



Town of Blowing Rock

Date: Tuesday, December 9, 2025, 6:00 p.m.

Location: 1036 Main Street, Blowing Rock, NC 28605

Agenda

[illegible]

V.	<p>REGULAR AGENDA ADOPTION</p> <p>CONSENT AGENDA:</p> <ol style="list-style-type: none"> 1. Budget Amendment - #2025-20 2. Middle Fork Greenway Resolution of Easements - Town of Blowing Rock and ARHS Properties 3. Consent for Interim Town Manager W. Lane Bailey to sign closing documents – Purchase of Land from the Blowing Rock Conference Center 	<p>Mayor & Council</p> <p>Mayor & Council</p>
VI.	<p>PUBLIC COMMENTS.....<i>comments shall be limited to three (3) minutes</i></p>	
VII.	<p>REGULAR AGENDA:</p> <ol style="list-style-type: none"> 1. Retreat Date Approval – January 26th, 27th and 28th 2026 at the Blowing Rock Conference Center 2. Code of Conduct – Signature of the Boad 	<p>Mayor & Council</p>
VIII.	<p>OFFICIALS REPORTS & COMMENTS:</p> <ol style="list-style-type: none"> 1. Mayor 2. Council Members 3. Town Attorney 4. Town Manager 	
IX.	<p>CLOSED SESSION:</p> <ul style="list-style-type: none"> • NCGS 143-318.11. (a)(3) Consult with an attorney regarding judicial action • NCGS 143-318.11(a)(5) Discussion of potential property acquisition • NCGS 143-318.11. (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual 	

	public officer or employee or prospective public officer or employee	
X.	ADJOURNMENT/RECESS... Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.	

DRAFT
MINUTES
Town of Blowing Rock
Town Council Meeting
November 12, 2025

The Town of Blowing Rock Town Council met for their regular monthly meeting on Wednesday, November 12, 2025, 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 and Melissa Pickett. Council Member Pete Gherini was unable to attend. Others in attendance were Town Manager Shane Fox, Town Attorney Joey Petrack, Town Engineer Jared Wright, Planning Director Kevin Rothrock, Police Chief Nathan Kirk, Finance Director Tasha Brown, IT Director Thomas Steele, Landscape Director Cory Cathcart 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 October 14, 2025, regular session and closed session, seconded by Council Member Pickett. Unanimously approved.

REGULAR AGENDA ADOPTION

Council Member Perry made a motion to adopt the regular agenda, seconded by Council Member Harwood. Unanimously approved.

CONSENT AGENDA

- 1. Budget Amendment - #2025-19**
- 2. Tax Releases**
- 3. Resolution – Public Rights of Way and Easements By the Headwaters of the New River LLC**
- 4. Tax Policy**
- 5. Project Ordinance**
- 6. Lease Resolution**

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

SPEAKERS FROM THE FLOOR

Frank Irizarry – 148 Royal Oaks Dr spoke in favor of the board considering term limits for

all elected officials in Blowing Rock. Shared thoughts regarding the recent controversial application for a hotel project on Valley BLVD that went before Planning Board. With traffic being the foremost concern, his opinion was had a traffic concurrency study been implemented and required the application wouldn't have gotten to the point of review. He explained that traffic is a huge issue in this town and felt that should be a requirement to make life a lot easier. Lastly near and dear to his heart is the American with Disabilities Act. Mr. Irizarry explained he has severe hearing loss and the current camera system the Town utilizes is not favorable to people with disabilities. He felt the Town needed to consider upgrading the video equipment for recording and streaming the meetings, especially given the age demographic in this community.

Deatra Sellers – 137 Hill Top Way spoke about following Town Ordinances. She expressed concern that the Town has gotten to a place where everyone has an exception and would like to remind Council in order to keep the cute, charming Town we love ordinances need to be followed.

SPECIAL PRESENTATION

Mr. David Goodson, 499 Wonderland Trail – Gave a presentation on Japanese Knotweed.

PUBLIC HEARING

1. Greenpark Inn

Planning Director Kevin Rothrock stated the applicant, Mr. John Winkler, is requesting an amendment to the conditional rezoning ordinance of the Green Park Inn property at 9239 Valley Blvd. The request is for a reduction in the 16-foot opaque buffer on the western property line adjacent to the Blowing Rock Country Club (BRCC) golf course hole #4 green and hole #5 tee along Goforth Road. Based on the site layout, the rear decking overhang of the condos extended further over the parking area than expected. Accordingly, the Applicant needs four (4) additional feet in the parking lot for clearances, and they wanted to reduce the buffer by four (4) feet to gain the space. By reducing the buffer, the parking lot space depth (19 feet) and drive aisle width (24 feet) will still meet the minimum code standards.

The Applicant's request is to reduce the opaque buffer width along the BR golf course by four (4) feet from sixteen (16) to twelve (12) feet.

Mayor Sellers opened the public hearing.

Mayor Sellers asked if NC DOT still owned Goforth Rd.

Mr. Rothrock stated as far as he was aware there is a right of way, but ownership goes to the center of the property line and NC DOT has the rights to the road.

Mayor Sellers further asked if there was anything in writing from NC DOT stating they relinquished rights to Goforth Rd.

Town Manager Shane Fox noted the Town has not received anything stating that.

Mayor Sellers explained surveys in town are pretty common trends and noted his property as well as neighbor's property goes to the center of the road, but it is public right of way. He further expressed his thoughts were the Town needs to know what NC DOT is for that road.

Council Member Perry stated she didn't see the relevance of that.

Mayor Sellers felt it was relevant because it is taking up part of Goforth Rd.

Council Member Perry reminded the Council already approved sixteen (16) feet and the Applicant is only requesting an additional four (4) feet that is not going to affect the road, only add more space at the condos. She just couldn't understand the relevance of Mayor Sellers' point.

The Applicant, Mr. John Winkler explained the reason for the request is in their planning the decks are only twelve and a half feet off the ground on the first (1) floor and the concern was keeping service/delivery trucks away from the building. He further explained delivery trucks can be as tall as thirteen and a half feet tall and they wanted to keep those away from the decks and prevent them from causing any potential damage to the decks. He noted the extra four (4) feet request would help with that.

Mayor Sellers explained his concern was allowing change across a public road, but if NC DOT has relinquished rights to the road then so be it.

Ms. Chelesa Garrett, Attorney with Deal, Moseley, di Santi, Garrett and Martin, reminded the plan already approved months ago meets all the required setbacks and the only change requested is changing the landscape strip from sixteen (16) feet to twelve (12) feet. She stated Mayor Sellers point regarding the road was only relevant in the previous request and not in this request.

Ms. Garrett noted he was correct in NC DOT has not provided anything officially in writing but has indicated in discussions the intention so she felt that would be something they would have to continue to have to pursue NC DOT about. She acknowledged Mayor Sellers had a good point asking the question.

Mayor Pro-Tem Matheson asked Mr. Winkler if he would be willing to increase the landscaping and make it a bit thicker.

Mr. Winkler explained Mr. Rothrock had mentioned that to him and agreed to do whatever the Town would like him to do.

With no further questions or comments Council Member Harwood made a motion to close the public hearing, seconded by Council Member Pickett. Unanimously approved.

Council Member Perry made a motion to accept the Applicant's request to reduce the buffer from sixteen (16) feet to twelve (12) feet, seconded by Council Member Pickett. Unanimously approved.

2. CZ 2025-02 Laurel and Pine LLC

Mr. Rothrock stated Laurel and Pine, LLC is requesting a new conditional rezoning of the Pine and Laurel townhomes 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 and approved for eight (8) townhomes in November of 2024. The Applicant is now proposing the construction of five (5) 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 Applicant has modified the plans again and requests a conditional rezoning to build a 5-unit townhome project.

The applicable street setback for Central Business 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 for Central Business zoning was changed to thirty-five (35) feet in November 2024. The previously approved town homes were allowed to be thirty-nine (39) feet ten (10) inches for the two (2) middle units. The current plans show the middle unit roof to be at thirty-seven (37) feet three (3) inches which is two (2) feet shorter than the previously approved plans. There are two roof peaks on each side of the townhomes with a roof height of thirty-seven (37) feet one (1) inch. The Applicant has requested as a condition that the roof peaks be allowed to be increased up to thirty-seven (37) feet three (3) inches for every additional five (5) feet of horizontal distance from the fifteen (15) foot street setback.

The building materials include heavy wooden beams, vertical wood siding, horizontal lap siding, stone veneer, stucco, 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 those are provided in garage spaces and surface spaces.

Since fire apparatus cannot pass through the site but will serve the property from both streets, the building is required to be sprinkled.

The storm water runoff from the site will be conveyed to an onsite detention system and released to Pine Street. This 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 is requesting be painted or changed out to a brown or green to blend with the surroundings. This has been included as a condition of approval from the Applicant.

All electrical services will be provided underground.

Garbage collection will be through roll-out containers in an enclosure located on the east side of the property adjacent to Pine Street.

There is a significant buffer along Laurel Lane since the Town owns an area of twenty (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.

The Applicant's Proposed Conditions

1. The properties must be combined by a recombination plat prior to issuance of a building permit.
2. Applicant must submit a receive approval if a method to camouflage and screen the hotbox already installed along Laurel Lane.
3. Building heights may step up beyond the 35' max height at a rate of 1' of vertical height for every additional 5' horizontal distance from the setback with a maximum height of 37' 3".

A neighborhood meeting was held at Town Hall on October 8, 2025.

At their meeting on October 16th, the Planning Board made a recommendation to approve the conditional rezoning with the following conditions:

1. That the building height be limited to thirty-five (35) feet
2. That stucco not be used as building material

Mayor Sellers opened the public hearing.

Council Member Perry inquired about the location of the additional parking spaces.

Mr. Rothrock stated each unit has garages with two (2) spaces in each and an additional parallel space in the porte-cochere.

Mayor Pro-Tem Matheson asked about garbage rollouts and inquired if the garbage truck would be able to get in and out.

The Applicant stated the garage locations would be the same as in the previous plan that

was already approved last year.

Council Member Harwood asked for the applicant to elaborate on the need to extend the thirty-five (35) feet.

Matthew Jones, architect for the project, explained it's a biproduct of good design as they could make it within the allowed height, but it would be more of a boxy design and less of an articular façade. He further explained they felt having the tiered design was a better approach and better design for the community. They tried to keep a more minimal impact for the community.

Council Member Harwood asked what the roof slopes were now.

Mr. Jones stated they are six (6): twelve (12).

Council Member Harwood asked if they were anything less than six (6): twelve (12).

Mr. Jones stated a few of the accent roofs are, which they are allowed to be.

Council Member Harwood asked if that would need to be added as a condition.

Mr. Rothrock didn't think so as they were just little dormer roofs.

Mayor Pro-Tem Matheson asked where the HVAC units would be located.

Mr. Jones advised they would be in little alcoves behind landscaping and be well screened.

Council Member Harwood asked for clarification, wasn't there a requirement to have thirty (30) percent windows on the lowest floor.

Mr. Rothrock stated it was fifty (50) percent windows and doors.

Council Member Harwood stated he was more concerned with the windows and doors being compliant than he was about the height. He asked Mr. Jones if he thought that would be achievable to comply with.

Mr. Jones felt that was something they could comply with.

Council Member Harwood complemented the design and thought it was a very attractive design.

Ms. Jamie Dixey of 193 Norwood Circle asked if stucco would be used.

Mr. Jones highlighted the proposed areas for stucco which were very minimal and made note it was not a hill they were going to die on if Council chose to not allow stucco to be used.

Council Member Perry asked for an explanation on how they could make the fifty (50) percent requirement of windows and doors work on their design.

Mr. Jones stated it didn't have a plan off the top of his head, but he would look at it, evaluate and work with Mr. Rothrock on how to make it happen.

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

Council Member Perry stated she didn't vote for the project when it came before Council last time, primarily because of the height. She further stated she was in favor of less condos, which instead of eight (8) they have proposed five (5). She likes the fact that they have brought the height down from what was approved. She thinks when we talk about the charm of the town from a development standpoint it is going to be something that is attractive and if they have to make it more of a boxy shape that is going to change the whole look of this design and not be as appealing. She further stated she didn't think anyone in town would be happy with it.

Mayor Pro-Tem Matheson asked if Council Member Perry was ok with leaving the height as requested, adding the condition of the fifty (50) percent windows and doors requirement and no stucco.

Council Member Perry stated she was, but after seeing the stucco material she didn't think it would look that bad and further stated it was the same stucco material they use at Biltmore Village.

Mr. Rothrock stated stucco can be used as long as it is not on Main Street and it is the approved stucco from the building materials.

