



# Town of Blowing Rock

**Date:** Tuesday, November 14, 2023, 6:00 p.m.

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

## Agenda

<i>Item</i>		<i>Present &amp; Participants</i>
<b>I.</b>	<b>CALL TO ORDER – ROLL CALL FOR ATTENDANCE</b>	Mayor Charles Sellers
<b>II.</b>	<b>PLEDGE OF ALLEGIANCE</b>	Mayor Charles Sellers
<b>III.</b>	<b>APPROVAL OF MINUTES – By Roll Call</b> <b>1. October 10, 2023 – Regular and Closed Session Meeting Minutes</b>  <b>REGULAR AGENDA ADOPTION</b>	Mayor & Council    Mayor & Council
<b>IV.</b>	<b>CONSENT AGENDA:</b> <b>1. Budget Amendment - #2023-16</b> <b>2. Tax Release – #2023-02, #2023-03 and #2023-04</b> <b>3. Gifts/Donation Policy</b>	Mayor & Council
<b>V.</b>	<b>SPECIAL RECOGNITION:</b> <b>1. Town Attorney Allen Moseley</b> <b>2. Town Employee Recognition – Public Works</b> <b>3. Town Employee Recognition – Police</b> <b>4. Service Weapon – Dan White</b>	Town Manager Kevin Rothrock   Police Chief Aaron Miller
<b>VI.</b>	<b>PUBLIC COMMENTS.....</b> <i>comments shall be limited to three (3) minutes</i>	
<b>VII.</b>	<b>PUBLIC HEARINGS:</b> <b>1. Blowing Rock Lodge Rezoning</b> <b>2. Blowing Rock Lodge Annexation</b> <b>3. BRAAC Ordinance Change</b>	Planning Director Brian Johnson

	<b>4. Dumpster Ordinance Update</b>	
<b>VIII.</b>	<b>REGULAR AGENDA:</b> <b>1. Appoint Tasha Brown as Finance Director</b> <b>2. Memorial Park Tree Replacement</b>	
<b>IX.</b>	<b>OFFICIALS REPORTS &amp; COMMENTS:</b> <b>1. Mayor</b> <b>2. Council Members</b> <b>3. Town Attorney</b> <b>4. Town Manager</b>	
<b>X.</b>	<b>CLOSED SESSION – NONE</b>	
<b>XI.</b>	<b>ADJOURNMENT/RECESS...<i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i></b>	

**Draft**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**October 10, 2023**

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, October 10, 2023, 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 and Council Members Albert Yount, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Interim Town Manager Kevin Rothrock, Attorney Allen Moseley, Town Engineer Jared Wright, IT Director Thomas Steele 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**

Council Member Gherini made the motion to approve the minutes from the September 13, 2023, regular meeting, seconded by Council Member Pickett. Unanimously approved.

**REGULAR AGENDA ADOPTION**

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

**CONSENT AGENDA**

1. Budget Amendment - #2023-15
2. Tax Release - #2023-01
3. Blowing Rock Lodge Annexation

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

**SPEAKERS FROM THE FLOOR**

Michael Ragan – 135 Caleb Dr - Wanted to suggest naming the section of Main Street in front of Chetola after the late Kent Tarbutton. Mr. Ragan stated Mr. Tarbutton was a dear friend and thought it would be a great way to honor him. He asked Council to please consider his request.

Mayor Sellers explained that section is a NCDOT Road, he and Council could ask DOT, but couldn't guarantee it could be done.

## **OFFICIALS REPORTS & COMMENTS**

- Mayor Sellers - Thanked the Chamber, BRCA and volunteers that helped put on the Candidates Forum. Very pleased with the turnout and how well the event went. Reminded the citizens to vote on November 7th. Wanted to clear up some rumors and set the record straight on some numbers. The Town's current debt is \$15 million for 2022-2023, the projected debt for 2023-2024 is \$15 million. The budget for 2019 was \$11.5 million, with Council's foresight and listening to the citizens wants and needs, which included increasing police, increasing medics, water/sewer infrastructure, 24/7 operations of the Police Department with 24/7 dispatch, an SRO for our school, etc. The Council listened to the citizens, which is what they are elected to do. Reminded it costs money to run a Town and to run a Town like ours to the standard it is run, costs money. This year's budget is \$16.6 million, so to go from a \$11.5 million budget in 2019 to a \$16.6 million budget in 2023 shows we have great people who do a great job. Those are the actual numbers and he wanted to make sure those "rumors" were cleared up.
- Council Member Yount - No matter what you hear at the Candidates Forum, there will always be a Blowing Rock. He said when he started on Council to fully equip a police car cost \$22,000, now it costs \$68,000. The Town has the authority from the State of North Carolina to borrow \$93 million, the Town is way under that.
- Council Member Harwood – Stated it's actually \$133 million that the Town can borrow. He thanked the ABC Board for their \$240,000 gift to the Town - it's just a testament to how the staff and board manage that. That gift is on top of some building upgrades/improvements that they have also made. He thanked Kevin Rothrock, he's been in the Interim Town Manager role for a while, the Town has been running smoothly, staff adores him, and he really appreciates Kevin stepping into the role and undertaking that responsibility. He wanted to recognize him for that.
- Council Member Pickett - Very pleased to see all the people at the Candidate's Forum. She ran 2 years ago to unify groups and it did her heart good to see the turnout of people. It was one of the biggest forums in years.
- Mayor Pro-Tem Matheson – Attended the Blue Ridge Community Leaders Council on September 26th. Ron Hetrick, Vice President Staffing Strategy and Senior Labor Economist for Lightcast had some interesting things to say and gave some good points. The highlights were: Women are driving the work force, we need 700,000 in the work force to start to recover, 8.8 million job openings right now, 5.5 million require no education, by the year 2030 65% of the Labor force will be over 65. Will be attending the NC League Retreat with Risk Management in Chapel Hill.
- Council Member Gherini – He has received a number of calls about speeding on Main Street near the Chetola curve coming off Hwy 321. Wanted to see if NCDOT can do anything about that.
- Town Attorney – None –
- Mayor Sellers stated Mr. Mosley will be retiring as Town Attorney after 40 years and Tucker Deal will be taking over as Town Attorney.



- Interim Manager Kevin Rothrock – Gave updates on the following: He just completed the Local Government Financial course along with Cheryl Eggers from the Admin office, will be attending the Planning conference in Durham, have interviewed several candidates for Finance Director, may do some follow up interview’s possibility next week, Memorial Park bathroom work continues, still on schedule for a completion date of mid-February. Had the monthly meeting update for water/sewer, 1,800 of waterline laid so far, 1,400 feet has been tested & water sampled, sidewalk work continues in front of the former El Rincon building down to Hill Street, comprehensive plan subcommittee met last week - working on a draft, October 30th will be a public meeting 4-6pm - more details to come. AMI installation is on pause for 2 weeks while the guys read the water meters for the upcoming billing, Capital Financing loan closes Thursday for equipment; vehicles, equipment etc., Halloween Festival is October 28th.

