayor Sellers opened the public hearing.

Gigi Poole – 147 Dogwood Lane spoke with concerns of the public not being informed of the subcommittee's meetings. She suggested there wasn't proper notification, no street signage, important information missing on the legal notices and the planning board meeting when the information was presented and voted on from the subcommittee was not recorded. She asked if the Council knew the vote was not unanimous. Ms. Poole further recognized the Council does care about what the citizens want and care about the community. One of the Council members stated at the September Council Meeting this is



just the beginning and to get ready more was to come, she agreed fully with that statement. She stated redevelopment is something you consider when you have a problem, not when you have something to cherish. Ms. Poole urged Council to defer this until the community can have a better understanding and ask questions and Council can present a comprehensive ordinance plan which addresses protection of the many hundred-year-old buildings and includes detailed size standards.

Janie Sellers – 412 Wonderland Drive spoke as a representative of the Blowing Rock Civic Association on the downtown development ordinance. Ms. Sellers stated the BRCA conducts an online survey each year and the number one (1) answer among residents this year was the downtown development code. She further stated that those individuals didn't outline specific reasons for their interest in the downtown development code. The BRCA found it safe to assume that most would like to see it operate in a way that best maintains the unique village characteristics of the current downtown area and prevents development inconsistent with that goal. Ms. Sellers recognized and appreciated the work put in by the subcommittee and Town staff, but the BRCA has concerns about the proposal accomplishing the desired goal. Ms. Sellers stated the BRCA's question came up from recent conversations with a land use attorney asking if the proposal had been vetted with a lawyer who is experienced in representing developers. On behalf of the organization, Ms. Sellers encouraged Council to take the time and spend the money to retain an appropriately experienced land use attorney to review the provisions before moving ahead with the proposed changes.

John Sinden – 182 Dogwood Lane explained his family has a deep-rooted family heritage in Blowing Rock that goes back one hundred and forty (140) years. His concern with the proposed changes of setback and height would have a negative and dramatic impact on our historic town. In his opinion he didn't feel the changes were small and minor and felt to implement them an existing building would have to be torn down. He acknowledged he had learned more during Mr. Rothrock's presentation of the goal being to have more uniformity in zoning and restrictions, but it concerns him that at some point developers will purchase these properties, tear them down and build bigger more modern structures. Mr. Sinden stated the Town's founding fathers knew how important tourism was to our town and it continues to be that way today. He further stated one of the reason tourism is booming here in Blowing Rock is the look and feel of the downtown area. Mr. Sinden respectfully asked the Council to table the request and consider pursuing a designation of a historic district for our historic downtown, that could be the foundation to use for future building and renovation.

Lee Rocamora - 300 Laurel Park Rd stated in 2019 a task group was formed to look at ordinances in Blowing Rock which included the 321 Bypass and downtown. The task group was made up of the Land Use Ad Hoc committee and Benchmark Planning. Their role was "begin to develop, define and design the process for orderly land use development in downtown Blowing Rock and the 321 Bypass. Begin review of ordinances already in place to protect land use." Mr. Rocamora explained before any work started, the committee was instructed to exclude downtown. After work was completed the 2020 Town of Blowing Rock Valley Blvd study was presented to the Council in January of 2020. Mr. Rocamora

appreciates Council's commitment to preserving downtown. Before the Council makes changes that will impact everyone, he asked them to follow the same format used for the 321 Bypass development five (5) years ago. He further asked Council to consider hiring an outside expert consultant as part of the task group. Mr. Rocamora concluded he would like to ask for transparency with community meetings and input. Once all the task group work has been completed his request is for a presentation to be made to the community for comment and for the Council to refrain from making a decision without a planning expert and transparency.

David Sweet – 130 Green Street stated Council needs to think very carefully about what they are allowing as the language doesn't cover all the things the owners and developers will think of.

Patty Butler – 177 Dogwood Lane thanked the Council for their service to the Town residences. She explained her home was built in 1898 as the mission church of St Mary's Episcopal Church and was purchased by her parents in 1971. Her family has strong ties to Blowing Rock and all of her remarks stem from a deep-seated love for this special, unique and architecturally distinct small town. While she appreciates the time and effort extended by the Downtown Subcommittee, the magnitude and impact of the proposed changes merit significant time and attention to the task. Ms. Butler explained her concerns were not related to "misinformation" but rather the Town's failure to provide adequate notice or rationale for the proposed changes. She further explained she was very much an advocate that the Town establish a Downtown Historic District and enact zoning requirements to support it. Ms. Butler asked Council to consider tabling the vote on the proposed zoning amendments and take a more strategic, comprehensive approach that starts with creating a Downtown Historic District. She commented this is very important and if it's done wrong, it cannot be undone. She asked Council to embrace our Town's unique architectural heritage rather than erase it.

Donna Devereux – 221 Heritage Lane stated she has lived here since 1989 and use to love to come downtown but has noticed the character of the downtown start to change and doesn't want to be downtown like she once did. In her opinion the best idea is to start a historic district to protect and preserve the downtown buildings and characters of the downtown area. She further stated with all the surfaces being built on she can't help worrying about all the water that goes down. Ms. Devereux reminded us we are the headwaters and we have to think about our neighbors downstream and where all the water runs off. She concluded with if the mountain is going to be overdeveloped there needs to be thought into some permeable surfaces.

Jenny Miller – 490 Goforth Rd spoke and explained she wasn't aware of the ordinance until recently but wanted to ask the Council or Mr. Rothrock if this was all about development and for an explanation about the re-zoning.

Mr. Rothrock gave a brief explanation of the current zoning and what the proposed change would be.



Ms. Miller asked if the changes would make it easier for a developer to come in and make significant changes.

Mr. Rothrock stated it would not.

Jim Butler 177 Dogwood Land spoke about his dissatisfaction of Embers Hotel and 1150 Main building and the size of those buildings. He stated the color of the 1150 Main building is awful. He doesn't want another Embers or 1150 building in Blowing. Mr. Butler stated Council just approved what will be the third ugly building in town by approving the townhomes project. He urged Council to use their time on each application rather than carte blanche each one and have these big ugly buildings in town that the residents don't want.