Council Member Harwood wanted to discuss options around the windows and doors requirements and acknowledged he wanted it to be tasteful. He asked for Councils thoughts.

Mayor Pro-Tem Matheson's opinion was that if it was landscaped correctly you wouldn't see that area.

Council Member Pickett noted it would be within walking height.

After further discussion Council was in agreement the windows already included on the design and landscaping would be far more attractive than extra windows in a stairwell area.

Council Member Harwood made a motion to approve the project as presented with the condition that the garbage corral will be included, noting he only mentioned that because it wasn't on the plans, and consideration for additional landscaping on the street sides, seconded by Mayor Pro-Tem Matheson. Unanimously approved.

REGULAR AGENDA

1. TDA Board Appointment

Council voted by ballot to appoint Ben McKethan to the vacant TDA Board seat.

OFFICIAL REPORTS & COMMENTS

- Mayor Sellers – Thanked Manager Fox for his 5 years as our Town Manager – he has accomplished so much in his time and has taken our Town to the next level. Next step is to hire a Interim Town Manager and Council will possibly make that decision in Closed Session. Thanked everyone for coming out and voting and his hats off to everyone who chose to run for Council.
- Council Member Perry – Congratulated Manager Fox for his next endeavor. He will be greatly missed, he is a public servant of the highest caliber, a good manager, an expert and he has everything going for him and needs to progress his career now. She was completely supportive of what he is doing but sad for our Town.
- Council Member Harwood – He stated it's been the upmost privilege to have worked with Manager Fox – noted the importance of saying work with – and getting to do that twice was even better. He is a friend, a professional and he adores him and his family, wished him God's Speed and the best of luck. It was also and incredible pleasure to serve with Melissa Pickett and Pete Gherini and he will miss them both.
- Council Member Pickett – Manager Fox will be missed, and it's been an honor to work with him and to call him a friend. It's also been an honor to serve her community for the past four (4) years.
- Mayor Pro-Tem Matheson – Had a great friendship with Manager Fox and it's not goodbye it's see you later. For sixteen (16) years he's had a Pickett on either side of him and for him that will be an adjustment.
- Town Attorney Joey Petrack – None
- Town Manager Shane Fox – Gave an update on Memorial Park, USDA, Audit, Website and gave a lengthy "thank you" to staff and Council his five (5) years as Town Manager.

EXECUTIVE SESSION

At 7:30 p.m. Council Member Perry made a motion to go into closed session pursuant to NCGS 143-318.11.(a)(5) – discussion of potential property acquisition and NCGS 143-318.11 (a)(6) - personnel, seconded by Council Member Pickett. Unanimously approved.

ADJOURNMENT

At 8:35 p.m. Council returned to open session. With no further action, 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 #2025-19 – Attachment A

Resolution – Easement Headwaters of the New River LLC – Attachment B

Tax Releases – Attachment C

Project Ordinance – Attachment D

Lease Resolution – Attachment E

Greenpark Inn – Attachment F

CZ 2025-02 Laurel and Pine – Attachment G



Town of Blowing Rock

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

To: Mr. Lane Bailey, Mayor Sellers, and Members of Town Council
From: Tasha Brown, Finance Officer
Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2025-20)
Date: December 9, 2025

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2025-2026 for your consideration.

Section 1 (General Fund) allocates funding as follows:

- Allocates funds (\$5,000) donated to the Blowing Rock Academy by the Blowing Rock Community Foundation. This allocation has been directed towards Materials/Supplies – P&R.

Section 2 (General Fund) allocates funding as follows:

- Allocates funds (\$500) donated to the Police Department by the Chateaux Cloud Club & Condo Association towards needed materials/supplies for public safety. This allocation has been directed towards Materials/Supplies – Police.

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

- Allocates funds (\$66,368 General Fund \$9,946 Water/Sewer Fund) received from an extra ABC Distribution to cover a 2% salary increase for full-time employees. This increase will help offset the increase for the employee rate for the North Carolina State Health Plan that is effective January 1st and due/payable December 1st. This allocation has been directed towards various departments' salaries and benefits lines (see detail pgs. 2-3).

Section 4 (General Fund) allocates funding as follows:

- Allocates fund balance (\$10,000) to cover cost to be incurred during the Interim Town Manager's service. This allocation has been directed towards Interim Town Manager Lodging & Mileage– Finance

Section 5 (Water/Sewer Fund) allocates funding as follows:

- Allocates fund balance (\$2,000) to cover the increased cost for MDT/Wi-Fi service for public safety communications. This allocation has been directed towards Telephones– Field Ops.

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, 2026:

Section 1. To amend the General 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>
10-80-6100-033	Materials/Supplies	\$ 50,600	\$ -	\$ 5,000	\$ 55,600
			\$ -	\$ 5,000	

This will result in a net increase of \$5,000 in the appropriations of the General 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>
10-00-3400-358	Donations	\$ -	\$ -	\$ 5,000	\$ 5,000
			\$ -	\$ 5,000	

Section 2. To amend the General 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>
10-10-4310-033	Materials/Supplies	\$ 54,000	\$ -	\$ 500	\$ 54,500
			\$ -	\$ 500	

This will result in a net increase of \$500 in the appropriations of the General 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>
10-00-3400-358	Donations	\$ -	\$ -	\$ 500	\$ 500
			\$ -	\$ 500	

Section 3. To amend the General 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>
10-00-4110-002	Board Salaries	\$ 19,280	\$ -	\$ 163	\$ 19,443
10-00-4110-005	FICA	\$ 1,475	\$ -	\$ 12	\$ 1,487
10-00-4130-002	Admin/Finance Salaries	\$ 637,414	\$ -	\$ 5,519	\$ 642,933
10-00-4130-005	FICA	\$ 48,764	\$ -	\$ 422	\$ 49,186
10-00-4130-007	401K	\$ 31,871	\$ -	\$ 276	\$ 32,147
10-00-4130-008	Retirement	\$ 138,220	\$ -	\$ 1,198	\$ 137,418
10-10-4310-002	Police Salaries	\$ 1,025,171	\$ -	\$ 10,649	\$ 1,035,820
10-10-4310-202	Dispatch Salaries	\$ 317,583	\$ -	\$ 3,639	\$ 321,222
10-10-4310-005	FICA	\$ 107,888	\$ -	\$ 1,093	\$ 108,979
10-10-4310-007	Dispatch 401K	\$ 67,739	\$ -	\$ 182	\$ 67,921
10-10-4310-008	Retirement	\$ 238,814	\$ -	\$ 3,283	\$ 242,097
10-10-4310-009	Police 401K	\$ 68,295	\$ -	\$ 532	\$ 68,827
10-10-4340-002	Fire Salaries	\$ 1,159,815	\$ -	\$ 10,858	\$ 1,170,673
10-10-4340-005	FICA	\$ 93,163	\$ -	\$ 830	\$ 93,993
10-10-4340-007	401K	\$ 57,991	\$ -	\$ 543	\$ 58,534
10-10-4340-008	Retirement	\$ 252,126	\$ -	\$ 2,358	\$ 254,484
10-40-4350-002	P&I Salaries	\$ 330,968	\$ -	\$ 4,000	\$ 334,968
10-40-4350-005	FICA	\$ 24,860	\$ -	\$ 305	\$ 25,165
10-40-4350-007	401K	\$ 18,248	\$ -	\$ 200	\$ 18,448
10-40-4350-008	Retirement	\$ 78,730	\$ -	\$ 868	\$ 79,598
10-20-4500-002	Street Salaries	\$ 538,103	\$ -	\$ 5,750	\$ 541,853
10-20-4500-005	FICA	\$ 43,077	\$ -	\$ 440	\$ 43,517
10-20-4500-007	401K	\$ 28,155	\$ -	\$ 287	\$ 28,442
10-20-4500-008	Retirement	\$ 120,335	\$ -	\$ 1,248	\$ 121,583
10-30-4700-002	Sanitation Salaries	\$ 142,363	\$ -	\$ 1,648	\$ 144,011
10-30-4700-005	FICA	\$ 11,419	\$ -	\$ 126	\$ 11,545
10-30-4700-007	401K	\$ 7,462	\$ -	\$ 82	\$ 7,544
10-30-4700-008	Retirement	\$ 31,898	\$ -	\$ 357	\$ 32,255
10-80-6100-002	P&R Salaries	\$ 365,483	\$ -	\$ 4,382	\$ 369,865
10-80-6100-005	FICA	\$ 45,899	\$ -	\$ 335	\$ 46,234
10-80-6100-007	401K	\$ 18,274	\$ -	\$ 219	\$ 18,493
10-80-6100-008	Retirement	\$ 78,104	\$ -	\$ 951	\$ 79,055
10-80-6500-002	Landscaping	\$ 221,332	\$ -	\$ 2,689	\$ 224,021
10-80-6500-005	FICA	\$ 17,697	\$ -	\$ 206	\$ 17,903
10-80-6500-007	401K	\$ 11,066	\$ -	\$ 134	\$ 11,200
10-80-6500-008	Retirement	\$ 47,299	\$ -	\$ 584	\$ 47,883
			\$ -	\$ 66,368	

This will result in a net increase of \$66,368 in the appropriations of the General 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>
10-00-3400-347	ABC Store Revenue	\$ 108,000	\$ -	\$ 66,368	\$ 174,368
			\$ -	\$ 66,368	

Section 3. To amend the Water/Sewer 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>
30-91-7110-002	Water Admin Salaries	\$ 123,203	\$ -	\$ 1,490	\$ 124,693
30-91-7110-005	FICA	\$ 9,425	\$ -	\$ 114	\$ 9,539
30-91-7110-007	401K	\$ 6,162	\$ -	\$ 75	\$ 6,237

30-91-7110-008	Retirement	\$ 26,328	\$ -	\$ 324	\$ 26,652
30-91-7120-002	Plant Ops Salaries	\$ 365,014	\$ -	\$ 4,045	\$ 369,059
30-91-7120-005	FICA	\$ 30,219	\$ -	\$ 309	\$ 30,528
30-91-7120-007	401K	\$ 18,750	\$ -	\$ 203	\$ 18,953
30-91-7120-008	Retirement	\$ 80,140	\$ -	\$ 878	\$ 81,018
30-91-7130-002	Field Ops Salaries	\$ 212,945	\$ -	\$ 1,867	\$ 214,812
30-91-7130-005	FICA	\$ 17,897	\$ -	\$ 143	\$ 18,040
30-91-7130-007	401K	\$ 11,697	\$ -	\$ 93	\$ 11,790
30-91-7130-008	Retirement	\$ 49,994	\$ -	\$ 405	\$ 50,399
			\$ -	\$ 9,946	

This will result in a net increase of \$9,946 in the appropriations of the Water/Sewer Fund. As a result, the following revenue will be increased.

Acct. No.		Current Appropriation	Decrease	Increase	Proposed Appropriation
30-91-3400-330	Transfer from General Fund	\$ -	\$ -	\$ 9,946	\$ 9,946
				\$ 9,946	

Section 4. To amend the General Fund, the appropriations are to be changed as follows:

Acct. No.		Current Appropriation	Decrease	Increase	Proposed Appropriation
10-00-4130-004	Interim Town Manager Lodging & Mileage	\$ -	\$ -	\$ 10,000	\$ 10,000
				\$ 10,000	

This will result in a net increase of \$10,000 in the appropriations of the General Fund. As a result, the following revenue will be increased.

Acct. No.		Current Appropriation	Decrease	Increase	Proposed Appropriation
10-00-3400-399	Appropriated Fund Balance	\$ -	\$ -	\$ 10,000	\$ 10,000
		\$ -	\$ -	\$ -	\$ -
			\$ -	\$ 10,000	

Section 5. To amend the Water/Sewer Fund, the appropriations are to be changed as follows:

Acct. No.		Current Appropriation	Decrease	Increase	Proposed Appropriation
30-91-7130-011	Telephones	\$ 3,600	\$ -	\$ 2,000	\$ 5,600
			\$ -	\$ 2,000	

This will result in a net increase of 2,000 in the appropriations of the Water/Sewer Fund. As a result, the following revenue will be increased.

Acct. No.		Current Appropriation	Decrease	Increase	Proposed Appropriation
30-91-3400-399	Fund Balance Appropriated	\$ -	\$ -	\$ 2,000	\$ 2,000
			\$ -	\$ 2,000	

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 9th day of December 2025.