**EXECUTIVE SESSION**

At 6:35 p.m. Council Member Yount made a motion to go into closed session; NCGS 143-318.11.(6), second by Council Member Harwood. Unanimously approved.

**ADJOURNMENT**

At 7:00 p.m. with no further business, Council Member Gherini made a motion to adjourn, seconded by Council Member Pickett. Unanimously approved.

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

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

**Attachments**

**Budget Amendment - #2023-15 – Attachment A**  
**Tax Release – Attachment B**



# Town of Blowing Rock

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

To: Mr. Kevin Rothrock, Mayor Sellers, and Members of Town Council  
From: Tasha Brown, Finance Officer  
Subject: Budget Amendment Ordinance to Account for Various Items  
(Ordinance #2023-16)  
Date: November 14, 2023

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Enclosed please find a Budget Amendment Ordinance for the fiscal year 2023-2024 for your consideration.

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

- Allocates donated funds to the Police Department (\$1,750) from St. Mary's Church and (\$1,000) from the Blowing Rock Methodist Church. This allocation has been directed towards materials/supplies needed for the department.

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

- Allocates donated funds to Parks & Recreation (\$5,000) from The Blowing Rock Community Foundation. This allocation has been directed towards After School Care Fees.
- Allocates donated funds to Parks & Recreation (\$1,000) from St. Mary's Church. This allocation has been directed towards Pre-Paid Summer Camp Fees.

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

The following Internal Budget Amendments (moving funds across line items within departments) were approved by the Town Manager and executed by the Finance Officer during the Month of October 2023:

- Internal Budget Adjustment Request # 2023-17- P&R (\$1,847.31) moved funds from Maint./Repair-P&R to Capital Outlay-P&R
- Internal Budget Adjustment Request # 2023-18 - Landscaping (\$5,775.41) moved funds from Maint./Repair Vehicle/Equip.-Landscaping to Capital Outlay - Landscaping

**2023-2024  
Budget Amendment Ordinance 2023-16**

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, 2024:

**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>
10-10-4310-033 Police Materials/Supples	\$ 28,750	\$ -	\$ 2,750	\$ 31,500
		<u>\$ -</u>	<u>\$ 2,750</u>	

This will result in a net increase of \$2,750 in the appropriations of the General Fund. As a result, the following revenue will be

<u>Acct. No.</u>	<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-358 Donations	\$ -	\$ -	\$ 2,750	\$ 2,750
		<u>\$ -</u>	<u>\$ 2,750</u>	

**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>
10-80-3400-375 After School Care Fees	\$ -	\$ -	\$ 5,000	\$ 5,000
10-00-2600-252 Pre Paid Summer Camp Fees	\$ -	\$ -	\$ 1,000	\$ 1,000
		<u>\$ -</u>	<u>\$ 6,000</u>	

This will result in a net increase of \$6,000 in the appropriations of the General Capital Fund. As a result, the following revenue will

<u>Acct. No.</u>	<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-358 Donations	\$ -	\$ -	\$ 6,000	\$ 6,000
		<u>\$ -</u>	<u>\$ 6,000</u>	

**Section 3. 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 14th day of November, 2023.

Attested by: Charles Sellers, Mayor

Hilari Hubner, Town Clerk



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

## Release Request No: 2023-02

I Herby Request Release of Tax Under G.S. 105-381 for the Following Year(s):

Assessment Release	Tax Release	Interest	Total	Tax Year
\$437,600	\$1,706.64		\$1,706.64	2023
\$229,000	\$893.10		\$893.10	2023

**Reason for Releases:** Per Watauga County and Caldwell County the above properties have values that need to be released due to billing errors. Both are exempt properties and were billed in error.

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

## Release Request No: 2023-03

I Hereby Request Release of Tax Under G.S. 105-381 for the Following Year(s):

Assessment Release	Tax Release	Interest	Total	Tax Year
\$58,770	\$229.20		\$229.20	2023
\$67,250	\$262.28		\$262.28	2023
\$309,740	\$1,207.99		\$1,207.99	2023

**Reason for Releases:** Per Watauga County the three above accounts for US Bank (personal property) need the following amounts to be released due to billing errors. This account was over billed due to an accounting software issue.

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

## Release Request No: 2023-04

I Hereby Request Release of Tax Under G.S. 105-381 for the Following Year(s):

Assessment Release	Tax Release	Interest	Total	Tax Year
\$229,000	\$893.10		\$893.10	2023

**Reason for Releases:** Per Caldwell County the above taxpayer – Colin and Katie Gant’s property is not located in the city and was billed in error. This property is on the county line and none of the property is located inside the Town limits.

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Interim Town Manager

SUBJECT: Service Awards and Bereavement Option Benefits for Town Employees and Elected Officials

DATE: November 7, 2023

In recognition of a Town employee or elected official service record, the Town traditionally provides a service award plaque to the individual. In lieu of a service award, some employees or elected officials may choose to award a comparable donation to the non-profit organization of their choice. To be consistent with NC General Statutes, a formal policy must be approved by the Town Council that would allow a donation to a charitable organization in lieu of a traditional service award and that the donation is treated as an employee fringe benefit.

This type of benefit policy would also serve in situations where the Town typically sends flowers for employee or elected official bereavements, but instead would like to send a donation to the charity of choice of the employee's family.

The following policy language would be added to Article III, Section 21 of the Employee Handbook.

**Section 21. Service Awards and Bereavement Recognition Options**

Employees who are entitled service awards according to the schedule in Section 19 based on years of service may have the equivalent award bonus amount donated to the charity of their choice.

Elected officials who serve a complete term and are honored for their service may have up to \$150 donated to a charity of their choice. Elected officials who serve two or more complete terms may have up to \$300 donated to the charity of their choice.

To honor employees, elected officials, and their families after the death of an immediate family member, the Town will pay for flower arrangements or may donate an equivalent amount to the family member's charity of their choice.





## Memo

**To:** Kevin Rothrock, Town Manager

**From:** Aaron Miller, Police Chief

**Date:** November 7, 2023

**Reference:** Town Council action to surplus pistol

Several years ago, the Town of Blowing Rock established the precedent of presenting police officers service pistol to them upon successful retirement from the Police Department. This gesture is an expression of gratitude for service to our community and is common within our profession.

Lieutenant Dan White retired from the Blowing Rock Police Department on March 31, 2019.

Upon his retirement Lieutenant White continued to serve as an active reserve officer with our department. Lieutenant White is currently transitioning to an inactive role with our department.

At this time, I am respectfully requesting that our Town Council declare Lieutenant White's service pistol, a Sig Sauer, Model P320, serial number 68B266528, to be surplus and presented to Lieutenant White. The current value of this pistol is approximately \$250.

Thank you.



TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Brian Johnson, Acting Planning Director

SUBJECT: CZ 2023-01 Conditional Rezoning  
from GB to CZ-GB – Mountain Rentals, LLC (Blowing Rock Lodge)

APPLICANT: Mountain Rentals, LLC (Blowing Rock Lodge)

DATE: November 14, 2023

## **REQUEST**

Mountain Rentals, LLC (Blowing Rock Lodge) is requesting a conditional rezoning of a property from General Business to Conditional Zoning – General Business (CZ-GB) for the purpose of connecting to Town Water and Sewer. The 3.383 acre subject property is zoned General Business and is located within the town’s ETJ between US Highway 321 and Old US Highway 321. The property is identified by Watauga County PIN 2818-54-8679-000.

The applicant has submitted a petition for satellite annexation as required by Chapter 14 of the Town Code for the purpose of connecting to Town utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits. The applicant is also required to apply for conditional rezoning for the property based on the intergovernmental agreement between the Town of Blowing Rock and the Town of Boone on connections to this public water line.

The applicant has indicated that there is no proposed redevelopment of the property currently. The request is for a connection to the Town’s water and sewer system as the condition of the current septic system is declining.

## **SITE PLAN**

### ***Current Site***

The current site is located within the Town’s Extraterritorial Jurisdiction (ETJ) and is zoned General Business (GB). The current use of the property is multi-family. The site contains multiple existing structures including a 7,245 square foot structure with 22 apartments used for long-term rental, a 1,228 square foot detached dwelling unit, and a 377 square foot detached dwelling unit.

***Setbacks***

The current applicable street setback for General Business is 20 feet, and side/rear setback is 8 feet.

***Exterior Elevations***

Photos attached

***Access***

Primary ingress and egress access to the property parking lot is from Old Highway 321.

***Storm Water***

There are no stormwater detention measures on the property.

***Utilities***

The petitioner shall be responsible for all costs associated with the extension of public water and sewer to serve the subject property. Specifically, the petitioner is responsible for all costs associated with providing a public sewer line connection to the public sewer force main located along the property, consistent with the Town Code. The petitioner is also responsible for all applicable sewer availability fees. In any future event where the petitioner needs public sewer for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.

Given that the public water is deemed “available” at the time of consideration of the annexation request, connection to the Town’s public water supply is required. All costs associated with connection to the Town public water system shall be borne by the petitioner, including water availability fees. In any future event where the petitioner needs public water for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.

***Garbage Collection***

Staff recommends a condition requiring trash service be provided and add a dumpster and dumpster enclosure meeting the requirements of Land Use Ordinance Section 16-21.15.

The applicant has requested that no dumpster area be required as they currently require their tenants to utilize the nearby county waste facility and they have had no issues with trash. They did agree to allow staff the right to assess within the first year and require if needed. The Planning Board agreed to this condition.

***Signage***

Staff recommends a condition to require compliance with existing signs regarding size, type, and maintenance to bring them into conformity with the provisions of Article 17 of the Land Use Ordinance.

### ***Landscaping***

The property contains areas of variable landscaping. Staff recommends a condition that the applicant work with the Planning Director to provide landscaping and shade trees to the greatest extent practicable to comply with Article 22, Screening and Trees of the Land Use Ordinance.

If approved as presented, the annexation will become effective on November 30, 2023. The boundary map will be recorded with the Watauga County Register of Deeds and the office of the North Carolina Secretary of State. A copy of the map will also be delivered to the Watauga County Board of Elections.

### **PLANNING BOARD RECOMMENDATION**

At their meeting on October 19<sup>th</sup>, the Planning Board recommended approval of the proposed conditional rezoning and the following staff recommendations contained herein the staff report.

The applicant has requested that no dumpster area be required as they currently require their tenants to utilize the nearby county waste facility and they have had no issues with trash. They did agree to allow staff the right to assess within the first year and require if needed. The Planning Board agreed to this condition.

### **ATTACHMENTS**

- Conditional Zoning District Application submitted by Mountain Rentals, LLC (Blowing Rock Lodge)
- Ordinance 2023-21
- Exhibit A – Map of Subject property
- Exhibit B Ord 2023-21 – list of conditions
- Watauga County Tax Listing
- Watauga County GIS
- Preliminary Site Plan
- Survey of Blowing Rock Lodge property





# TOWN OF BLOWING ROCK CONDITIONAL ZONING DISTRICT APPLICATION

Department of Planning and Inspections  
PO Box 47, Blowing Rock, North Carolina 28605  
828-295-5240 Fax 828-295-0357

[www.townofblowingrocknc.gov](http://www.townofblowingrocknc.gov) email: [planning@townofblowingrocknc.gov](mailto:planning@townofblowingrocknc.gov)

## A. Applicant/Owner Representative Information

1. Applicant: Mountain Rentals, LLC  
Address: 491 George Wilson Road Boone NC 28607  
Phone (w) 828-295-6000 (h) \_\_\_\_\_ (m) 828-964-3661
2. Property Owner (if not applicant) \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone (w) \_\_\_\_\_ (h) \_\_\_\_\_ (m) \_\_\_\_\_

## B. Request Information

1. Present zoning classification(s): General Business - ETJ
2. Requested conditional rezoning classification (s): Conditional Zoning - General Business (CZ-GB)
3. Describe the purpose of the conditional rezoning request To Receive water service from the  
interconnect water supply between the Town of Blowing Rock and the Town of Boone  
per the settlement agreement for the existing Blowing Rock Lodge Sewer service is also  
requested due to a failing septic system. No other changes are proposed to the property.

## C. Property Identification, Location, and Site Information

1. Tax Map # 2818-54-8679-000 Deed Book 1485 Page 678  
**A copy of the most recently recorded deed(s) and tax map identifying the above noted tax parcels must accompany this application, or the application will be considered incomplete and will be returned.**
2.  This conditional rezoning request includes an entire parcel and/or recorded platted lots.  
 This conditional rezoning request includes a portion(s) of an existing parcel(s). A written legal description along with a map identifying that portion of the parcel is attached.
3. Geographic location and address of site: 123/31/97 Old US Hwy 321 Blowing Rock NC 28604
4. Total acreage (square footage if less than one acre) of subject property: 3.38


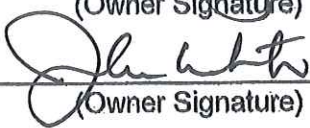
**E. Signatures**

When the applicant is someone other than the current property owner, the signatures of both the current property owner and the applicant shall be provided unless a power of attorney authorization is in effect. If a power of attorney is in effect, a properly executed copy is required to be submitted with this application.

**Signature of Property Owner(s)**

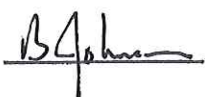
I/WE the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the Blowing Rock Town Council to take action as by this application.