Mayor Sellers reminded that every project does come before Council to review and approve. Even though it goes through Planning Board for recommendation, it does go before Council for approval.

With no further comments, Mayor Pro-Tem Matheson made a motion to close the public hearing, seconded by Council Member Pickett. Unanimously approved.

Council Member Harwood made a motion for discussion to approve the ordinance amendments as presented, seconded by Mayor Pro-Tem Matheson.

Council Member Perry read a lengthy statement she had written. She explained she is on the downtown subcommittee, and she did not vote for the proposal that was presented. She felt Council needs to start the process of establishing and defining a historic district overlay by setting up a committee to lead and maintain this effort. She further stated this ordinance change is something that requires more deliberation.

Council Member Harwood thanked everyone for coming out and speaking and this is what is special about Blowing Rock, everyone cares. He stated he too is on the downtown subcommittee and from the very first conversation it has been about saving the quality that is Blowing Rock. He felt there was a lot of misconception about what the ordinance is and explained the current Land Use Code is not a preservation code and it never has been. He has been encouraged by the numerous amount of people who are interested in keeping what Blowing Rock has.

Council Member Harwood explained there is a lot of flexibility in our current code and what these ordinances do is tighten up and try to preserve what the Town currently has. He truly feels this is a start in improving that. He encourages and supports the preservation side, not necessarily the historic side, as that has a lot of rules, but there are other ways to preserve what we have. He's in favor of the ordinance moving forward to tighten up what we have, but have bigger conversations and actions on the rest.

Mayor Pro-Tem Matheson stated other than Ms. Tellekamp he didn't know many that have been here as long as he has. The footprint of the Town is the same town he grew up in

and has not changed much. Businesses have come and gone and listening to the comments has DeJa'Vu with the people who were against SouthMarke and Shops on the Parkway, as change scares people sometimes. As Council Member Harwood stated we are trying our best to keep the things people are scared about from happening. He concluded this feels like he's been through this before.

With no further comments the motion stood. For the motion; Mayor Pro-Tem Matheson, Council Members Harwood, Pickett and Gherini. Against the Motion; Council Member Perry. The motion passed.

Council took a 10 minute recess.

## **REGULAR AGENDA**

### **1. Shops at Watership Down – David Reule**

Planning Director Kevin Rothrock reminded Council this project came before them at the September meeting, a public hearing was held and since that time Mr. Reule has revised his architectural drawings to include a pitched roof for all the buildings. Therefore any requirement of a variance for a flat roof is not needed.

Mr. Reule is seeking approval of the Special Use Permit application with the revised roof design, and the original waivers requested. The Special Use Permit draft has been amended to include the variance/waivers of reduced side setbacks and parking space with reduction. Additional language was included that required landscaping must be planted in the ground and not in planters.

- The applicant is requesting a waiver to Section 16-12.6 of the Land Use Code to allow the second floor of the buildings to be built within the five (5) foot setback.
- The applicant is requesting a waiver of the standard parking space width from nine (9) feet to eight and a half (8 ½ ) feet.

Mayor Pro-Tem Matheson liked the roof design change and, in his opinion, made the project look better.

Mayor Pro-Tem Matheson made a motion to approve the project, seconded by Council Member Perry. Unanimously approved.

### **2. Retreat Date and Location**

Manager Shane Fox stated the proposed winter retreat dates are January 29, 30 and 31st, 2025 at the American Legion. The council consensus was to approve the proposed dates and location.

## **OFFICIAL REPORTS & COMMENTS**

- Mayor Sellers – Thanked everyone who ran for public office, very commendable and congratulated the ones who won. Asked everyone to continue to keep the hurricane victims in their thoughts and prayers. Thanked everyone who has helped those who have jumped to the plate and helped those in need out. Will

do his best as Mayor to keep the citizens informed.

- Council Member Perry – None
- Council Member Harwood – None
- Council Member Pickett – None
- Mayor Pro-Tem Matheson – As Council sometimes hard decisions have to be made and those decisions are what Council thinks is the best for the Town and he wanted to remind people of that. Very proud of the Council and thanked them for their hard work.
- Council Member Gherini – Congrats to Todd Castle and Braxton Eggers on their re-election to the County Board of Commissioners, they will be receptive and help the Town with things the Town needs to accomplish. Gave an update on the most recent Economic Development meeting and his meeting with Senator talking about how bad things are in the State and encouraged about some money coming from the state level to help.
- Town Attorney Tucker Deal – None
- Town Manager Shane Fox – Gave updates on Main Street project should be completed this week, diver work at the Town reservoir has been completed, survey work done on sediment – will be discussed at Winter Retreat, spillway work paused due to the storm – work will pick back up later in the winter, hand rails have been installed and painted behind the American Legion, hurricane debris still being removed, he and Mayor Pro-Tem Matheson attended a good meeting with State and local leadership discussed a lot of things including continued hurricane Helene support. Upcoming dates – November 29<sup>th</sup> Christmas Festival and Lighting of the Town, November 30<sup>th</sup> Town Christmas parade.

### **EXECUTIVE SESSION**

At 7:00 PM Council Member Perry made a motion to go into closed session, **NCGS 143-318.11.(a)(6) Attorney/Client privilege**, seconded by Council Member Harwood. Unanimously approved.

### **ADJOURNMENT**

At 9:15 p.m. the Council returned to open session and with no further business, Council Member Pickett made a motion to adjourn, seconded by Council Member Harwood. Unanimously approved.