Attested by:

Charles Sellers, Mayor

Hilari Hubner, Town Clerk

MEMORANDUM

TO: Mayor Sellers and Blowing Rock Board of Commissioners

FROM: Brian Johnson, Zoning Enforcement Officer

SUBJECT: Middle Fork Greenway Resolution of Easements – Town of Blowing Rock and Appalachian Regional Healthcare Systems Properties, LLC

DATE: December 9, 2025

The Middle Fork Greenway project is progressing towards a tentative construction bid date of December 2025 and anticipating a construction start date of early 2026 for Phase 1A and 1C. Phase 1A will start at the current trailhead in front of Shoppes on the Parkway and end at the 4 Forty Four property. Phase 1C will begin at the Foley Center bridge through to the other end of their property. Phase 1B is still in the planning stages with that route connecting Phase 1A and Phase 1C along NCDOT right-of-way and the Blue Ridge Parkway property.

Attached for consideration is the two last remaining resolutions for Council approval of the required easements for the Town of Blowing Rock and Appalachian Regional Healthcare System, LLC. These are the last remaining resolutions needed for Phase 1A and 1C to begin.

RESOLUTION OF THE TOWN COUNCIL FOR
THE TOWN OF BLOWING ROCK TO ACCEPT DEDICATION TO THE PUBLIC
OF RIGHTS OF WAY AND EASEMENTS BY THE TOWN OF BLOWING ROCK

WHEREAS, the Town of Blowing Rock is a municipal corporation and public body established under the laws of the State of North Carolina for the representation of its citizens and residents; and

WHEREAS, the Town of Blowing Rock has authority pursuant to N.C. Gen. Stat. §160D-806 to accept ground offered for dedication to public use within its corporate boundaries for public purposes; and

WHEREAS, the Town of Blowing Rock, a North Carolina Municipality, owns the certain tracts or parcels of land lying and being in the Town of Blowing Rock, Watauga County, North Carolina, as set out and recorded in Deed Book 1759 at Page 389, Watauga County, North Carolina, Public Registry, as shown on the map, attached thereto as Exhibit A and incorporated therein by reference, and as more particularly described in the description, attached thereto as Exhibit B and incorporated therein by reference, of the Greenway Easement and Dedication of Public Property and Temporary Construction Easement Agreement, as set out and recorded in Book 2447 at Page 714, Watauga County, North Carolina, Public Registry.; and

WHEREAS, the Town of Blowing Rock finds that it is in the best interest of the public health, safety, and general welfare of citizens of the Town of Blowing Rock to accept the offered dedication on the property named in this resolution.

NOW THEREFORE be it resolved by the Town Council of the Town of Blowing Rock as follows:

SECTION I. The Town of Blowing Rock accepts the dedication made to the public of lands or facilities for installing, constructing, and maintaining a paved trail to be used by the public for recreational purposes and associated fixtures such as benches, trash receptacles, and other items; preserving and enhancing the vegetation and stream bank in the area included within the Greenway Easement offered by The Town of Blowing Rock, on certain tracts or parcels of land lying and being in the Town of Blowing Rock, Watauga County, North Carolina, as set out and recorded in Deed Book 1759 at Page 389, Watauga County, North Carolina, Public Registry, as shown on the map, attached thereto as Exhibit A and incorporated therein by reference, and as more particularly described in the description, attached thereto as Exhibit B and incorporated therein by reference, of the Greenway Easement and Dedication of Public Property and Temporary Construction Easement Agreement, as set out and recorded in Book 2447 at Page 714, Watauga County, North Carolina, Public Registry.

SECTION II. Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town, or as provided by the laws of the State of North Carolina.

SECTION III. This Resolution shall become effective upon adoption.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Blowing Rock, North Carolina, at which a quorum was present and which was held on the ____ day of November, 2025.

Adopted this the ____ day of November, 2025.

Charlie Sellers, Mayor

Attest:

_____(SEAL)
Hilari Hubner
Town Clerk

RESOLUTION OF THE TOWN COUNCIL FOR
THE TOWN OF BLOWING ROCK TO ACCEPT DEDICATION TO THE PUBLIC
OF RIGHTS OF WAY AND EASEMENTS BY ARHS PROPERTIES, INC.

WHEREAS, the Town of Blowing Rock is a municipal corporation and public body established under the laws of the State of North Carolina for the representation of its citizens and residents; and

WHEREAS, the Town of Blowing Rock has authority pursuant to N.C. Gen. Stat. §160D-806 to accept ground offered for dedication to public use within its corporate boundaries for public purposes; and

WHEREAS, ARHS Properties, Inc., a North Carolina Non-Profit Corporation, owns the certain tracts or parcels of land lying and being in the Town of Blowing Rock, Watauga County, North Carolina, as set out and recorded in Deed Book 2420 at Page 710, Watauga County, North Carolina, Public Registry, as shown on the map and as more particularly described in the description, attached thereto as Exhibit A and incorporated therein by reference, of the Greenway Easement and Temporary Construction Easement Agreement, as set out and recorded in Book 2447 at Page 584, Watauga County, North Carolina, Public Registry.; and

WHEREAS, the Town of Blowing Rock finds that it is in the best interest of the public health, safety, and general welfare of citizens of the Town of Blowing Rock to accept the offered dedication on the property named in this resolution.

NOW THEREFORE be it resolved by the Town Council of the Town of Blowing Rock as follows:

SECTION I. The Town of Blowing Rock accepts the dedication made to the public of lands or facilities for installing, constructing, and maintaining a

paved trail and/or boardwalk trail to be used by the public for recreational purposes and associated fixtures such as benches, trash receptacles, and other similar items; preserving and enhancing the vegetation and stream bank in the area included within the Greenway Easement offered by ARHS Properties, Inc., on certain tracts or parcels of land lying and being in the Town of Blowing Rock, Watauga County, North Carolina, as set out and recorded in Deed Book 2420 at Page 710, Watauga County, North Carolina, Public Registry, as shown on the map and as more particularly described in the description, attached thereto as Exhibit A and incorporated therein by reference, of the Greenway Easement and Temporary Construction Easement Agreement, as set out and recorded in Book 2447 at Page 584, Watauga County, North Carolina, Public Registry.

SECTION II. Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the Greenway Easement and Temporary Construction Easement Agreement, ordinances, regulations, or specific acts of the Town, or as provided by the laws of the State of North Carolina.

SECTION III. This Resolution shall become effective upon adoption.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Blowing Rock, North Carolina, at which a quorum was present and which was held on the ____ day of December, 2025.

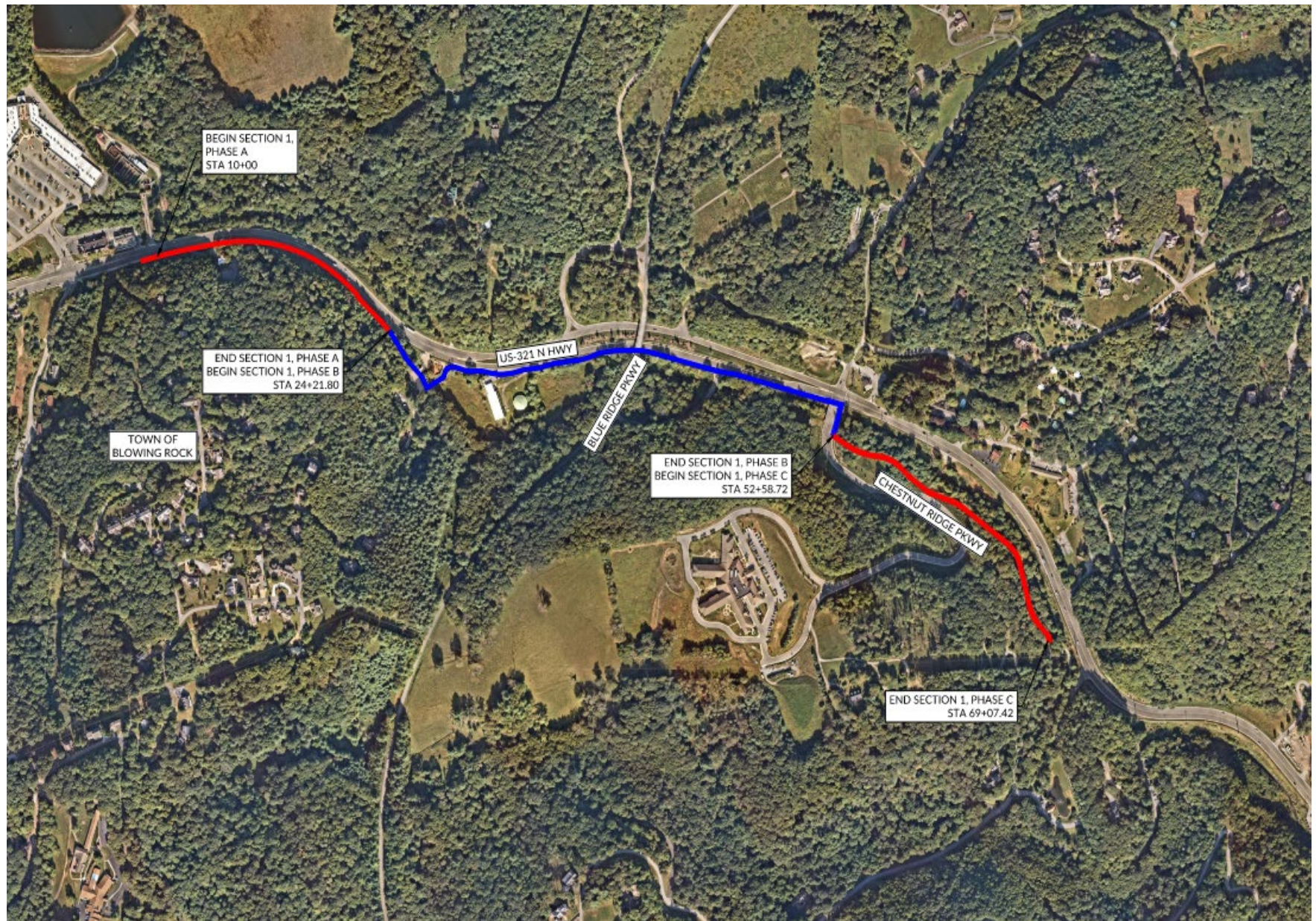
Adopted this the ____ day of December, 2025.

Charlie Sellers, Mayor

Attest:

_____(SEAL)

Hilari Hubner
Town Clerk



U:\18\18-0160\Middle Fork Greenway ? Section 1\Geomatics\Res-Com\Drawings\02180160.0 Greenway Base.dwg-- Friday, January 12, 2024 9:30:05 AM -- MUNSON, TRISTA



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

I, ERIC J. MOSER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK (SEE MAP); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12TH DAY OF JANUARY, 2024.