Mountain Revivals, LLC by

1) <u>David S. Kennedy, Managing Member</u> (Owner Print Name)	<u></u> (Owner Signature)	<u>9/7/23</u> (Date)
2) <u>John M. White, Managing Member</u> (Owner Print Name)	<u></u> (Owner Signature)	<u>9/7/23</u> (Date)
3) _____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
4) _____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
5) _____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
6) _____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)

**Note:** If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures.

Corporations, Partnerships or other similar entities please include notarized official corporation certification authorizing representatives to sign on behalf of the corporation.

<b>STAFF USE ONLY</b>			
Received by: <u></u>	Date: <u>9/8/23</u>	Fee: <u>\$1,000<sup>00</sup></u>	File # <u>#23-01</u>



**ORDINANCE NO. 2023-21****AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE  
TOWN OF BLOWING ROCK;  
CREATING THE MOUNTAIN RENTALS, LLC (BLOWING ROCK LODGE) -  
CONDITIONAL ZONING DISTRICT (CZ-GB)**

**WHEREAS**, the Town of Blowing Rock has the authority, pursuant to Chapter 160D-703 of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is consistent with NC General Statutes 160D-703, establishing conditional zoning districts in local zoning jurisdictions; and

**WHEREAS**, this Ordinance is consistent with the Town's 2014 Comprehensive Plan Update for the reasons set out herein; and

**WHEREAS**, the Town of Blowing Rock has reviewed the proposed ordinance and recommends its enactment by the Board of Commissioners;

**NOW, THEREFORE, THE TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.**

**Section One.** Upon petition of Mountain Rentals, LLC (Blowing Rock Lodge) the Official Zoning Map of the Town of Blowing Rock is hereby amended to create the Mountain Rentals, LLC (Blowing Rock Lodge) Conditional Zoning District (CZ-GB) as more particularly set forth herein.

**Section Two.** This Ordinance is found to be consistent with the Town of Blowing Rock 2014 Comprehensive Plan Update, particularly with the following policies contained therein:

- LC-3: Expanding Housing Options
- MSI-1: Providing High Quality Services

**Section Three.** The zoning classification of that certain real property shown on the aerial photo map, attached hereto as **Exhibit A** and made a part hereof, is hereby changed from GB, General Business to CZ-GB, Conditional Zoning-General Business. Said property is also identified on Watauga County PINs 2818-54-8679-000.

**Section Four.** The Mountain Rentals, LLC (Blowing Rock Lodge) Conditional Zoning District is a conditional zoning district established pursuant to the Land Use Ordinance of the Town of Blowing

Rock by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within the Mountain Rentals, LLC (Blowing Rock Lodge) Conditional Zoning District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Mountain Rentals, LLC (Blowing Rock Lodge) Conditional Zoning District: List of Standards & Conditions, which is attached to this ordinance as **Exhibit B** and incorporated herein. The aforementioned List of Standards & Conditions, made a part thereof, shall run with the land and shall be binding on Mountain Rentals, LLC (Blowing Rock Lodge), its heirs, and assigns.

**Section Five.** Pursuant to Section 16-9.6 of the Town of Blowing Rock Land Use Ordinance, the Master Plan dated September 8, 2023, prepared by Municipal Engineering, Inc. replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions. The Master Plan specifically includes the site plan submitted to Town Council and any revisions as a result of additional conditions imposed by Town Council after the November 14, 2023 public hearing. Construction drawings include at a minimum: site plan, utility plan, grading plan, landscape plan, and architectural plan and elevations. Any substantial change to the Master Plan as noted in Land Use Ordinance Section 16-9.6.3.2, shall be reviewed by the Planning Board and approved or denied by the Town Council as an amended conditional zoning district.

All other changes to the Master plan shall receive approval by the Administrator. However, if in the judgment of the Administrator, the requested changes alter the basic development concept of the Conditional Zoning District, the Administrator may require concurrent approval by the Town Council.

**Section Six.** Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160D-108, to undertake and complete the development and use of the property under the terms and conditions specified in the Master Plan and the List of Standards & Conditions. Such vested right shall have a term of two years from the date of adoption of this Ordinance. Specifically in regards to annexation requirements, the Applicant shall submit a request for annexation prior to initiation of any grading or land-disturbing activity.

**Section Seven.** The Office of the Zoning Administrator is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

**Section Eight.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section Nine.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section Ten.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

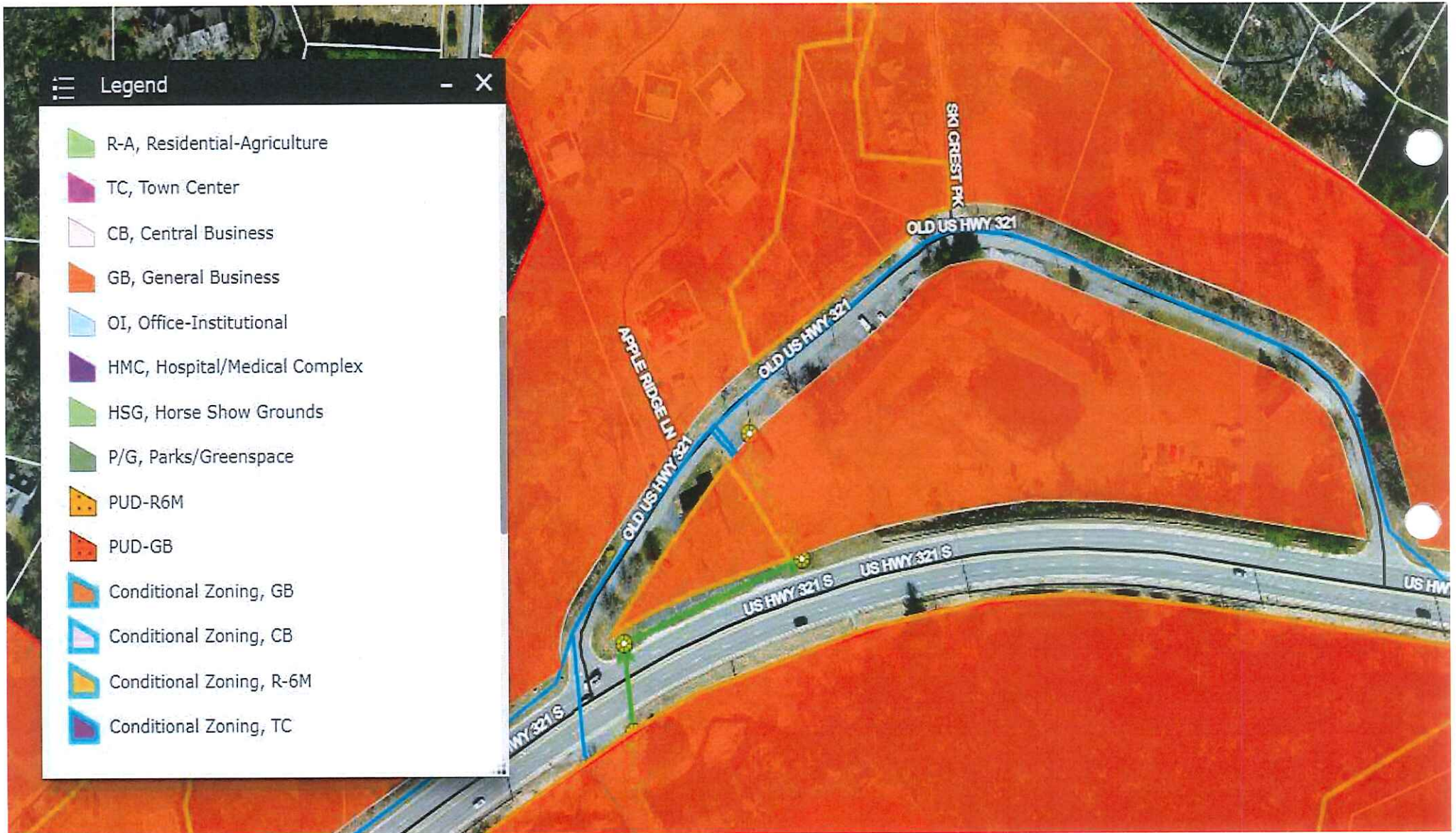
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk



EXHIBIT A



**Exhibit B**

**Ord No. 2023-21**

**Mountain Rentals, LLC (Blowing Rock Lodge) Conditional Zoning District**

**Conditional Zoning – GB**

**PINs 2818-54-8679-000**

**123-/31/97 Old US Highway 321**

**Between US Highway 321 and Old US Highway 321**

**List of Standards & Conditions**

1. **Garbage Collection:** Condition the applicant agrees to allow staff the right to assess the need for a dumpster and trash enclosure area within the first year after Conditional Zoning approval.
2. **Signage:** Condition to require compliance with existing signs regarding size, type, and maintenance to bring them into conformity with the provisions of Article 17 of the Land Use Ordinance.
3. **Landscaping:** Condition that the applicant work with the Planning Director to provide landscaping and shade trees to the greatest extent practicable to comply with Article 22, Screening and Trees of the Land Use Ordinance.

Parcel

---

ParID	2818548679000
Tax Year	2022
SITUS Address	123 /31/97 OLD US HWY 321
City, State, Zip	BLOWING ROCK , NC , 28605
Unit #	
Unit Description	
NBHD	03C3 - SHOPPES ON PARKWAY
Class	CO - COMMERCIAL
Land Use Code	C17 - HOTEL/MOTEL L/R NO REST
Living Units	20
CAMA Acres	3.382
Zoning	-
Map #	2818-54-8679-000

Jan 1 Values

---

Land Value.	404,000
Building Value	363,000
=====	=====
Appraisal Total	767,000
Exemptions or Exclusions	0
Land Deferred Value	
=====	=====
<b>Taxable Total</b>	<b>767,000</b>

Owner Mailing

---

Tax Year	2022
Sequence Number	0
Owner Number	1644110
Owner	MOUNTAIN RENTALS LLC
Mailing Address	636 COBBS CREEK RD
City, State, Zip	BOONE NC 28607

Legal Description

---

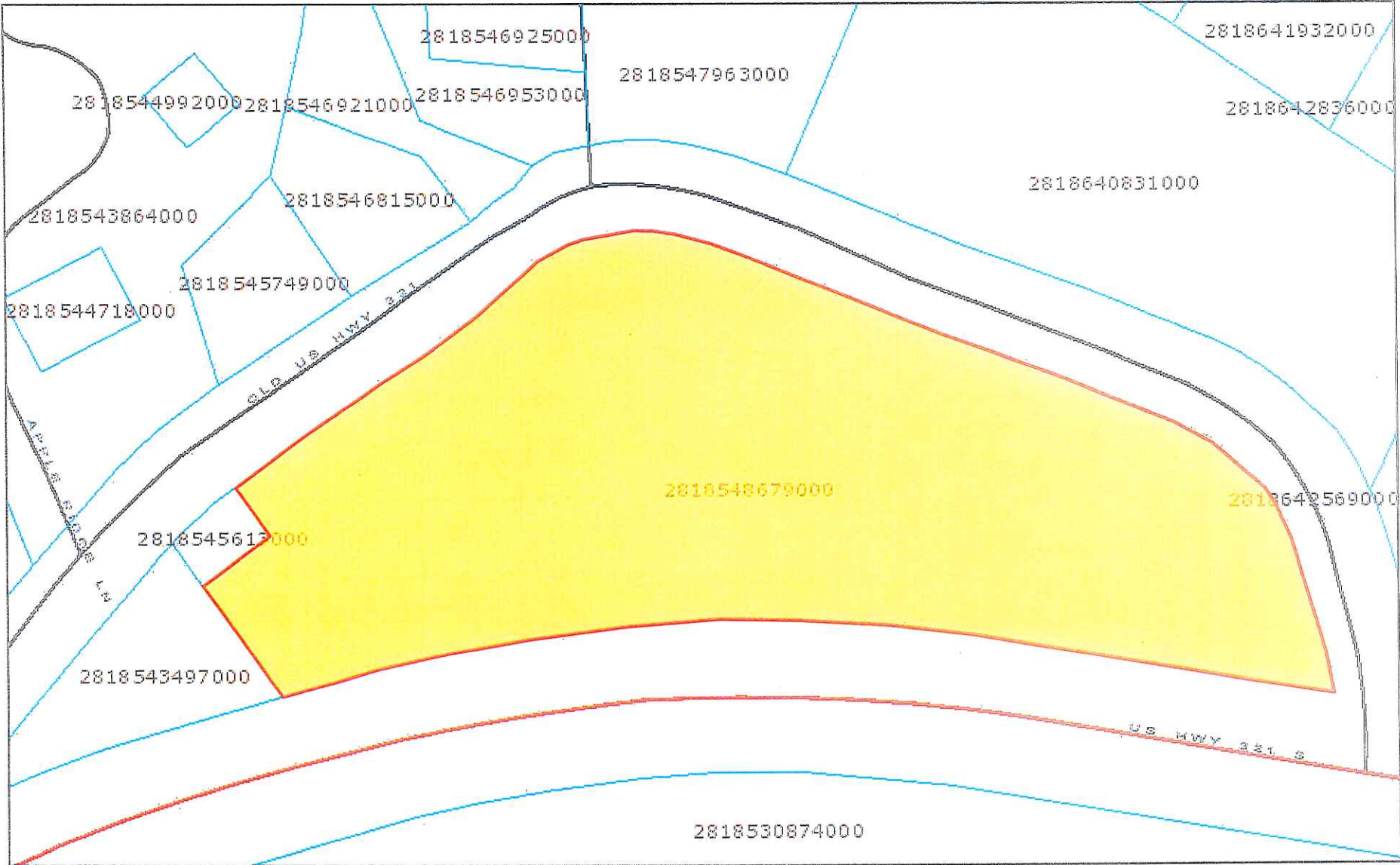
Township	03 - BLOWING ROCK
City Code	
Jurisdiction (Tax Code District)	F12 - BLOWING ROCK
Unit Desc	
Unit #	
Book	1485
Page	678
Legal Desc 1	REMAINDER MOUNT VIEW MOTEL
Deeded Acres	3.38