MAYOR \_\_\_\_\_  
Charlie Sellers, Mayor

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

### **Attachments**

**Budget Amendment – Attachment A**

**Amendment Ordinance – Attachment B**

**Pine and Laurel Townhomes – Attachment C**

**Downtown Subcommittee Phase 1 – Attachment D**

## **Shops at Watership Down – David Reule – Attachment E**

## MEMORANDUM

TO: Mayor Charlie Sellers and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Tyler Sime Annexation Request – Lots 5 and 6 Wildwood Place

DATE: December 4, 2024

Tyler Sime has filed a petition for annexation along with applicable fees and is requesting annexation of a single family lot off Wildwood Place in the Hillwinds neighborhood. The purpose of the annexation request is to connect to Town water and sewer utilities. Mr. Sime is under contract to purchase the property to construct a new home. The property is currently 2 lots (5 and 6) but will be combined prior to construction. The property is currently in the ETJ and is zoned R-10S, Single-family.

Enclosed please find an aerial map and two resolutions to initiate the annexation process. If approved, a public hearing will be set for the January 14, 2025 Council meeting to consider annexation of the subject property.

**RESOLUTION NO. 2024-10****RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on December 4, 2024 by the Town of Blowing Rock; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation procedures take place; and

WHEREAS, the Board of Commissioners of the Town of Blowing Rock deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Board of Commissioners the result of her investigation.

Adopted this the 10th day of December, 2024

\_\_\_\_\_  
Charlie Sellers, Mayor

ATTEST: \_\_\_\_\_  
Hilari H. Hubner, Town Clerk



**RESOLUTION NO. 2024-11****RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received;  
and

WHEREAS, the Board of Commissioners of the Town of Blowing Rock has by resolution  
directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been  
made; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of  
Blowing Rock, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will  
be held at the Blowing Rock Town Hall Council Chambers at 1036 Main Street at 6:00 P.M.  
on January 14, 2025.

Section 2. The area proposed for annexation is described as follows:

BEGINNING on a 5/8 rebar found 0.4 feet above the adjacent grade, being the northwest  
corner of Lot 5 and runs thence S 82°43'25" E 65.60 feet to a 5/8" rebar found 0.3 feet above  
the adjacent grade; thence S 55°16'27" E 9.65 feet to a 5/8" rebar found 0.8 feet above the  
adjacent grade; thence N 89°23'26" E 99.61 feet to a 1/2 iron pipe found 0.5 feet above the  
adjacent grade, the northeast corner of Lot 5; thence S 06°04'57" W 67.36 feet to a point;  
thence S 00°22'19" E 61.37 feet to a 1/2" rebar found flush; thence S 00°49'25" E 36.38  
feet to a 5/8" rebar found flush; thence S 54°52'18" W 35.07 feet to a point; thence on a  
curve to the right having a radius of 105.00 feet, an arc length of 14.15 feet, and a chord  
bearing and length of S 58°44'01" W 14.14 feet to a point; thence N 09°05'13" E 28.44 feet  
to a 1/2" smooth iron pin found; thence S 60°55'24" W 41.65 feet to a point; thence on a  
curve to the right having a radius of 85.13 feet, an arc length of 102.98 feet, and a chord  
bearing and length of N 84°27'00" W 96.82 feet to a 5/8" rebar found flush; thence S  
05°33'55" W 24.45 feet to a point, thence N 06°22'56" W 100.35 feet to a 3/4" pipe found  
flush in gravel the common western corner of Lots 5 and 6; thence N 08°11'38" E 113.56  
feet to the point and place of BEGINNING containing 0.76± acres and being a recombination  
Tracts 7 and 8 described in Deed Book 1948, Page 628.

Adopted this the 10<sup>th</sup> day of December 10, 2024

ATTEST: \_\_\_\_\_  
Hilari H. Hubner, Town Clerk

\_\_\_\_\_  
Charlie Sellers, Mayor



Tyler Sime Property

Annexation Request

December 4, 2024







# 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: Tasha Brown, Finance Officer  
Subject: Budget Amendment Ordinance to Account for Various Items  
(Ordinance #2024-54)  
Date: December 10, 2024

---

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2024-2025 for your consideration.

**Section 1 (General Fund)** allocates funding as follows:

- Allocates funds (\$1,540) donated to the Police Department by Blowing Rock Methodist Church (\$1,000) and an anonymous donor (\$540). This allocation will be directed toward Materials/Supplies needed for the department.

**Section 2 (General Fund)** allocates funding as follows:

- Allocates fund balance (\$11,856) to cover the cost of stormwater drainage repairs. This allocation was approved in the previous fiscal year budget (FY 24), but not complete until this fiscal year (FY 25). This will be directed towards Stormwater Repairs - Street.

**Section 3 (Water/Sewer Fund)** allocates funding as follows:

- Allocates fund balance (\$16,193) to cover the cost of Valve replacement at the Reservoir. This will be directed towards Contracted Services.

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

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, 2025:

**Section 1. To amend the General Fund, the appropriations are to be changed as follows:**

| <u>Acct. No.</u> |                    | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|--------------------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 10-10-4310-033   | Materials/Supplies | \$ 39,850                        | \$ -            | \$ 1,540        | \$ 41,390                         |
|                  |                    |                                  |                 | \$ 1,540        |                                   |

This will result in a net increase of \$1,540 in the appropriations of the General Fund. As a result, the following revenue will be increased.

| <u>Acct. No.</u> |           | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|-----------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 10-00-3400-358   | Donations | \$ -                             | \$ -            | \$ 1,540        | \$ 1,540                          |
|                  |           |                                  | \$ -            | \$ 1,540        |                                   |

**Section 2. To amend the General Fund, the appropriations are to be changed as follows:**

| <u>Acct. No.</u> |                    | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|--------------------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 10-20-4500-355   | Stormwater Repairs | \$ -                             | \$ -            | \$ 11,856       | \$ 11,856                         |
|                  |                    |                                  | \$ -            | \$ 11,856       |                                   |

This will result in a net increase of \$11,856 in the appropriations of the General Fund. As a result, the following revenue will be increased.

| <u>Acct. No.</u> |                           | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|---------------------------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 10-00-3400-399   | Fund Balance Appropriated | \$ -                             | \$ -            | \$ 11,856       | \$ 11,856                         |
|                  |                           |                                  | \$ -            | \$ 11,856       |                                   |