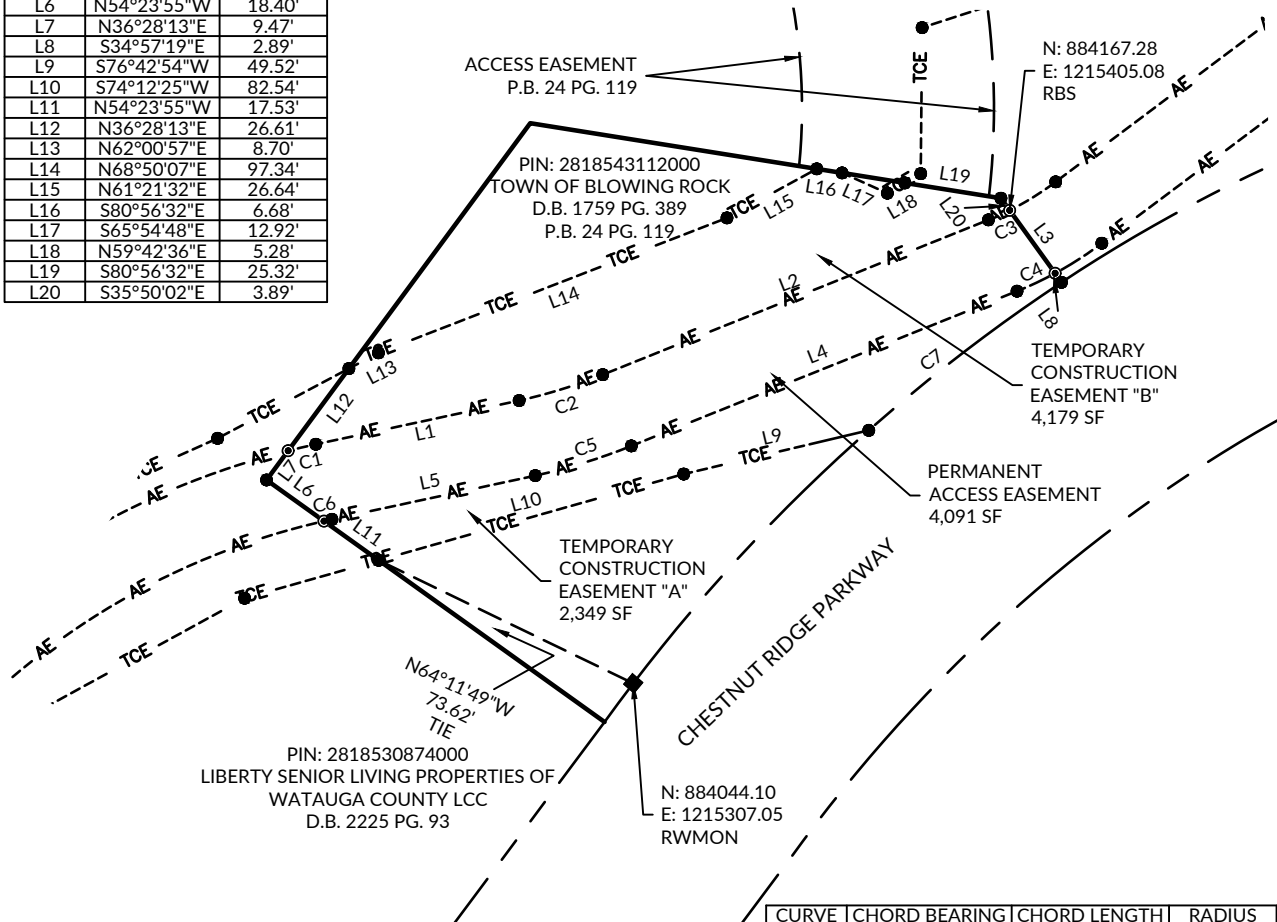
DocuSigned by:
Eric Moser

PROFESSIONAL LAND SURVEYOR

L-4679



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N77°51'52"E	54.16'
L2	N68°07'57"E	108.22'
L3	S35°50'02"E	20.21'
L4	S68°07'57"W	108.22'
L5	S77°51'52"W	54.16'
L6	N54°23'55"W	18.40'
L7	N36°28'13"E	9.47'
L8	S34°57'19"E	2.89'
L9	S76°42'54"W	49.52'
L10	S74°12'25"W	82.54'
L11	N54°23'55"W	17.53'
L12	N36°28'13"E	26.61'
L13	N62°00'57"E	8.70'
L14	N68°50'07"E	97.34'
L15	N61°21'32"E	26.64'
L16	S80°56'32"E	6.68'
L17	S65°54'48"E	12.92'
L18	N59°42'36"E	5.28'
L19	S80°56'32"E	25.32'
L20	S35°50'02"E	3.89'



LEGEND

P.B. PLAT BOOK
D.B. DEED BOOK
PG. PAGE
R/W RIGHT OF WAY
SF SQUARE FEET
PIN PARCEL IDENTIFICATION NUMBER
RWMON CONCRETE MONUMENT FOUND
EIP EXISTING IRON PIPE
RBS REBAR SET
● COMPUTED POINT
--- AE --- PERMANENT ACCESS EASEMENT (AE)
--- TCE --- TEMPORARY CONSTRUCTION EASEMENT (TCE)
--- EXISTING EASEMENT
--- RIGHT OF WAY
--- PROPERTY LINE
--- ADJOINING PROPERTY LINE

CURVE	CHORD BEARING	CHORD LENGTH	RADIUS
C1	N76°51'19"E	7.40'	210.00'
C2	N72°47'35"E	22.79'	140.51'
C3	N65°50'44"E	6.07'	76.00'
C4	S64°51'40"W	10.96'	96.00'
C5	S72°49'11"W	26.18'	160.42'
C6	S77°32'39"W	2.12'	190.00'
C7	S52°28'41"W	63.26'	463.70'

NOTES:

- THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY. IT DOES NOT CONSTITUTE A DEDICATION OR CONVEYANCE OF EASEMENTS.
- AREAS COMPUTED BY COORDINATE METHOD.
- ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- THE INFORMATION CONTAINED HEREON IS SUBJECT TO THE FINDINGS OF A COMPLETE AND ACCURATE OPINION OF TITLE, AND TO THOSE EXCEPTIONS AND EASEMENTS OF RECORD, IF ANY, NOTED THEREON.

GRAPHIC SCALE



1 inch = 50 ft.

DATE: 01-11-2024
SCALE: 1"=50'
SURVEYED BY: MP/AJ
DRAWN BY: TLM
CHECK & CLOSURE BY: EJM
PROJ. MGR.: EJM
PROJECT NO: 02180160

EASEMENT EXHIBIT PROPERTY OF TOWN OF BLOWING ROCK

TOWNSHIP: BLOWING ROCK COUNTY: WATAUGA STATE: NC
P.I.N.: 2818543112000 SHEET: 1 OF 1



WithersRavenel
Engineers | Planners | Surveyors

424 Gallimore Dairy Road Suite C | Greensboro, NC 27409
t: 336.605.3009 | license #: F-1479 | www.withersravenel.com

Legal Description

Being a Permanent Access Easement and two Temporary Construction Easements, lying in Blowing Rock Township, Watauga County, North Carolina, being a portion of Parcel Identification Number 2818543112000 and more particularly described as follows:

Permanent Access Easement (AE)

Commencing from a Right of Way Monument (RWMON) along Chestnut Ridge Parkway, said RWMON having NC Grid Coordinates Northing: 884,044.10 Easting: 1,215,307.05, thence N64°11'49"W a distance of 73.62' to a CP; thence N54°23'55" W a distance of 17.53' to a rebar set (RBS), being the Point of Beginning; thence N54°23'55" W a distance of 18.40' to a CP; thence N36°28'13" E a distance of 9.47' to a RBS; thence with a curve to the right having a radius of 210.00', an arc length of 7.40', a chord bearing of N76°51'19" E, and distance of 7.40' to a CP; thence N77°51'52" E a distance of 54.16' to a CP; Thence with a curve to the left having a radius of 140.51', an arc length of 22.82', a chord bearing of N72°47'35" E, and distance of 22.79', to a CP; thence N68°07'57" E a distance of 108.22' to a CP; thence Thence with a curve to the left having a radius of 76.00', an arc length of 6.07', a chord bearing of N65°50'44" E, and distance of 6.07', to a RBS; thence S35°50'02" E a distance of 20.21' to a RBS; thence with a curve to the right having a radius of 96.00', an arc length of 10.96', a chord bearing of S64°51'40" W, and distance of 10.96', to a CP, thence S68°07'57" W a distance of 108.22' to a CP; Thence with a curve to the right having a radius of 160.42', an arc length of 26.21', a chord bearing of S72°49'11" W, and distance of 26.18', to a CP; thence S77°51'52" W a distance of 54.16' to a CP; Thence with a curve to the left having a radius of 190.00', an arc length of 2.12', a chord bearing of S77°32'39" W, and distance of 2.12', to a RBS, the point of beginning, containing 4,091 square feet, more or less.

Temporary Construction Easement "A" (TCE)

Commencing from a Right of Way Monument (RWMON) along Chestnut Ridge Parkway, said RWMON having NC Grid Coordinates Northing: 884,044.10 Easting: 1,215,307.05, thence N64°11'49"W a distance of 73.62' to a computed point (CP), the Point of Beginning, thence N54°23'55" W a distance of 17.53' to a rebar set (RBS); Thence with a curve to the right having a radius of 190.00', an arc length of 2.12', a chord bearing of N77°32'39" E, and distance of 2.12', to a CP; thence N77°51'52" E a distance of 54.16' to a CP; Thence with a curve to the left having a radius of 160.42', an arc length of 26.21', a chord bearing of N72°49'11" E, and distance of 26.18', to a CP; thence N68°07'57" E a distance of 108.22' to a CP, thence with a curve to the left having a radius of 96.00', an arc length of 10.96', a chord bearing of N64°51'40" E, and distance of 10.96', to a RBS; thence S34°57'19" E a distance of 2.89' to a CP, thence with a curve to the left having a radius of 463.70', an arc length of 63.31', a chord bearing of S52°28'41" W, and distance of 63.26', to a CP, thence S76°42'54" W a distance of 49.52' to a CP; thence S74°12'25" W a distance of 82.54' to a CP, the point of beginning, containing 2,349 square feet, more or less.

Temporary Construction Easement "B" (TCE)

Beginning at a Rebar set (RBS), said RBS having NC Grid Coordinates Northing: 884,167.28 Easting: 1,215,405.08 (NAD83, 2011), thence with a curve to the right having a radius of 76.00', an arc length of 6.07', a chord bearing of S65°50'44" W, and distance of 6.07', to a computed point (CP), thence

S68°07'57" W a distance of 108.22' to a CP, Thence with a curve to the right having a radius of 140.51', an arc length of 22.82', a chord bearing of S72°47'35" W, and distance of 22.79', to a CP, thence S77°51'52" W a distance of 54.16' to a CP, thence with a curve to the left having a radius of 210.00', an arc length of 7.40', a chord bearing of S76°51'19" W, and distance of 7.40', to a RBS, thence N36°28'13" E a distance of 26.61' to a CP, thence N62°00'57" E a distance of 8.70' to a CP, thence N68°50'07" E a distance of 97.34' to a CP, thence N61°21'32" E a distance of 26.64' to a CP, thence S80°56'32" E a distance of 6.68' to a CP, thence S65°54'48" E a distance of 12.92' to a CP, thence N59°42'36" E a distance of 5.28' to a CP, thence S80°56'32" E a distance of 25.32' to a CP, thence S35°50'02" E a distance of 3.89' to a RBS, the point of beginning, containing 4,179 square feet, more or less.

This instrument drawn by: Eggers Law Offices, 815 West King Street, Boone, North Carolina 28607

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

GREENWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS GREENWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT (the "Agreement"), made as of March 31, 2025, by and between **ARHS Properties, Inc.**, a North Carolina non-profit corporation, of: 336 Deerfield Road, Boone, North Carolina 28607, hereinafter referred to as "Grantor;" and the **Town of Blowing Rock**, a North Carolina Municipality, of: 1036 Main Street, P.O. Box 47, Blowing Rock, NC, 28605, hereinafter referred to as "Grantee;"

W I T N E S S E T H :

WHEREAS, the Town of Blowing Rock is a municipal corporation and body politic of the State of North Carolina; and

WHEREAS, Grantor is the owner of certain tracts or parcels of land lying and being in the Town of Blowing Rock, Watauga County, North Carolina, as set out and recorded in Deed Book 2420 at Page 710, Watauga County, North Carolina, Public Registry, reference to said deed being made for a more complete description of said property ("Grantor's Property").

WHEREAS, Grantor's predecessor previously granted Watauga County (the "County") a non-exclusive easement for a walking and biking trail and a temporary construction easement pursuant to the terms of an Easement Agreement as recorded in Deed Book 1896 at Page 454, Watauga County, North Carolina, Public Registry (the "Prior Easement") as part of the Middle Fork Greenway system (the "Greenway");

WHEREAS, Grantee, and not the County, currently administers, constructs and maintains the Greenway;

WHEREAS, Grantee wishes to construct that portion of the Greenway that crosses Grantor's Property; and

WHEREAS, upon termination of the Prior Easement and subject to the terms and conditions of this Agreement, Grantor is willing to provide the easements described below to the Town of Blowing Rock to be part of the Greenway expansion, for so long as the Greenway exists.

NOW, THEREFORE, in consideration of \$10.00 and other good, valuable and sufficient considerations, together with the mutual covenants and conditions hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. **Greenway Easement.**

a. Grantor hereby conveys and grants to Grantee a 20-foot-wide non-exclusive easement for a walking and biking paved and/or boardwalk trail as part of the Greenway, in the area identified as Permanent Access Easement "A" and Permanent Access Easement "B", on Exhibit A hereto (the "**Greenway Easement**"). The scope of the Greenway Easement includes installing, constructing, and maintaining a paved trail and/or boardwalk trail to be used by the public for recreational purposes and associated fixtures such as benches, trash receptacles, and other similar items located within the Greenway Easement; and preserving and enhancing the vegetation and stream bank in the area included within the Greenway Easement.

b. The parties agree that any maintenance to the Greenway and the Greenway Easement will be the sole responsibility of Grantee. Such maintenance obligation includes, without limitation, the regular emptying of Greenway trash receptables in order to maintain a neat and orderly appearance.

c. It is understood and agreed that, in the event that the Greenway Easement is not used as a trail for the benefit of the public, then the Greenway Easement shall automatically terminate and the property shall automatically revert to Grantor without further action and any such improvements on the Greenway Easement shall become the property of the Grantor. If requested by Grantor, upon termination of the Greenway Easement, Grantee will remove all Greenway improvements on the Grantor Property and restore Grantor Property to its natural condition (including grading the Greenway Easement area and reseedling the grass). Grantor may, but is not required, to unilaterally execute, acknowledge, and record a memorandum

evidencing the termination of the Greenway Easement. At Grantor's request, Grantee will sign such memorandum, though Grantee's signature is not required for the termination to be effective.