---

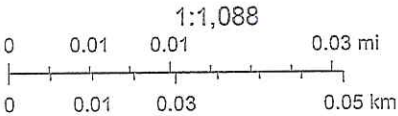
Sale Date	Book	Page	Sale Price	Grantor	Grantee
03-DEC-09	1485	678	480,000		MOUNTAIN RENTALS LLC

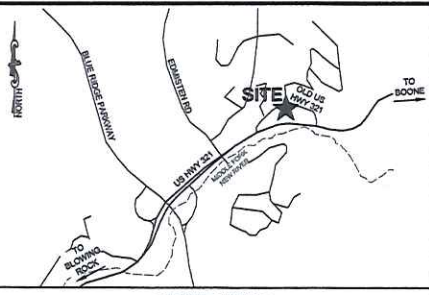


Watauga County Auditor



August 24, 2023



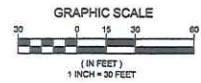
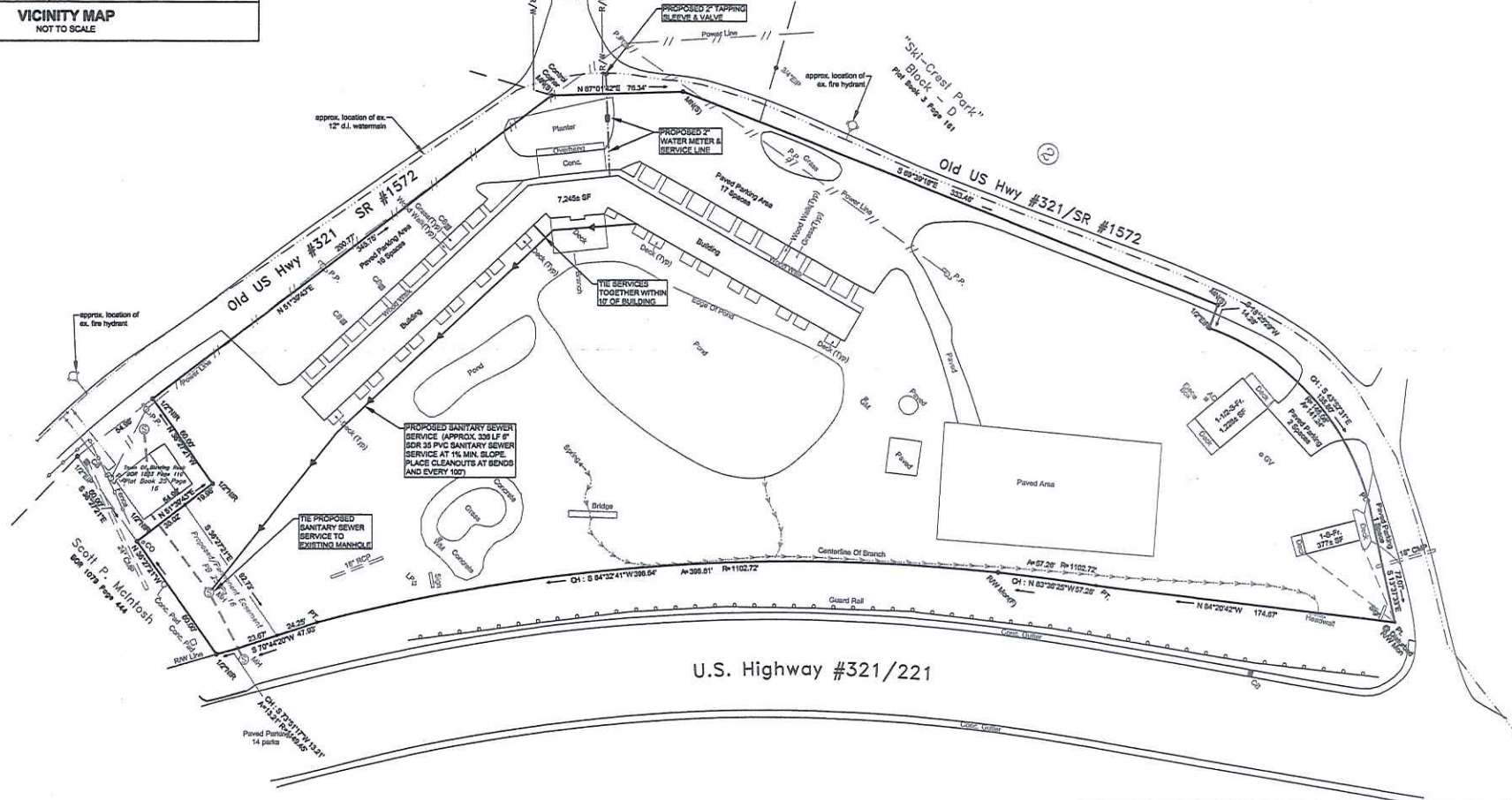


VICINITY MAP  
NOT TO SCALE

**SITE INFORMATION:**  
 PIN: 281854987000  
 PROPERTY AREA: 1.383 ACRES  
 EXISTING ZONING: 6B IN ETJ  
 PROPOSED ZONING: CONDITIONAL DISTRICT 08  
 EXISTING USE: 1,310 MULTIFAMILY  
 PROPOSED USE: 1,310 MULTIFAMILY  
 EXISTING GROSS FLOOR AREA: 6,850 SF  
 EXISTING BEDROOMS: 24  
 EXISTING PARKING SPACES: 38

**GENERAL BUSINESS ZONING REQUIREMENTS:**  
 MINIMUM LOT SIZE: NONE  
 MINIMUM LOT WIDTH: NONE  
 BUILDING SETBACK FROM RW: 20'  
 BUILDING SETBACK FROM PROPERTY LINE: 0'  
 MAXIMUM EAVE HEIGHT: 35'  
 MAXIMUM OVERALL BUILDING HEIGHT: 50'

- GENERAL NOTES:**
- BOUNDARY SURVEY FOR APPALACHIAN INVESTORS, LLC BY WESTERN CAROLINA SURVEYORS, P.A., JOB NO. 10309, DATED 06/07/23.
  - BEARING CALLS RELATIVE TO REFERENCED SURVEY. A ROTATION WAS PERFORMED TO NCGS GRID NORTH NAD83(2011) TO ALIGN WITH LIDAR DATA.
  - CONTOURS PRODUCED FROM QLI LIDAR DATA SOURCED FROM NORTH CAROLINA SPATIAL DATA DOWNLOAD.
  - CONTOUR INTERVAL = 2'.
  - TOTAL ACRES: 3.383 ACRES
  - PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA 0.2% ANNUAL CHANGE FLOOD HAZARD ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 3710281800J, EFFECTIVE DATE 12-03-09.
  - PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES. CALL 1-800-452-4949.