**Section 3. To amend the Water/Sewer Fund, the appropriations are to be changed as follows:**

| <u>Acct. No.</u> |                     | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|---------------------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 30-91-7120-240   | Contracted Services | \$ 56,075                        | \$ -            | \$ 16,193       | \$ 72,268                         |
|                  |                     |                                  | \$ -            | \$ 16,193       |                                   |

This will result in a net increase of \$16,193 in the appropriations of the Water/Sewer Fund. As a result, the following revenue will be increased.

| <u>Acct. No.</u> |                           | <u>Current<br/>Appropriation</u> | <u>Decrease</u> | <u>Increase</u> | <u>Proposed<br/>Appropriation</u> |
|------------------|---------------------------|----------------------------------|-----------------|-----------------|-----------------------------------|
| 30-91-3400-399   | Fund Balance Appropriated | \$ -                             | \$ -            | \$ 16,193       | \$ 16,193                         |
|                  |                           |                                  | \$ -            | \$ 16,193       |                                   |

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 10th day of December 2024.

Attested by:

Charles Sellers, Mayor

Hilari Hubner, Town Clerk

## **Regular Agenda - Staff Report**

**To: Mayor Charlie Sellers and the Blowing Rock Town Council**

**From: Shane Fox, Town Manager**

**Subject: Town – Board Attorney and Resolution**

**Date: December 10, 2024**

### **Information:**

The Town of Blowing Rock's current Town Attorney has resigned to take a full-time position with ASU. The Town needs to appoint a new attorney to replace the outgoing attorney.

### **Recommendation:**

Staff recommends the appointment of Joey Petrack of the law firm Eggers, Eggers, Eggers, & Eggers, PLLC.

### **Attachments:**

1. Fee Agreement – Eggers, Eggers, Eggers, & Eggers, PLLC
2. Resolution to Allow for the Town Attorney to Act on Behalf of the Town



# EGGERS, EGGERS, EGGERS & EGGERS, PLLC

## ATTORNEYS AND COUNSELORS AT LAW

STACY C. EGGERS, JR. (1924-2018)  
STACY C. EGGERS, III (1948-1990)  
STACY C. EGGERS, IV  
JONATHAN D. GREEN  
J. SCOTT BUCHANAN  
KIMBERLY M. EGGERS  
JOSEPH T. PETRACK

P.O. BOX 248  
BOONE, NORTH CAROLINA 28607

PHONE (828) 264-3601  
FAX (828) 262-5229  
815 WEST KING STREET

### FEE AGREEMENT

The Town of Blowing Rock, State of North Carolina, hereby agrees to retain Eggers, Eggers, Eggers & Eggers, PLLC Attorneys at Law, as our attorneys in regard to town issues which may arise from time to time, to attend town council meetings, advise the town manager, municipal staff, and council, attend other meetings as necessary, and handle litigation matters or disputes which may involve the town. Both parties agree that Eggers, Eggers, Eggers, & Eggers, PLLC shall serve at the pleasure of the council.

The town agrees to pay our attorneys at a rate of \$250.00 per hour (discounted from their normal hourly rate of \$350.00 per hour) for time expended on behalf of the town. The town understands that time will be billed in one-tenth of an hour increments. Upon the award of any attorney fee by a Court, such attorney fee shall be credited to the account of the town upon collection. Compensation for other matters may be determined on a case by case basis.

The town understands that it is more cost effective in certain situations for our attorneys to employ paralegals and legal assistants to assist in the drafting of certain documents and preparation of certain materials. The town understands that these paralegals and legal assistants are not attorneys and cannot give any legal advice. The town agrees to compensate the attorneys for the time expended by their paralegals and legal assistants at an hourly rate of \$140.00 (discounted from their normal hourly rate of \$190.00), to be billed in the same manner as other fees and costs incurred.

The town understands that the attorneys will make no settlement of any claim without prior consent.

In certain circumstances there may arise litigation or other transactions involving the town which require specialized legal services beyond the scope of the attorneys to effectively assist the town with such matters or which may involve a conflict of interest between the parties and the attorneys. In that event the attorneys shall advise the county of such conflict or issue and shall assist the town in making other appropriate arrangements.

The town agrees to pay all out-of-pocket expenses incurred in handling matters on their behalf (i.e., court costs, subpoena costs, court reporter costs, medical records costs, telephone charge costs, etc). The town understands that such costs are in addition to the attorney fees stated above.

The town further acknowledges that if payment for legal fees is not made promptly the attorneys may withdraw from representation on any matter.

In the event of a settlement which results in payment of funds to the

town, there can be no disbursal of funds for a minimum of ten business days after settlement checks have been deposited into the Eggers, Eggers, Eggers & Eggers trust account. (This is done in accordance with North Carolina state statutes governing trust accounts).

The town hereby authorizes the attorneys to take all steps deemed advisable by them in their sole discretion (including institution of legal proceedings) regarding claims of the town.

No guarantee or promise concerning the outcome or results of any matter has been made to me by my attorneys.

The town acknowledges receipt of a copy of this contract.

THIS the \_\_\_\_ day of November, 2024.