2. **Temporary Construction Easement.**

a. Grantor hereby conveys and grants to Grantee a non-exclusive temporary construction easement for construction of the Greenway, in the area identified as Temporary Construction Easement "A", Temporary Construction Easement "B", Temporary Construction Easement "C", and Temporary Construction Easement "D" on Exhibit A hereto (the "**Temporary Construction Easement**").

b. Grantee agrees to repair any damage caused to Grantor's Property as a result of such Temporary Construction Easement and associated construction activity and Grantee will restore the area to its original condition, if requested by Grantor within 30 days of Grantor's request.

c. The Temporary Construction Easement shall expire December 31, 2027, or upon completion of the Greenway construction, whichever is first to occur.

3. **Miscellaneous.**

a. Grantee shall, to the maximum extent permitted by applicable law, indemnify, defend, and hold Grantor and Grantor's successors, assigns, employees, agents, customers, tenants, licensees, and invitees ("**Grantor's Indemnitees**") harmless from and against any and all losses, costs, damages, liens, claims, liabilities, or expenses (including, but not limited to, reasonable attorneys' fees, court costs, and disbursements) incurred by Grantor or Grantor's Indemnitees arising from or by reason of (i) Grantee's and Grantee's users' access to or use of Grantor's Property or the Greenway, or (ii) Grantee's breach of this Agreement, except to the extent caused by Grantor's or Grantor's Indemnitees' gross negligence or willful misconduct.

b. This Agreement shall inure to the benefit of and be binding upon the respective successors, heirs, executors, and administrators and assigns of each of the parties hereto.

c. This Agreement shall be governed by the laws of the State of North Carolina. The parties specifically agree that, should a dispute arise over the terms and/or enforcement of this Agreement, that the venue of such a dispute shall be Watauga County, North Carolina.

d. The parties agree that if any part of this Agreement shall be found by a court to be unenforceable, the remaining parts of this Agreement shall continue in full force and effect.

e. The parties represent that each has carefully read this Agreement, that they know and understand the contents and consequences thereof, and that they have signed this Agreement voluntarily and with informed consent.

f. This Agreement constitutes the entire and integrated agreement of the parties and supersedes all prior negotiations, representations, or agreements, either written or oral.

g. The parties agree that this Agreement will be recorded with the Watauga County, North Carolina, Public Registry, contemporaneous with the recordation of a termination of the Prior Easement, which termination will be signed and acknowledged by the County. The full execution, acknowledgement and recordation of the termination (in form and substance acceptable to Grantor) is a condition precedent to the grant of the easements contemplated hereby.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, each of Grantor and Grantee has caused this instrument to be signed in its name by its duly authorized officer, as of the day and year first above written.

GRANTOR:
ARHS PROPERTIES, INC.,
a North Carolina
non-profit corporation

BY:

_____(SEAL)
_____(Print
_____(Title)

Name)

STATE OF _____

COUNTY OF _____

I, _____, Notary Public, do hereby certify that
_____, personally appeared before me this day and
acknowledged that he is the _____ for **ARHS Properties, Inc.**, a
North Carolina non-profit corporation, and that by authority duly given and as
an act of the said **ARHS Properties, Inc.**, the foregoing instrument was signed
in its name by ___self as its _____.

WITNESS my hand and notarial seal, this ____ day of _____, **2025.**

Notary Public

My commission expires _____

(SEAL)

IN WITNESS WHEREOF, each of Grantor and Grantee has caused this instrument to be signed in its name by its duly authorized officer, as of the day and year first above written.

GRANTEE:
TOWN OF BLOWING ROCK,
a North Carolina Municipality

By: _____ (SEAL)
Charlie Sellers, Mayor

ATTEST:

Hilari Hubner, Town Clerk

STATE OF **NORTH CAROLINA**

COUNTY OF **WATAUGA**

I, _____, a Notary Public of the County and State aforesaid, certify that **Charlie Sellers** personally appeared before me this day and acknowledged that he is the Mayor for the **Town of Blowing Rock, a North Carolina Municipality**, and that by authority duly given and as an act of the **Town of Blowing Rock**, the foregoing instrument was signed in its name by himself as its Mayor, and attested by **Hilari Hubner**, as its Clerk.

WITNESS my hand and notarial seal, this ____ day of _____, 2025.

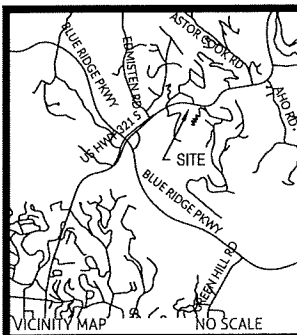
Notary Public

My commission expires _____

(SEAL)

Exhibit A

See attached.



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

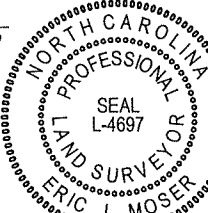
I, ERIC J. MOSER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK (SEE MAP); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF FEBRUARY, 2025.

DocuSigned by:

Eric Moser

PROFESSIONAL LAND SURVEYOR

L-4679



LINE	BEARING	DISTANCE
L25	N68°22'00"E	19.10'
L26	N78°11'37"E	2.24'
L27	S71°18'49"E	233.53'
L28	N80°20'52"E	55.99'
L29	S59°33'09"E	12.26'
L30	S68°00'08"W	25.42'
L31	S80°20'52"W	55.99'
L32	N71°18'49"W	234.21'
L33	S78°11'37"W	2.24'
L34	S68°22'00"W	19.10'
L35	S69°50'31"W	213.68'
L36	S53°09'57"W	109.24'
L37	N35°50'02"W	20.21'
L38	N53°10'02"E	108.96'
L39	N69°50'31"E	213.68'
L40	N35°50'02"W	3.89'
L41	N80°56'32"W	25.32'
L42	N59°42'36"E	4.77'
L43	N00°33'25"E	38.03'
L44	N72°01'17"E	35.49'
L45	S56°01'44"E	6.39'
L46	N45°31'44"E	27.34'
L47	N66°57'16"E	23.29'
L48	N81°24'31"E	46.90'
L49	N60°31'11"E	90.98'
L50	N75°49'37"E	67.96'
L51	N67°11'55"E	56.82'
L52	N65°39'21"E	60.95'
L53	N80°59'13"E	25.33'
L54	N75°19'06"E	20.25'
L55	N71°00'43"E	85.05'
L56	N89°37'33"E	60.48'
L57	S75°29'10"E	14.23'
L58	S86°03'51"E	15.12'
L59	S71°34'53"E	61.70'
L60	N89°31'52"E	21.60'
L61	S41°28'04"E	36.35'
L62	S72°50'26"E	40.90'

LINE	BEARING	DISTANCE
L63	S74°14'50"E	101.19'
L64	S73°41'20"E	22.14'
L65	N82°15'01"E	119.68'
L66	S76°44'35"E	25.82'
L67	S72°42'04"E	26.02'
L68	S07°14'33"W	4.86'
L69	S68°00'08"W	14.03'
L70	S82°19'08"W	112.85'
L71	N77°00'53"W	100.86'
L72	N67°57'36"W	80.90'
L73	S81°02'28"W	40.94'
L74	N74°19'22"W	31.66'
L75	N63°21'25"W	57.86'
L76	S82°45'05"W	51.90'
L77	N54°24'00"W	25.14'
L78	S69°54'29"W	172.96'
L79	S27°14'40"W	36.84'
L80	N88°04'15"W	43.87'
L81	S72°04'54"W	106.13'
L82	S43°22'42"W	54.80'
L83	N34°57'19"W	2.89'
L84	S68°00'08"W	6.81'

CURVE	CHORD BEARING	CHORD LENGTH	RADIUS
C7	N69°06'15"E	12.62'	490.00'
C8	N73°16'48"E	87.36'	510.00'
C9	S86°33'36"E	84.15'	160.00'
C10	S87°27'22"E	101.40'	240.00'
C11	S79°36'08"E	37.71'	55.00'
C12	N82°14'59"W	20.94'	35.00'
C13	N87°22'43"W	110.54'	260.00'
C14	N86°33'36"W	73.63'	140.00'
C15	S73°16'48"W	83.94'	490.00'
C16	S69°06'15"W	13.13'	510.00'
C17	S61°04'19"W	73.79'	242.00'
C18	S57°16'12"W	14.46'	96.00'
C19	N58°14'29"E	14.09'	76.00'
C20	N61°04'11"E	79.91'	262.00'
C21	S64°30'36"W	114.12'	404.77'

LEGEND

- P.B. PLAT BOOK
- D.B. DEED BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- SF SQUARE FEET
- PIN PARCEL IDENTIFICATION NUMBER
- RWMON CONCRETE MONUMENT FOUND
- EIP EXISTING IRON PIPE
- RBS REBAR SET
- COMPUTED POINT
- AE PERMANENT ACCESS EASEMENT (AE)
- TCE TEMPORARY CONSTRUCTION EASEMENT (TCE)
- EXISTING EASEMENT
- RIGHT OF WAY
- PROPERTY LINE
- ADJOINING PROPERTY LINE

NOTES:

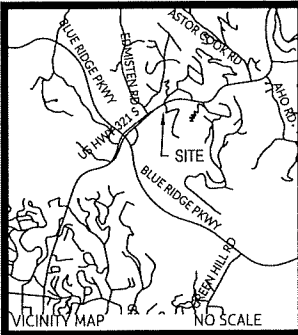
- THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY. IT DOES NOT CONSTITUTE A DEDICATION OR CONVEYANCE OF EASEMENTS.
- AREAS COMPUTED BY COORDINATE METHOD.
- ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- THE INFORMATION CONTAINED HEREON IS SUBJECT TO THE FINDINGS OF A COMPLETE AND ACCURATE OPINION OF TITLE, AND TO THOSE EXCEPTIONS AND EASEMENTS OF RECORD, IF ANY, NOTED THEREON.

DATE: 02-11-2025
 SCALE: 1"=100'
 SURVEYED BY: MP/AJ
 DRAWN BY: TLM
 CHECK & CLOSURE BY: EJM
 PROJ. MGR: EJM
 PROJECT NO: 02180160

EASEMENT EXHIBIT
 PROPERTY OF
 APPALACHIAN REGIONAL
 HEALTHCARE SYSTEM, INC.
 TOWNSHIP: BLOWING ROCK | COUNTY: WATAUGA | STATE: NC
 P.I.N.: 2818530874000 | SHEET: 2 of 2

WithersRavenel
 Engineers | Planners | Surveyors
 424 Gallimore Dairy Road Suite C | Greensboro, NC 27409
 t: 336.605.3009 | f: 336.605.3009 | www.withersravenel.com

U:\18-0160\Middle Fork Greenway ? Section 1\Geomatics\Res-Com\Drawings\02180160.0 Greenway Base.dwg- Tuesday, February 11, 2025 10:04:07 AM - HARRIS, RACHEL



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

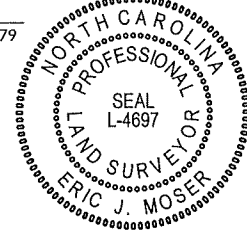
I, ERIC J. MOSER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK (SEE MAP); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF FEBRUARY, 2025.