**PRELIMINARY**  
FOR REGULATORY REVIEW ONLY

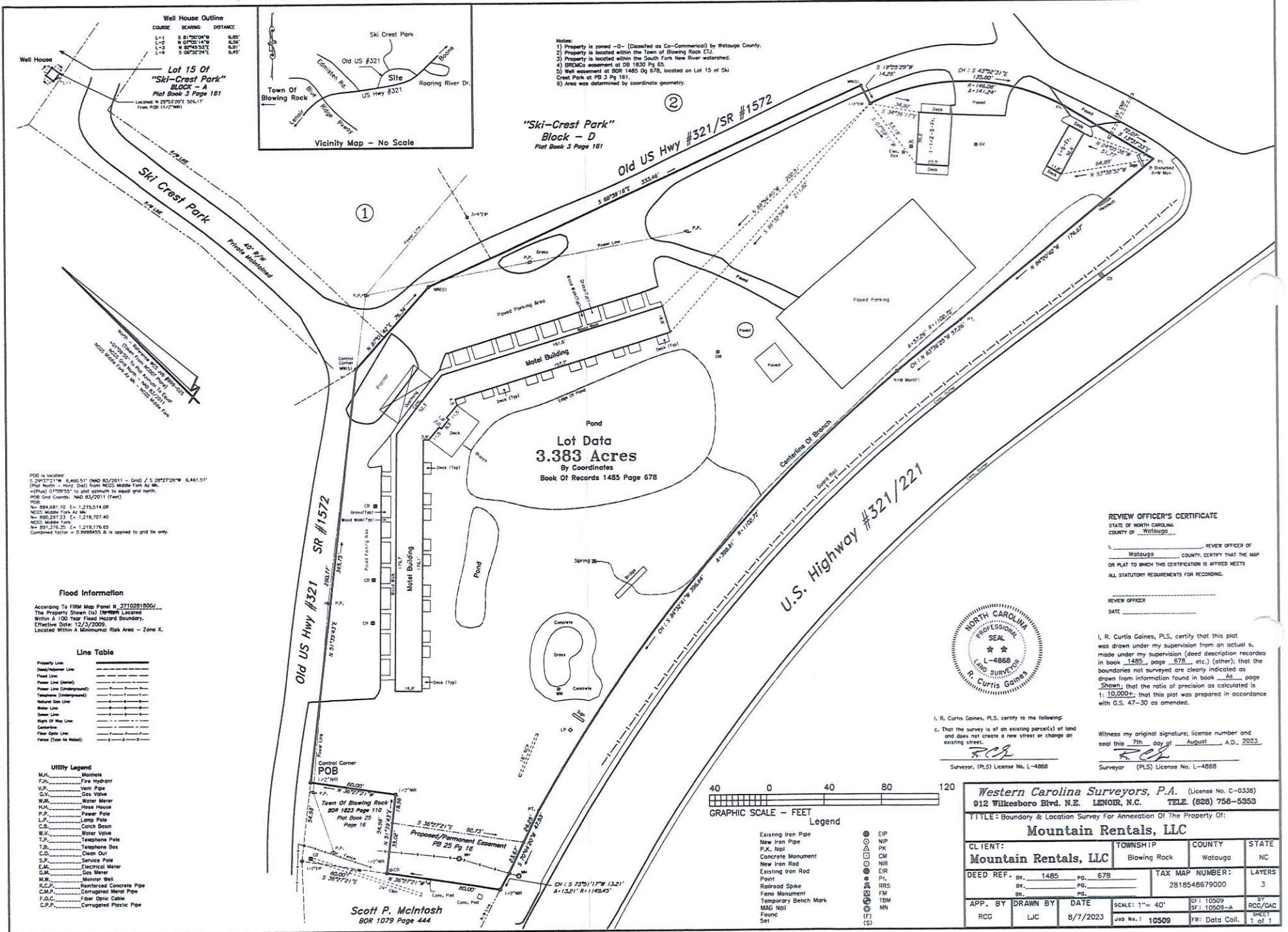
**MUNICIPAL ENGINEERING, INC.**  
 WASH DRIVE, BANNER, NC 27829 - PHONE 919-772-5393  
 STATE FARM ROAD, BOONE, NC 28607 - PHONE 828-265-1767  
 LICENSE NUMBER: FCB12 & D-586

**BLOWING ROCK LODGE WATER AND SEWER SERVICES TOWN OF BLOWING ROCK BLOWING ROCK, NORTH CAROLINA**

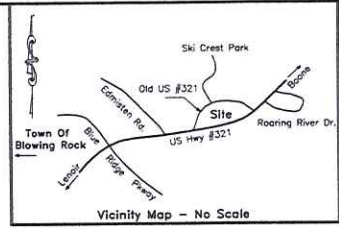
SITE PLAN FOR WATER AND SEWER SERVICE

SCALE:	AS SHOWN
DATE:	8-2-23
DRAWN BY:	SSD
CHECKED BY:	AJC
PROJECT NUMBER:	B230228
DRAWING SET:	C-1
SHEET NO.:	1 OF 1





Well House Outline  
 COURSE BEARING DISTANCE  
 L-1 S 81°50'00"W 6.65'  
 L-2 S 0°00'00"W 6.65'  
 L-3 N 89°52'24"E 6.65'  
 L-4 S 0°00'00"W 6.65'



- Notes:  
 1) Property is zoned -D- (Classified as Co-Commercial) by Watauga County.  
 2) Property is located within the Town of Blowing Rock ETJ.  
 3) Property is located within the South Fork New River watershed.  
 4) GR&S assessment of DB 1830 Pg. 65.  
 5) Well easement at BOR 1485 Dg 678, located on Lot 15 of Ski Crest Park of PB 3 Pg 161.  
 6) Area was determined by coordinate geometry.

"Ski-Crest Park"  
 Block - D  
 Plat Book 3 Page 161

Lot Data  
 3.383 Acres  
 By Coordinates  
 Book of Records 1485 Page 678

POB is located:  
 S 29°32'21"W 6,460.51' (NAD 83/2011 - GRS) / S 29°27'26"W 6,461.51'  
 (NAD 83/2011 - HGS) (SAS) from NCGS Master Fort As Mt.  
 + (Plus) 01709950' is plus amount to read and north.  
 NCGS Grid Coords. NAD 83/2011 (Feet)  
 POB  
 NAD 83/2011 L = 1,218,514.68  
 NCGS Master Fort As Mt.  
 NAD 83/2011 L = 1,218,707.40  
 NCGS Master Fort.  
 NAD 83/2011 L = 1,219,176.60  
 Combined factor = 0.9998450 & is applied to grid file only.

Flood Information  
 According to FIRM Map Panel # 37102B1800J  
 The Property Shown (is) (is/are) Located  
 Within a 100 Year Flood Hazard Boundary.  
 Effective Date: 12/3/2009.  
 Located Within A Minimal Risk Area - Zone X.