By: \_\_\_\_\_  
The Town of Blowing Rock  
Charlie Sellers, Mayor

ATTEST:

By: \_\_\_\_\_  
Hilari Hubner, Town Clerk

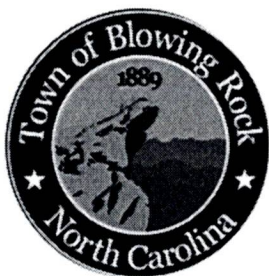
EMPLOYMENT ACCEPTED  
ON THE TERMS STATED

EGGERS, EGGERS, EGGERS & EGGERS, PLLC

\_\_\_\_\_  
Joseph T. Petrack or  
Stacy C. Eggers, IV

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Town of Blowing Rock Finance Officer



## RESOLUTION

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**TO:** Mayor & Town Council

**FROM:** Town Attorney

**DATE:** December 10, 2024

**SUBJECT:** Resolution for the Town Attorney to act in litigation matters on behalf of the Town of Blowing Rock

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**FOR THE PURPOSE OF:**

On October 20, 2023 the North Carolina Supreme Court issued a decision in the *Town of Midland v. Harrell*. In that case, the Court concluded that a Town Council must pass a Resolution authorizing the filing of a lawsuit on behalf of the Town. The Court also stated that this authority may be delegated by Resolution or Ordinance. The attached Resolution helps avoid jurisdictional challenges to enforcement actions brought on behalf of the Town and other matters which may require Court action. The Town Council ultimately retains the authority to determine whether the Town pursues any matter in litigation.





Resolution

Town of Blowing Rock  
North Carolina

Date: 12/10/2024

**RESOLUTION FOR THE TOWN ATTORNEY TO ACT ON BEHALF OF THE  
TOWN OF BLOWING ROCK  
Res. No. 2024-\_\_\_\_\_**

**WHEREAS,** The Town of Blowing Rock ("Town") is a municipal corporation and body politic of the State of North Carolina; and

**WHEREAS,** pursuant to G.S. §160A-173, the Town appoints an attorney who serves at the Town's discretion as its legal advisor; and

**WHEREAS,** G.S. §160A-12 provides that all powers, functions, rights, privileges, and immunities of the town shall be exercised by the town council, who shall act by Ordinance or Resolution; and

**WHEREAS,** the North Carolina Supreme Court in the *Town of Midland v. Harrell* concluded that the Town Council may delegate the authority to initiate legal proceedings on behalf of the Town, which it may do by Ordinance or Resolution; and

**WHEREAS,** the authority to file an action on behalf of the Town is jurisdictional in nature and the passing of this Resolution will provide for more efficient operation of the Town and avoid reluctant Defendants from imposing procedural delays and hurdles in the enforcement of Town ordinances and actions which are in the best interests of the Town; and

**WHEREAS,** the Town Council retains the right to redirect the Town Attorney on any legal matters which are being pursued by the Town as the Town Council deems just, wise, and appropriate;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Blowing Rock, as follows:

1. The Town Attorney is authorized to initiate and pursue legal action on behalf of the Town for the enforcement of ordinances, the collection of fines,

fees, taxes, and other sums due and owing to the Town, without need of further Resolution or Ordinance to be adopted by the Town Council; and

2. The Town Attorney is authorized to initiate and pursue legal action for the Town on any matter, including but not limited to imminent domain, contractual breaches, declaratory action, and such other matters as the Town Attorney deems advisable and in the best interests of the Town, without need of further Resolution or Ordinance to be adopted by the Town Council; and

3. The Town Attorney is authorized, in his discretion, to retain outside counsel to represent the Town in various litigation matters as deemed appropriate by the Town Attorney without need of further Resolution or Ordinance to be adopted by the Town Council.

Adopted this the \_\_\_\_ day of December, 2024.

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Charlie Sellers, Mayor

ATTEST:

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Hilari Hubner, Town Clerk



## **Regular Agenda - Staff Report**

**To: Mayor Charlie Sellers and the Blowing Rock Town Council**

**From: Shane Fox, Town Manager**

**Subject: Wonderland Trail Repair – TS Helene**

**Date: December 10, 2024**

### **Information:**

On September 27, 2024, excessive stormwater from TS Helene caused a slope failure and landslide on Wonderland Trail between the 1100 and 1200 block at GIS location 36.1317789 and -81.6883653. The slope failure caused damage to the roadway along with creating stormwater issues below the roadway. Given the nature of the failure and to develop a scope of repair the Town's contract engineering firm McGill Associates, PA prepared a recommended work scope. Given the estimated costs of repair being below NCGS 143-129 for formal bids (\$500K), an informal bid process took place. McGill Associates, PA at the Town's request solicited bids from a total of 4 contractors. Given the nature of the work and the timing of work with contractors, along with the overwhelming demand after Helene, only one contractor was willing to submit a bid with pricing. Mountain Crest, LLC was the only bidder with a price of \$242,700. After conversations with potential bidders, the demand for work was the primary reason for not submitting a bid. The Town expects that 100% of the costs will be reimbursed by FEMA.

### **Recommendation:**

Staff recommends the Town Council approves the low bid received from Mountain Crest, LLC in the amount of \$242,700.

### **Attachments:**

1. Slide – Photos
2. Scope of Repair – McGill prepared
3. Mountain Crest, LLC Quote and Agreement
4. List of contractors from informal bid process
5. Project Amendment – Project Ordinance – Tropical Storm Helene