DocuSigned by:

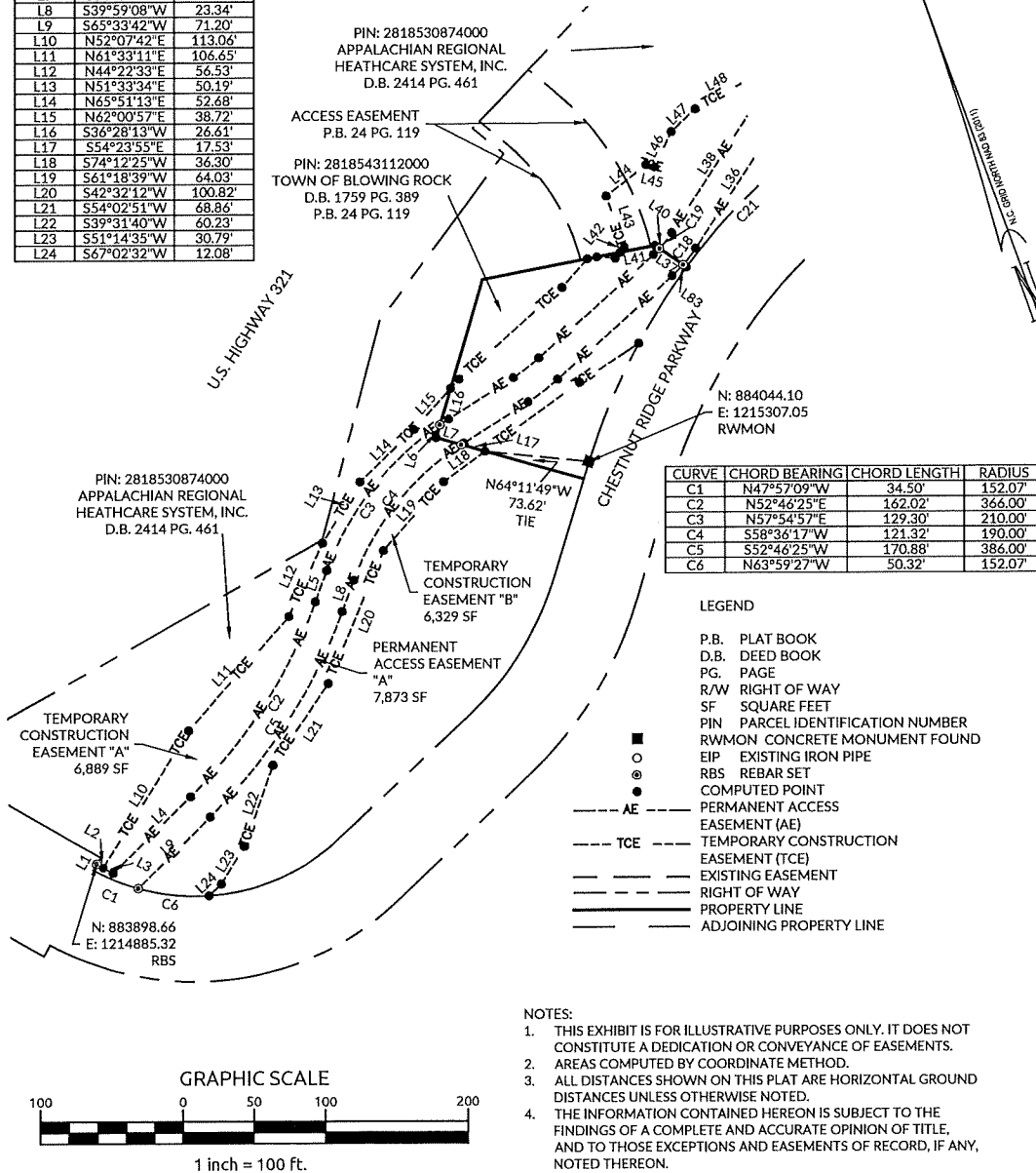
Eric Moser
75C32A83A321461

PROFESSIONAL LAND SURVEYOR

L-4679



LINE	BEARING	DISTANCE
L1	N51°01'32"E	4.96'
L2	S40°55'28"E	5.44'
L3	S40°55'28"E	7.99'
L4	N65°33'42"E	76.35'
L5	N39°59'08"E	23.34'
L6	S36°28'13"W	9.47'
L7	S54°23'55"E	18.40'
L8	S39°59'08"W	23.34'
L9	S65°33'42"W	71.20'
L10	N52°07'42"E	113.06'
L11	N61°33'11"E	106.65'
L12	N44°22'33"E	56.53'
L13	N51°33'34"E	50.19'
L14	N65°51'13"E	52.68'
L15	N62°00'57"E	38.72'
L16	S36°28'13"W	26.61'
L17	S54°23'55"E	17.53'
L18	S74°12'25"W	36.30'
L19	S61°18'39"W	64.03'
L20	S42°32'12"W	100.82'
L21	S54°02'51"W	68.86'
L22	S39°31'40"W	60.23'
L23	S51°14'35"W	30.79'
L24	S67°02'32"W	12.08'



DATE: 02-11-2025

SCALE: 1"=100'

SURVEYED BY: MP/AJ

DRAWN BY: TLM

CHECK & CLOSURE BY: EJM

PROJ. MGR.: EJM

PROJECT NO: 02180160

EASEMENT EXHIBIT
PROPERTY OF
APPALACHIAN REGIONAL
HEALTHCARE SYSTEM, INC.

TOWNSHIP: BLOWING ROCK

COUNTY: WATAUGA

STATE: NC

P.I.N.: 2818530874000

SHEET: 1 of 2



WithersRavenel
Engineers | Planners | Surveyors

424 Gallimore Dairy Road Suite C | Greensboro, NC 27409
t: 336.605.3009 | f: 336.605.3009 | www.withersravenel.com

Legal Description

Being two Permanent Access Easements and four Temporary Construction Easements, lying in Blowing Rock Township, Watauga County, North Carolina, being a portion of Parcel Identification Number 2818530874000 and more particularly described as follows:

Permanent Access Easement "A" (AE)

Commencing from a Right of Way Monument (RWMON) along Chestnut Ridge Parkway, said RWMON having NC Grid Coordinates Northing: 884,044.10 Easting: 1,215,307.05 (NAD83, 2011), thence N64°11'49"W a distance of 73.62' to a computed point (CP), thence N54°23'55" W a distance of 17.53' to a rebar set (RBS), the Point of Beginning; thence with a curve to the left having a radius of 190.00', an arc length of 123.49', a chord bearing of S58°36'17" W, and distance of 121.32', to a CP; thence S39°59'08" W a distance of 23.34' to a CP; thence with a curve to the right having a radius of 386.00', an arc length of 172.30', a chord bearing of S52°46'25" W, and distance of 170.88', to a CP; thence S65°33'42" W a distance of 71.20' to a RBS, thence with a curve to the right having a radius of 152.07', an arc length of 34.58', a chord bearing of N47°57'09" W, and distance of 34.50' to a CP; thence N51°01'32" E a distance of 4.96' to a RBS; thence S40°55'28" E a distance of 5.44' to a CP; thence S40°55'28" E a distance of 7.99' to a CP; thence N65°33'42" E a distance of 76.35' to a CP; thence with a curve to the left having a radius of 366.00', an arc length of 163.38', a chord bearing of N52°46'25" E, and distance of 162.02', to a CP; thence N39°59'08" E a distance of 23.34' to a CP; thence with a curve to the right having a radius of 210.00', an arc length of 131.44', a chord bearing of N57°54'57" E, and distance of 129.30' to a RBS; thence S36°28'13" W a distance of 9.47' to a CP; thence S54°23'55" E a distance of 18.40' to a RBS, the point of beginning, containing 7,873 square feet, more or less.

Permanent Access Easement "B" (AE)

Commencing from a ½" Existing Iron Pipe (EIP), having NC Grid Coordinates Northing: 884,228.63 Easting: 1,216,219.35 (NAD83, 2011), thence N68°00'08"E a distance of 168.96' to a Rebar Set (RBS), the Point of Beginning, Thence with a curve to the left having a radius of 35.00', an arc length of 21.26', a chord bearing of N82°14'59" W, and distance of 20.94', to a Computed point (CP); thence S80°20'52" W a distance of 55.99' to a CP; Thence with a curve to the right having a radius of 260.00', an arc length of 111.39', a chord bearing of N87°22'43" W, and distance of 110.54', to a CP; thence N71°18'49" W a distance of 234.21' to a CP; Thence with a curve to the left having a radius of 140.00', an arc length of 74.51', a chord bearing of N86°33'36" W, and distance of 73.63', to a CP; thence S78°11'37" W a distance of 2.24' to a CP; Thence with a curve to the left having a radius of 490.00', an arc length of 84.04', a chord bearing of S73°16'48" W, and distance of 83.94', to a CP; thence S68°22'00" W a distance of 19.10' to a CP; Thence with a curve to the right having a radius of 510.00', an arc length of 13.13', a chord bearing of S69°06'15" W, and distance of 13.13', to a CP; thence S69°50'31" W a distance of 213.68' to a CP; Thence with a curve to the left having a radius of 242.00', an arc length of 74.08', a chord bearing of S61°04'19" W, and distance of 73.79', to a CP; thence S53°09'57" W a distance of 109.24' to a CP; Thence with a curve to the right having a radius of 96.00', an arc length of 14.47', a chord bearing of S57°16'12" W, and distance of 14.46', to a RBS; thence N35°50'02" W a distance of 20.21' to a RBS; Thence with a curve to the left having a radius of 76.00', an arc length of 14.11', a chord bearing of N58°14'29" E, and distance of 14.09', to a CP; thence N53°10'02" E a distance of 108.96' to a CP; Thence with a curve to the right having a radius of 262.00', an arc length of 80.23', a chord bearing of N61°04'11" E, and distance of 79.91', to a CP; thence N69°50'31" E a distance of 213.68' to a CP;

Thence with a curve to the left having a radius of 490.00', an arc length of 12.62', a chord bearing of N69°06'15" E, and distance of 12.62' to a CP; thence N68°22'00" E a distance of 19.10' to a CP; Thence with a curve to the right having a radius of 510.00', an arc length of 87.47', a chord bearing of N73°16'48" E, and distance of 87.36', to a CP; thence N78°11'37" E a distance of 2.24' to a CP; Thence with a curve to the right having a radius of 160.00', an arc length of 85.15', a chord bearing of S86°33'36" E, and distance of 84.15', to a CP; thence S71°18'49" E a distance of 233.53' to a CP; Thence with a curve to the left having a radius of 240.00', an arc length of 102.17', a chord bearing of S87°27'22" E, and distance of 101.40', to a CP; thence N80°20'52" E a distance of 55.99' to a CP; Thence with a curve to the right having a radius of 55.00', an arc length of 38.49', a chord bearing of S79°36'08" E, and distance of 37.71', to a CP; thence S59°33'09" E a distance of 12.26' to a RBS; thence S68°00'08" W a distance of 25.42' to a RBS, the point of beginning, containing 20,934 square feet, more or less.

Temporary Construction Easement "A" (TCE)

Commencing from a Rebar Set (RBS) along Chestnut Ridge Parkway, said RBS having NC Grid Coordinates Northing: 883,898.66 Easting: 1,214,885.32 (NAD83, 2011), thence S40°55'28" E a distance of 5.44' to the Point of Beginning, thence N52°07'42" E a distance of 113.06' to a computed point (CP); thence N61°33'11" E a distance of 106.65' to a CP; thence N44°22'33" E a distance of 56.53' to a CP; thence N51°33'34" E a distance of 50.19' to a CP; thence N65°51'13" E a distance of 52.68' to a CP; thence N62°00'57" E a distance of 38.72' to a CP; thence S36°28'13" W a distance of 26.61' to a RBS; Thence with a curve to the left having a radius of 210.00', an arc length of 131.44', a chord bearing of S57°54'57" W, and distance of 129.30', to a CP; thence S39°59'08" W a distance of 23.34' to a CP; Thence with a curve to the right having a radius of 366.00', an arc length of 163.38', a chord bearing of S52°46'25" W, and distance of 162.02', to a CP; thence S65°33'42" W a distance of 76.35' to a CP; thence N40°55'28" W a distance of 7.99' to a CP, the point of beginning, containing 6,889 square feet, more or less.

Temporary Construction Easement "B" (TCE)

Commencing from a Right of Way Monument (RWMON) along Chestnut Ridge Parkway, said RWMON having NC Grid Coordinates Northing: 884,044.10 Easting: 1,215,307.05 (NAD83, 2011), thence N64°11'49" W a distance of 73.62' to a CP, the Point of Beginning, thence S74°12'25" W a distance of 36.30' to a CP; thence S61°18'39" W a distance of 64.03' to a CP; thence S42°32'12" W a distance of 100.82' to a CP; thence S54°02'51" W a distance of 68.86' to a CP; thence S39°31'40" W a distance of 60.23' to a CP; thence S51°14'35" W a distance of 30.79' to a CP; thence S67°02'32" W a distance of 12.08' to a CP; Thence with a curve to the right having a radius of 152.07', an arc length of 50.56', a chord bearing of N63°59'27" W, and distance of 50.32', to a RBS; thence N65°33'42" E a distance of 71.20' to a CP; Thence with a curve to the left having a radius of 386.00', an arc length of 172.30', a chord bearing of N52°46'25" E, and distance of 170.88' to a CP; thence N39°59'08" E a distance of 23.34' to a CP; Thence with a curve to the right having a radius of 190.00', an arc length of 123.49', a chord bearing of N58°36'17" E, and distance of 121.32', to a RBS; thence S54°23'55" E a distance of 17.53' to a CP, the point of beginning, containing 6,329 square feet, more or less.