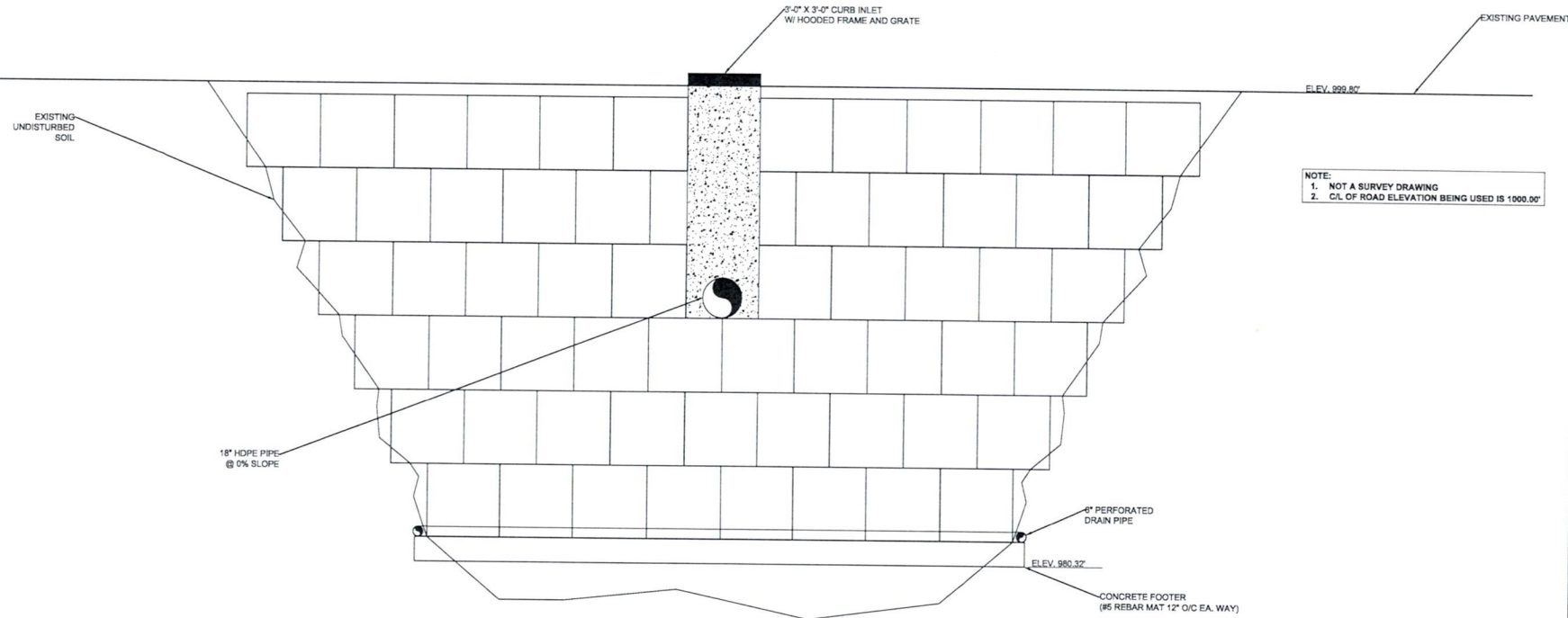








PLAN



**mcgill**  
1240 19th Street Lane NW  
Ridgely, NC 28601  
828.328.2024  
NC Firm License # C-0459  
mcgillassociates.com

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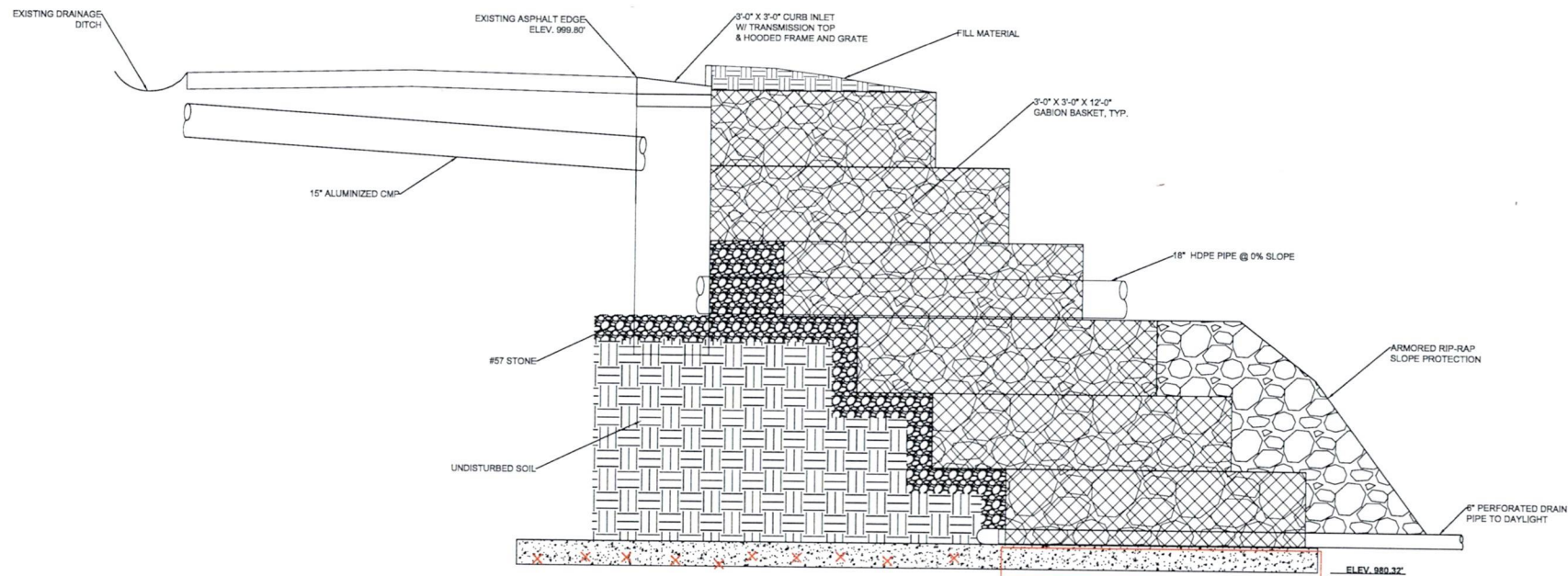
WONDERLAND TRAIL  
SHOULDER REPAIR  
**TOWN OF BLOWING ROCK**  
WATAUGA COUNTY, NORTH CAROLINA

|   |                             |                       |
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| GRAPHIC SCALE<br>DIVISION VALUE = 50 FEET | OFFICE MANAGER<br>XXXX XXXX | DESIGNER<br>XXXX XXXX |
| PROJECT MANAGER<br>XXXX XXXX              | REVIEWER<br>XXXX XXXX       | DATE<br>XXXX XXXX     |

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| GABION BASKET<br>SHOULDER REPAIR |                      |                   |
| PROJECT #<br>04910               | PLANNING #<br>XXXXXX | DATE<br>XXXX XXXX |