Temporary Construction Easement "C" (TCE)

Commencing from a ½" Existing Iron Pipe (EIP) along, said EIP having NC Grid Coordinates Northing: 884,228.63 Easting: 1,216,219.35 (NAD83, 2011), thence N68°00'08"E a distance of 194.38' to a rebar set (RBS) being the Point of Beginning, thence N59°33'09" W a distance of 12.26' to a CP; Thence with a curve to the left having a radius of 55.00', an arc length of 38.49', a chord bearing of N79°36'08" W, and distance of 37.71', to a CP; thence S80°20'52" W a distance of 55.99' to a CP; Thence with a curve to the right having a radius of 240.00', an arc length of 102.17', a chord bearing of N87°27'22" W, and distance of 101.40', to a CP; thence N71°18'49" W a distance of 233.53' to a CP; Thence with a curve to the left having a radius of 160.00', an arc length of 85.15', a chord bearing of N86°33'36" W, and distance of 84.15', to a CP; thence S78°11'37" W a distance of 2.24' to a CP; Thence with a curve to the left having a radius of 510.00', an arc length of 87.47', a chord bearing of S73°16'48" W, and distance of 87.36', to a CP; thence S68°22'00" W a distance of 19.10' to a CP; Thence with a curve to the right having a radius of 490.00', an arc length of 12.62', a chord bearing of S69°06'15" W, and distance of 12.62', to a CP; thence S69°50'31" W a distance of 213.68' to a CP; Thence with a curve to the left having a radius of 262.00', an arc length of 80.23', a chord bearing of S61°04'11" W, and distance of 79.91', to a CP; thence S53°10'02" W a distance of 108.96' to a CP; Thence with a curve to the right having a radius of 76.00', an arc length of 14.11', a chord bearing of S58°14'29" W, and distance of 14.09', to a RBS; thence N35°50'02" W a distance of 3.89' to a CP; thence N80°56'32" W a distance of 25.32' to a CP; thence N59°42'36" E a distance of 4.77' to a CP; thence N00°33'25" E a distance of 38.03' to a CP; thence N72°01'17" E a distance of 35.49' to a CP; thence S56°01'44" E a distance of 6.39' to a CP; thence N45°31'44" E a distance of 27.34' to a CP; thence N66°57'16" E a distance of 23.29' to a CP; thence N81°24'31" E a distance of 46.90' to a CP; thence N60°31'11" E a distance of 90.98' to a CP; thence N75°49'37" E a distance of 67.96' to a CP; thence N67°11'55" E a distance of 56.82' to a CP; thence N65°39'21" E a distance of 60.95' to a CP; thence N80°59'13" E a distance of 25.33' to an thence N75°19'06" E a distance of 20.25' to a CP; thence N71°00'43" E a distance of 85.05' to an thence N89°37'33" E a distance of 60.48' to a CP; thence S75°29'10" E a distance of 14.23' to an thence S86°03'51" E a distance of 15.12' to a CP; thence S71°34'53" E a distance of 61.70' to an thence N89°31'52" E a distance of 21.60' to a CP; thence S41°28'04" E a distance of 36.35' to a CP; thence S72°50'26" E a distance of 40.90' to a CP; thence S74°14'50" E a distance of 101.19' to an thence S73°41'20" E a distance of 22.14' to a CP; thence N82°15'01" E a distance of 119.68' to a CP; thence S76°44'35" E a distance of 25.82' to a CP; thence S72°42'04" E a distance of 26.02' to a CP; thence S07°14'33" W a distance of 4.86' to a CP; thence S68°00'08" W a distance of 6.81' to a RBS, the point of beginning, containing 15,146 square feet, more or less.

Temporary Construction Easement "D" (TCE)

Commencing from a ½" Existing Iron Pipe (EIP) along, said EIP having NC Grid Coordinates Northing: 884,228.63 Easting: 1,216,219.35 (NAD83, 2011), thence N68°00'08"E a distance of 154.93' to the Point of Beginning, thence S82°19'08" W a distance of 112.85' to a CP; thence N77°00'53" W a distance of 100.86' to a CP; thence N67°57'36" W a distance of 80.90' to a CP; thence S81°02'28" W a distance of 40.94' to a CP; thence N74°19'22" W a distance of 31.66' to a CP; thence N63°21'25" W a distance of 57.86' to a CP; thence S82°45'05" W a distance of 51.90' to a CP; thence N54°24'00" W a distance of 25.14' to a CP; thence S69°54'29" W a distance of 172.96' to a CP; thence S27°14'40" W a distance of 36.84' to a CP; thence N88°04'15" W a distance of 43.87' to a CP; thence S72°04'54" W a distance of 106.13' to a CP; thence S43°22'42" W a distance of 54.80' to a CP; Thence with a curve to the left having a radius of 404.77', an arc length of 114.50', a chord bearing of S64°30'36" W, and distance of 114.12', to a CP; thence N34°57'19" W a distance of 2.89' to a rebar set (RBS); Thence with a curve to the left having

a radius of 96.00', an arc length of 14.47', a chord bearing of N57°16'12" E, and distance of 14.46', to a CP; thence N53°09'57" E a distance of 109.24' to a CP; Thence with a curve to the right having a radius of 242.00', an arc length of 74.08', a chord bearing of N61°04'19" E, and distance of 73.79', to a CP; thence N69°50'31" E a distance of 213.68' to a CP; Thence with a curve to the left having a radius of 510.00', an arc length of 13.13', a chord bearing of N69°06'15" E, and distance of 13.13', to a CP; thence N68°22'00" E a distance of 19.10' to a CP; Thence with a curve to the right having a radius of 490.00', an arc length of 84.04', a chord bearing of N73°16'48" E, and distance of 83.94', to a CP; thence N78°11'37" E a distance of 2.24' to a CP; Thence with a curve to the right having a radius of 140.00', an arc length of 74.51', a chord bearing of S86°33'36" E, and distance of 73.63', to a CP; thence S71°18'49" E a distance of 234.21' to a CP; Thence with a curve to the left having a radius of 260.00', an arc length of 111.39', a chord bearing of S87°22'43" E, and distance of 110.54', to a CP; thence N80°20'52" E a distance of 55.99' to a CP; Thence with a curve to the right having a radius of 35.00', an arc length of 21.26', a chord bearing of S82°14'59" E, and distance of 20.94', to a RBS; thence S68°00'08" W a distance of 14.03' to a CP, the point of beginning, containing 13,019 square feet, more or less.

**Town of Blowing Rock
Code of Ethics and Conduct for
Elected and Appointed Officials**

Table of Contents

<u>Title</u>	<u>Page No.</u>
A. Ethics	3
B. Conduct	5
1. Overview of Council Members' and the Mayor's Roles and Responsibilities	6
2. General Policies and Protocol	7
3. EAO Conduct with One Another	8
4. Conduct with Town Staff	9
5. Conduct with the Public	10
6. Council Conduct with Other Public Agencies	12
7. Council Conduct with Boards and Commissions	12
8. Conduct with the Media	13
C. Sanctions	14
D. Glossary of Terms	16
E. Implementation	17

Policy Purpose

The Town of Blowing Rock Town Commissioners have adopted this Code of Ethics and Conduct for Elected and Appointed Officials (“EAO”) for members of the Town Council, Mayor, and the Town’s boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The term Town Council or Council Members shall apply to all members of the elected body, including the Mayor.

A. ETHICS

The citizens, visitors, and businesses of Blowing Rock are entitled to have a fair, ethical and accountable local government that has earned the public’s full confidence for integrity. Achieving this requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office to be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Blowing Rock Town Commissioners have adopted this Code of Ethics and Conduct for EAO (“Code of Ethics and Conduct”) for members of the Town Council and of the Town’s boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Act in Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, EAO will work for the common good of the people of Blowing Rock and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Blowing Rock Town Council, boards and commissions.
2. **Comply with both the spirit and the letter of the Law and Town Policy.** EAO shall comply with the laws of the nation, the State of North Carolina and the Town of Blowing Rock in the performance of their public duties. These laws include but are not limited to: the United States and North Carolina Constitutions; State laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Town Charter, ordinances and policies.
3. **Conduct of Elected and Appointed Officials.** EAO shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, the Mayor boards and commissions, the staff, and the public.
4. **Respect for Process.** EAO shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

5. **Conduct of Public Meetings.** EAO shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; attempting to monopolize the discussion at public meetings; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** EAO shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Conflict of Interest.** No EAO or officer of the Town or a relative thereof shall:
 - (a) Have a financial interest in any contract, job, work, or service of or to the Town, or the sale to the Town of any supplies, equipment, material, or real or personal property.
 - (b) Participate in a vote or decision on any matter in which the officer has a substantial personal or financial interest.
 - (c) Accept any gift from any person that might reasonably tend to influence such EAO or officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (i) A lawful campaign contribution;
 - (ii) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (iii) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (iv) Tee shirts, caps and other similar promotional material;
 - (v) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;
 - (vi) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status; and,
 - (vii) Complimentary attendance at political or charitable fund raising events.
8. **Confidential Information.** EAO shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, political or other private interests.

9. **Use of Public Resources.** EAO shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal, political purposes. EAO desiring use of such Town resources for public meetings shall first obtain permission from a majority of the Council at a duly called, posted Council meeting.
10. **Advocacy.** EAO shall represent the official policies or positions of the Town Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, EAO shall explicitly state they do not represent their body or the Town of Blowing Rock, nor will they allow the inference that they do.
11. **Policy Role of EAO.** EAO shall respect and adhere to the council-manager structure of Town government as outlined by the Blowing Rock Town Charter. In this structure, the Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards and commissions, and Town staff. Except as provided by the Town Charter, EAO shall not interfere with the administrative functions of the Town or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.
12. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, EAO shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
13. EAO shall not direct Town staff to take actions other than to and through the Town Manager.
14. EAO shall adhere to the same Town procurement policy as utilized by Town staff.

B.CONDUCT

The Town Charter provides detailed information on the roles and responsibilities of members of the Blowing Rock Town Council, the Mayor Pro Tem, and the Mayor. The Town's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

This Code of Ethics and Conduct is designed to describe the manner in which EAO should treat one another, Town staff, citizens, and others they come into contact with in representing the Town of Blowing Rock.

The constant and consistent theme through all of the conduct guidelines is "respect." EAO experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, EAO are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide EAO to do the right thing in even the most difficult situations.

1. Overview of EAO Roles and Responsibilities

Mayor

- Acts as the official head of the Town for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Selects substitute for Town representation when Mayor cannot attend.
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Leads the Town Council into an effective, cohesive working team.
- Signs documents on behalf of the Town.
- Reviews mail addressed to Mayor.
- Other duties as set forth in other laws, ordinances, or the Town Charter.

Mayor Pro Tem

- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Town Council meetings at the request of the Mayor or if the Mayor is absent.
- Represents the Town at ceremonial functions at the request of the Mayor.
- Signs documents on behalf of the Town, in the absence of Mayor.
- All duties as assigned by Mayor.

• Council Members

All members of the Town Council have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes or public introductions, except that the Mayor and Mayor Pro Tem shall be introduced first at public meetings and events. All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- Prepare in advance of Council meetings and be familiar with issues on the agenda;
- Represent the Town at ceremonial functions;
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community;
- Demonstrate honesty and integrity in every action and statement; and,
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Ethics and Conduct for Elected and Appointed Officials.

Meeting Chair

The Mayor will chair official meetings of the Town Council, unless the Mayor Pro Tem or another Council Member is designated as chair of a specific meeting.

The Meeting Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.
- Make parliamentary rulings. If requested, the Town Attorney shall act as advisory parliamentarian.

2. General Policies and Protocol

Ceremonial Events.

The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Town Council. If so, then the Mayor may ask a Council Member to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council Members shall be shared with the Town Clerk in order to assure posting for compliance with the North Carolina Open Meetings Law if applicable.

Travel Expenses.

All Town Council travel, in which the Council Member expects to officially represent the Town and be reimbursed by the Town for travel costs, should be disclosed to the Mayor, Town Council, and Town Manager in advance. The travel budget for Council shall be reviewed at each annual budget cycle.

Rules of Order for Meetings. The latest edition of Robert's Rules of Order Newly Revised shall serve as the parliamentary authority for Town Council and boards, committees and commissions. Standing rules that vary from Robert's Rules may be adopted by the Town Council by ordinance.

Non-agenda Items (Public Forum).

During a designated period of the agenda, referred to as "Public Speaking Forum," citizens may bring forth issues or questions that are not on the meeting's agenda. Each citizen may be limited to three minutes unless otherwise directed by the Mayor (Town Council meetings) or Chair (board/commission meetings).