SHEET  
1

PLAN



**mcgill** 1240 19th Street Lane NW  
Hickory, NC 28601  
828.328.2024  
NC Firm License # C-0450  
mcgillassociates.com

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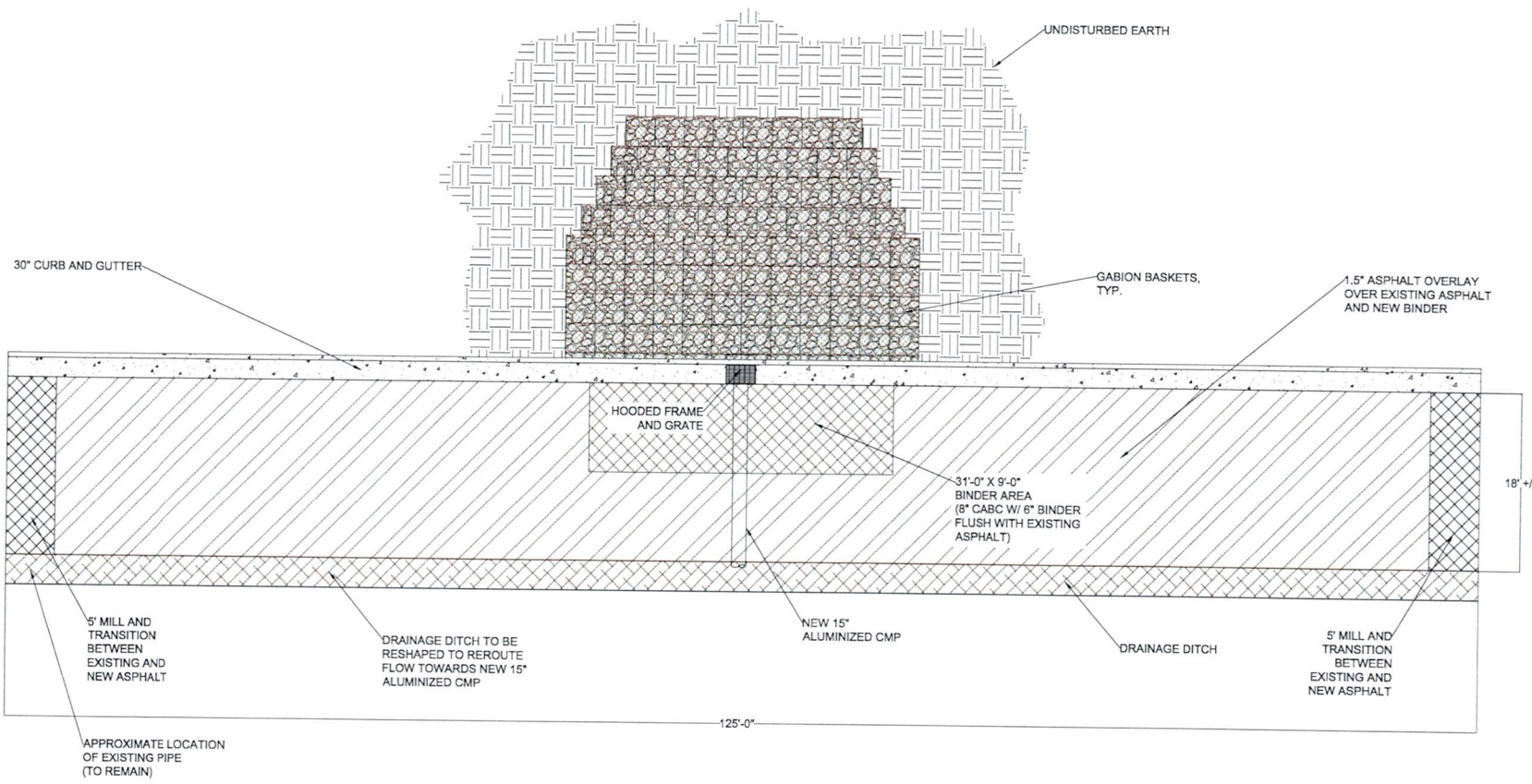
WONDERLAND TRAIL  
SHOULDER REPAIR  
**TOWN OF BLOWING ROCK**  
WATAUGA COUNTY, NORTH CAROLINA

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| OFFICE MANAGER<br>XXXX XXXX                              | DESIGNER<br>XXXX XXXX |
| PROJECT MANAGER<br>XXXX XXXX                             | REVIEWER<br>XXXX XXXX |

| GABION BASKET<br>SHOULDER REPAIR |                    |                     |
|----------------------------------|--------------------|---------------------|
| DATE<br>XXXX XXXX                | PROJECT #<br>04910 | FUNDING #<br>XXXXXX |

SHEET  
**2**

PLAN



**mcgill**  
 1240 19th Street Lane NW  
 Hickory, NC 28601  
 828.328.2024  
 NC Firm License # C-0450  
 mcgillassociates.com

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WONDERLAND TRAIL  
 SHOULDER REPAIR  
**TOWN OF BLOWING ROCK**  
 WATAUGA COUNTY, NORTH CAROLINA

|  |                       |
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| GRAPHIC SCALE<br>0 25 50 100<br>DIVISION VALUE = 50 FEET |                       |
| OFFICE MANAGER<br>XXXX XXXX                              | DESIGNER<br>XXXX XXXX |
| PROJECT MANAGER<br>XXXX XXXX                             | REVIEWER<br>XXXX XXXX |

|                                  |                    |                     |
|----------------------------------|--------------------|---------------------|
| GABION BASKET<br>SHOULDER REPAIR |                    |                     |
| DATE<br>XXXX XXXX                | PROJECT #<br>04910 | FUNDING #<br>XXXXXX |

SHEET  
**3**

**Mountain Crest, LLC**  
1264 Taylorsville Road SE  
Lenoir NC 28645  
(828) 312-9000

Proposal for: Town of Blowing Rock  
Location: Wonderland Trail Shoulder Repair  
Date: 10/31/2024  
Project: Gabion Basket Emergency Shoulder Repair

Civil Plans: McGill Associates "Not for Construction"

Quote is as proposed on plan sheets subject to differing conditions  
and changes determined in the field by engineers or geotechnical firm

Mountain Crest, LLC is not responsible for design of repair nor guarantee  
of repair. Mountain Crest, LLC will perform repair with quality workmanship  
and in a professional manner.