Public Forum may not be used as a forum to make personal attacks against individual citizens, Town employees or Council Members. Such remarks will result in the speaker being asked to step back from the podium and a forfeiture of the remaining time to speak. If the attacks continue, the speaker will be escorted from the meeting.

Public hearings.

EAO will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by EAO are not appropriate until after the close of the public hearing. EAO should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Testimonial Protocol.

The applicant or appellant shall have the right to speak first. The Mayor or Chair will determine a reasonable length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Mayor or Chair will determine how much time will be allowed for each speaker, with 3 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Mayor or Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

3. EAO Conduct with One Another

EAO are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

3(a). In Public Meetings

Use formal titles.

EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Council Member followed by the individual's last name.

Practice civility and decorum in discussions and debate.

Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, EAO to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Mayor or Chair in maintaining order.

It is the responsibility of the Mayor or Chair to keep the comments of EAO on track during public meetings. EAO should honor efforts by the Mayor or Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor or Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other EAO.

If a EAO is personally offended by the remarks of another EAO, the offended EAO should make notes of the actual words used and call for a "point of personal privilege" that challenges the other EAO to justify or apologize for the language used. The Mayor or Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

EAO have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Although a board or commission may disagree with the final decision the Town Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Town Council.

3(b). In Private Encounters

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail.

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

EAO are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves-dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

4. Conduct with Town Staff

Governance of a Town relies on the cooperative efforts of elected officials who set policy; appointed officials who advise the elected, and Town staff, who implements and administers the Town Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

EAO questions/inquiries to Town staff.

1. **General.** EAO communications with Town staff shall be through the Town Manager.
2. **Routine Requests for Information and Inquiries.** EAO may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?") Under these circumstances, staff shall treat the EAO no differently than they would the general public, and the EAO shall not use their elected or appointed status to secure preferential treatment. The Town Manager does not need to be advised of such contacts.
3. **Non-Routine Requests for Readily Available Information.** EAO may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the Town?" or "Under what circumstances does the Town lower its flags to half-mast?").
4. **Non-Routine Requests Requiring Special Effort.** Any EAO request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the Town Manager, or to the Town Attorney, as appropriate. The Town Manager shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Council Members (if originating from a Council Member), relevant board or commission members (if originating from a board or commission member), the Town Manager, the Town Attorney as appropriate and affected department directors. The Town Manager, at his or her option, may choose to seek clarification from the Town Council for non-routine requests that might be considered extraordinary.
5. **Meeting Requests.** Any EAO request for a meeting with staff shall be directed to the Town Manager. EAO's shall promptly notify the Town Manager of any requests they receive by Town employees or volunteers for meetings to discuss policy issues, budget issues, management issues, or administrative issues.

Do not disrupt Town staff from their jobs.

EAO's should not disrupt Town staff while they are in meetings, on the phone, or otherwise engaged in performing their job functions in order to have their individual needs met. Do not attend Town staff meetings unless requested by the Town Manager – even if the EAO does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee.

EAO's should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

Do not get involved in administrative functions.

EAO's must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, the payment of claims against the Town or granting of Town licenses and permits.

Check with Town staff on correspondence before taking action.

Before sending correspondence, Council Members and the Mayor should check with the Town Manager to see if an official Town response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized by the Town Council and all Town Council members have been made aware.

Do not solicit political support from staff.

EAO's shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the Town's email system for political purposes or communications is not allowed. Utilizing Town staff and time for research, etc. is not allowed.

5. Conduct with the Public

5(a). In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual EAO toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

Be fair and equitable in allocating public hearing time to individual speakers.

The Mayor or Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed time as allocated by the Mayor or Chair. If many speakers are anticipated, the Mayor or Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.

Give the appearance of active listening.

It is disconcerting to speakers to have EAO not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. EAO's shall refrain from texting or other cellular phone functions during public hearings.

Ask for clarification, but avoid debate and argument with the public.

Only the Mayor or Chair– not individual EAO – can interrupt a speaker during a presentation. However, a member can ask the Mayor (Chair) for a point of order if the speaker is off the topic or exhibiting behavior or language that is disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the Mayor or Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by EAO to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Personal opinions or inclinations of EAO about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance.

EAO should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The Town Attorney serves as advisory parliamentarian for the Town Council and is available to answer questions or interpret situations according to parliamentary procedures. In their absence, the Town Manager serves as advisory parliamentarian. The Mayor or Chair, subject to the appeal of the full Town Council or board/commission, makes final rulings on parliamentary procedure per the procedure outlined in Robert's Rules of Order Newly Revised.

5(b). In Unofficial Settings

Make no promises on behalf of the Town Council, board/commission or Town.

EAO will frequently be asked to explain a Town Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to the Town Manager for further information. It is inappropriate to overtly or implicitly promise Town Council or board/commission action, or to promise Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other EAO.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other EAO, and their opinions and actions.

Remember that Blowing Rock is a small town at heart.

EAO are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Blowing Rock. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by EAO, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

6. Conduct with Other Public Agencies

Be clear about representing the Town or personal interests.

When representing the Town, the Council Member and Mayor must support and advocate the official Town position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the Town or their board or commission unless specifically designated by the Town Council or the board or commission to do so for a particular purpose and with the Town Manager's knowledge.

When representing another organization whose position is different from the Town, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Council Members should be clear about which organizations they represent and inform the Mayor, the Town Council, and the Town Manager of their involvement.

Be equally clear in correspondence about representation.

Town letterhead and/or the Town Seal may be used when the EAO is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Manager, Town Clerk, and sent to all Council Members, and will be filed with the Town as part of the permanent public record.

Town letterhead and/or the Town Seal should not be used for non-Town business or for correspondence representing a dissenting point of view from an official Town Council position.

7. Council and Mayor Conduct with Boards and Commissions

The Town has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the Town Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful of personal opinions.

EAO may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a EAO at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the Town Council, Mayor and/or any board or commission.

Limit contact with board and commission members to questions of clarification.

It is inappropriate for a Council Member or Mayor to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Council Members and the Mayor to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Council Members or the Mayor.

The Town Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Town Council; but board and commission members do not report to individual Council Members or the Mayor, nor should Council Members or the Mayor feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of boards and commissions is to represent many points of view in the community and to provide the Town Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on boards and commissions but must be fair and respectful of all citizens serving on boards and commissions.

Keep political support away from public forums.

Board and commission members may offer political support to a Council Member or the Mayor, but not in a public forum while conducting official duties. Conversely, Council Members and the Mayor may support board and commission members who are running for office but not in an official forum in their capacity as an EAO.

8. Conduct with the Media

Board and commission members are not authorized to represent the Town outside of official board/commission meetings unless specifically authorized to do so by the Town Council. Council Members and the Mayor are expected to uphold this Code in all public communications, including online or social media posts. When speaking in a non-official capacity, Council Members and the Mayor should clearly distinguish personal opinions from Town positions. They should refrain from making defamatory, misleading, or inflammatory statements that undermine public trust or Town operations.

Council Members and the Mayor are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record".

Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Town Manager is the official spokesperson for the Town on Town positions.

The Town Manager is the designated representative of the Town Council and the Mayor to present and

speak on the official Town position. If an individual Council Member or the Mayor is contacted by the media, the Council Member or the Mayor should be clear about whether their comments represent the official Town position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

Public Disruption.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior.

EAO's shall refer any Town staff member or volunteer who does not follow proper conduct or protocol in their dealings with EAO, other Town staff, or the public, to the Town Manager. These employees may be disciplined in accordance with standard Town procedures for such action. (Please refer to the section on Council Conduct with Town Staff for more details on interaction with Staff.)

Council Members and Mayor Behavior and Conduct.

Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Blowing Rock Town Council, Mayor and EAO's. EAO's, Town Council, and Mayor themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Town Council have the additional responsibility to intervene when actions of EAO that appears to be in violation of the Code of Ethics and Conduct are brought to their attention.

The Mayor and Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Town Council, be removed from committee assignments (both within the Town of Blowing Rock or with inter-governmental agencies) by the Town Council.

The Mayor and Council Members should point out to the offending EAO infractions of the Ethics Policy. If the offenses continue, then the matter should be placed on a Town Council agenda for consideration and possible action. If the offending EAO is the Mayor, the Full Town Council shall consider the complaint. The Mayor shall not preside over or participate in any part of the enforcement process involving their own conduct. Consultation with the Town Attorney should take place prior to discussion to determine if the matter is allowed to be discussed in closed session.

The affected Council Member or the affected Mayor may request that the complaint be considered in a public meeting. The affected Council Member or the affected Mayor shall be provided by the Town Attorney a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present in detail to the Town Council the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for EAO's.

The affected Council Member or the affected Mayor shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated Town Council Members in attendance shall conduct a hearing in open session and review the complaint. The Town Council may reject the complaint and take no action or take action to formally reprimand or censure the offending Council Member or the offending Mayor.

Board and Commission Members Behavior and Conduct.

Counseling and verbal reprimands may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with Town policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Town Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective board or commission member, the board or commission chairperson, the Town Clerk, the Town Manager, and the Town Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The Town Council may impose sanctions on any EAO whose conduct does not comply with the Town's policies, up to and including removal from office. Any form of discipline imposed by Town Council shall be determined by a majority vote of at least a quorum of the Town Council at a noticed public meeting and such action shall be preceded by a Report to the Town Council with supporting documentation. The Report to the Town Council shall be distributed in accordance with normal procedures. Any Report to the Town Council addressing alleged misconduct by a board or commission member shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act.

When deemed warranted, the Town Council may call for an investigation of an EAO's conduct. Should the Town Manager or Town Attorney believe an investigation is warranted, they shall confer with the Town Council. The Town Council shall ask for an investigation of the allegation and a report of the findings.

The results of any investigation conducted by the Town Manager or Town Attorney shall be reported to the full Town Council in a closed session. It may be reported in a verbal or written report. Any written report to the Town Council addressing the investigation of board and commission members shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act. The affected EAO may request that the complaint be considered in a public meeting. The EAO shall be provided a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present a report to the Town Council describing in detail the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for EAO. The affected EAO shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The Town Council Members in attendance shall conduct a hearing and review the complaint. The Town Council may reject the complaint or take action

It shall be the Town Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These

actions include, but are not limited to discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Town Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Town Council consideration.

A violation of this Code of Ethics and Conduct for EAO, alone, shall not constitute a basis for challenging the validity of a Town Council, board or commission decision.

Equal Standards and Whistleblower Protection

All EAOs shall be held to the same standards under this Code, regardless of their title, position, or tenure. No EAO, employee, or member of the public shall be retaliated against for reporting a good-faith concern regarding a violation of this Code. All reports shall be handled confidentially and with due process.

D. GLOSSARY OF TERMS

Confidential information means any information to which an official has access in such person's official capacity, which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the North Carolina Open Meetings Law or other law regardless of whether disclosure violates the North Carolina Open Meetings Law; (ii) any information protected by attorney client, attorney work product, trial preparation materials, or other applicable legal privilege; and (iii) any information deemed confidential by law.

Gift means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions, which are regulated by federal, state, and/or local laws or ordinance.

Relative means any person related to an EAO within the second degree by Consanguinity or affinity as computed under NCGS 104a-1.

NCGS104A-1. States - Degrees of kinship; how computed. In all cases where degrees of kinship are to be computed, the same shall be computed in accordance with the civil law rule, as follows: (1) The degrees of lineal kinship of two persons is computed by counting one degree for each person in the line of ascent or descent, exclusive of the person from whom the computing begins; and (2) The degree of collateral kinship of two persons is computed by commencing with one of the persons and ascending from him to a common ancestor, descending from that ancestor to the other person, and counting one degree for each person in the line of ascent and in the line of descent, exclusive of the person from whom the computation begins, the total to represent the degree of such kinship. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.

E. IMPLEMENTATION

As an expression of the standards of conduct for EAO expected by the Town, the Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when EAO are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for Town Council, candidates for Mayor, and applicants to board and commissions, and newly elected and appointed officials. EAO entering office shall sign a statement affirming they read and understood the Town of Blowing Rock Code of Ethics and Conduct for Elected and Appointed Officials. In addition, the Code of Ethics and Conduct shall be annually reviewed by the Town Council, boards and commissions, and signed annually. The Town Council and Mayor shall consider recommendations from boards and commissions and update it as necessary.

CODE OF ETHICS ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Town of Blowing Rock's most recent Code of Ethics and Conduct for Elected and Appointed Officials. I further acknowledge that I have read and understand all of my obligations, duties, and responsibilities under each provision of this Code of Ethics and Conduct.

Printed Name

Signature

Date