**Items included:**

Demolition & Clearing  
Place storm drain as shown  
Rework cut side ditch to drain to new storm drain inlet  
Place approximately (63) 12'x3'x3' galvanized gabion baskets  
Place perforated drain as shown  
Place 30" Curb & Gutter as shown  
Place ABC stone as shown  
Place binder as shown  
Place surface asphalt as shown with transition milling at each end  
**LUMP SUM \$ 242,700.00**

**COMMENTS / EXCLUSIONS**

Due to current supply chain disruptions, materials are subject to pricing at  
time of shipment. Material availability and timeliness of shipments cannot  
be guaranteed.

**Comments:**

Town of Blowing Rock to mark all buried utilities before starting work  
Town of Blowing Rock to make all utility adjustments  
Road must be closed to traffic during repairs  
Town of Blowing Rock to notify public of road closure and provide any necessary signage  
Due to fluctuations in the cost of liquid asphalt (\$604.38 plus tax currently) we reserve the  
right to adjust the above price if increases occur.  
Concrete Foundation under starter course of gabions limited to approx 13' x 25' in area  
If hammer will not yield a level foundation for gabions, Mountain Crest, LLC will drill and  
place dowels to provide a flat surface for gabion concrete support

**Exclusions:**

Blasting of rock - Only a hammer on a small machine will be used.  
Undercut and replacement of unsuitable materials  
Bid bond or payment bond  
Surveying, engineering, permits, fees  
Replacement or relocating of buried utilities



## **Wonderland Trail – List of Contractors**

Hicks Construction Enterprises – No bid submitted  
1230 Howard Edmisten Rd  
Sugar Grove, NC 28679

JW Hampton Company/Grading & Excavation – No bid submitted  
3632 Old US 421  
Boone, NC 28607

Mountain Crest, LLC – Bid Received  
365 Wilkesboro Blvd.  
Lenoir, NC 28645

Estes Grading, LLC – No bid submitted  
2056 Aho Road  
Boone, NC 28605





# *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: Tasha Brown, Finance Officer  
Subject: TS Helene Grant Project Ordinance (Amendment)  
Date: December 10, 2024

---

Attached please find for your consideration an amended Grant Project Ordinance for Tropical Storm Helene. This amendment adds a new expenditure for Emergency Repairs/Permanent Work for Wonderland Trail Shoulder Repair as well as repairs to the bubbler system at Broyhill Park/Mayview Lake and increases the FEMA Public Assistance Revenue to offset this expense.

**AMENDMENT: ORDINANCE**  
**2024 TROPICAL STORM HELENE**  
**GRANT PROJECT ORDINANCE**

BE IT ORDAINED by the Town of Blowing Rock that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue grant project ordinance is hereby adopted:

Section I. The project authorized includes the Town of Blowing Rock's FEMA Public Assistance Disaster Project (4827DR-NC) known as "2024 Tropical Storm Helene Disaster Project".

Section II. The officers of the Town of Blowing Rock are hereby directed to proceed with the federal assistance project within the terms of the rules and regulations of the FEMA Public Assistance grants and the budget contained herein.

Section III. The following revenues are anticipated to be available to complete the project:

|                               |                      |
|-------------------------------|----------------------|
| <b>FEMA Public Assistance</b> | <b>\$ 523,700.00</b> |
|-------------------------------|----------------------|

Section IV. The following amounts are appropriated for the project:

|                                 |                      |
|---------------------------------|----------------------|
| Salaries and Benefits           | \$ 175,000.00        |
| <b>Repairs – Permanent Work</b> | <b>\$ 348,700.00</b> |

Section V. The finance officer is hereby directed to maintain sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement, Federal and State regulations.

Section VI. Funds may be advanced from other Town of Blowing Rock fund accounts for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency following the regulations and rules of the grant.

Section VII. The finance officer is directed to report as requested on the financial status of the project element in Section IV and on the total revenues received or claimed.

Section VIII. The budget officer is directed to include an analysis of costs and revenues on this project as requested by the Council.

Section IX. Copies of this Project Budget Ordinance shall be made available to the budget officer for direction in carrying out this project.

This ordinance shall become effective upon adoption.  
Adopted as submitted this 10<sup>th</sup> day of December 2024 at Blowing Rock, North Carolina.

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Charles Sellers, Mayor

Attest:

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Hilari Hubner, Town Clerk



*Solutions to Enrich Your Life!*

Pond Lake Management  
2310 Alamance Church Rd.  
Greensboro, NC 27406

Voice: (336) 669-1016

Web: [www.pondlakemanagement.com](http://www.pondlakemanagement.com)

### **Blowing Rock Parks & Recreation**

#### **New Aeration Cabinet & Compressor**

##### **We Include:**

PLM will install the new aeration cabinet and compressor including all parts and labor. This includes all necessary equipment, and parts but does not include trenching under sidewalks or electrical hookup or trenching from the pond to the power supply which you should already have and nothing additional should be needed.

The cost is \$5,842.27 and this includes a **10% discount and labor.**

##### **We Exclude:**

Fees and permits, relocate and or repair existing utilities, erosion control, damage to existing pavement and sidewalks, private locator, engineering and staking, rock excavation, and any other item not specified.

This proposal, when accepted, constitutes a contract between parties named below. This proposal is for acceptance in 30 days.

We hereby accept the above proposal and conditions, this \_\_\_\_ day of \_\_\_\_\_, 2024

In order to begin PLM would need a 50% deposit. Once Deposit is received, I will place the order and get with you on dates for the installation.

The job will be completed within one to two days.

Feel free to call me with any questions.

Thank you,  
Pond Lake Management  
Lee Andrews 336-669-1016