Line Table

Property Line	---
Dead/Adjoining Line	---
Flood Line	---
Power Line (Aerial)	---
Power Line (Underground)	---
Telephone (Underground)	---
Natural Gas Line	---
Water Line	---
Sanitary Line	---
Right of Way Line	---
Centerline	---
Fiber Optic Line	---
Fence (Type As Noted)	---

Utility Legend

M.H.	Manhole
F.H.	Fire Hydrant
V.P.	Water Pipe
G.V.	Gas Valve
W.M.	Water Meter
H.H.	House House
P.P.	Power Pole
L.P.	Light Pole
C.B.	Catch Basin
W.V.	Water Valve
T.P.	Telephone Pole
T.B.	Telephone Box
C.D.	Clean Out
S.P.	Service Pipe
E.M.	Electrical Meter
G.M.	Gas Meter
M.W.	Manhole Well
R.C.P.	Reinforced Concrete Pipe
C.M.P.	Corrugated Metal Pipe
F.O.C.	Fiber Optic Cable
C.P.P.	Corrugated Plastic Pipe

Control Corner  
 POB  
 1/2" IR  
 60.00'  
 N 30°27'21"W  
 BOR 1223 Page 110  
 Plat Book 25  
 Page 16  
 Proposed/Permanent Easement  
 PB 25 Pg 16  
 S 30°27'21"E 98.75'  
 N 57°19'43"E 34.60'  
 S 30°27'21"E 60.00'  
 N 30°27'21"W 60.00'  
 S 30°27'21"E 60.00'  
 N 30°27'21"W 60.00'  
 S 30°27'21"E 60.00'  
 N 30°27'21"W 60.00'

Scott P. McIntosh  
 BOR 1079 Page 444

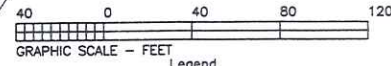


REVIEW OFFICER'S CERTIFICATE  
 STATE OF NORTH CAROLINA  
 COUNTY OF Watauga  
 I, \_\_\_\_\_ REVIEW OFFICER OF  
 Watauga COUNTY, CERTIFY THAT THIS MAP  
 OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS  
 ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 REVIEW OFFICER  
 DATE \_\_\_\_\_

I, R. Curtis Gaines, PLS, certify that this plat was drawn under my supervision from an actual & made under my supervision (see description recorded in book 1485, page 678, etc.) (either); that the boundaries not surveyed are clearly indicated as drawn from information found in book \_\_\_\_\_, page \_\_\_\_\_, that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

I, R. Curtis Gaines, PLS, certify to the following:  
 c. That the survey is of an existing parcel(s) of land and does not create a new street or change an existing street.  
 RCG  
 Surveyor, (PLS) License No. L-4868

Witness my original signature; license number and seal this 7th day of August, A.D., 2023.  
 RCG  
 Surveyor, (PLS) License No. L-4868



Legend

⊙	EIP
○	NIP
△	PK
□	CM
○	NIR
○	DIR
○	PI
○	PRS
○	FM
○	TBM
○	MN
○	(F)
○	(S)

Western Carolina Surveyors, P.A. (License No. C-0338)  
 912 Wilkesboro Blvd. N.E. LENOIR, N.C. TELE. (828) 758-5353

TITLE: Boundary & Location Survey For Annexation Of The Property Of:  
**Mountain Rentals, LLC**

CLIENT:	TOWNSHIP	COUNTY	STATE
Mountain Rentals, LLC	Blowing Rock	Watauga	NC

DEED REF. BK. 1485	pg. 678	TAX MAP NUMBER:	2818548679000	LAYERS	3
--------------------	---------	-----------------	---------------	--------	---

APP. BY	DRAWN BY	DATE	SCALE: 1"= 40'	GP: 10509	BY
RCG	LJC	8/7/2023		RF: 10509-A	RCG/CAC

Job No.: 10509  
 FR: Data Coll. 1 of 1

**MEMORANDUM**

**TO:** Mayor Charlie Sellers and Blowing Rock Town Council

**FROM:** Brian Johnson, Acting Planning Director

**SUBJECT:** Mountain Rentals, LLC (Blowing Rock Lodge) Annexation  
123-/31/97 Old US Highway 321

**DATE:** November 14, 2023

Mountain Rentals, LLC (Blowing Rock Lodge) has submitted a petition of voluntary satellite annexation for Council consideration. The 3.383 acre subject property is located in the ETJ between US Highway 321 and Old US Highway 321. The property is zoned CZ-GB, Conditional Zoning-General Business and further identified by Watauga County PIN 2818-54-8679-000.

**Key points**

- The applicant has submitted a petition for satellite annexation as required by the approved conditional rezoning Ordinance No. 2023-21 for the purpose of connecting to Town utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.
- The petitioner shall be responsible for all costs associated with the extension of public water and sewer to serve the subject property. Specifically, the petitioner is responsible for all costs associated with providing a public sewer line connection to the public sewer force main located along the property, consistent with the Town Code. The petitioner is also responsible for all applicable sewer availability fees. In any future event where the petitioner needs public sewer for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.
- Given that the public water is deemed “available” at the time of consideration of the annexation request, connection to the Town’s public water supply is required. All costs associated with connection to the Town public water system shall be borne by the petitioner, including water availability fees. In any future event where the petitioner needs public water for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.



- Consistent with the “Settlement Agreement” between the Town of Boone and the Town of Blowing Rock, the subject property must have a conditional rezoning application public hearing and adoption by the Blowing Rock Town Council, in order to make a connection to the public water line along Old Highway 321.

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

- 1) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;
- 2) No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- 3) The area described is so situated that the Town of Blowing Rock will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- 4) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- 5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.

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

## **RECOMMENDATIONS**

If approved as presented, the annexation will become effective on November 30, 2023. The boundary map will be recorded with the Watauga County Register of Deeds and the office of the North Carolina Secretary of State. A copy of the map will also be delivered to the Watauga County Board of Elections.

## **ATTACHMENTS**

- Annexation Application
- Mountain Rentals, LLC (Blowing Rock Lodge) Annexation – Certificate of Sufficiency
- Ordinance 2023-21 – Mountain Rentals, LLC (Blowing Rock Lodge) Annexation Ordinance
- Mountain Rentals, LLC (Blowing Rock Lodge) Annexation Plat





## TOWN OF BLOWING ROCK

PO Box 47

Blowing Rock, NC 28605

Telephone: (828) 295-5240. Fax: (828) 295-0357

[www.townofblowingrock.com](http://www.townofblowingrock.com)

### PETITION OF ANNEXATION OF PROPERTY

#### Submittal Checklist

Please include all of the following. *If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:*

- City or County Property Map with parcels included in the annexation request clearly marked. An excerpt of a tax map is acceptable, but the map number must appear on the excerpt. This map must show the EXISTING and PROPOSED CITY LIMITS.
- Annexation Plat: (these plats should conform to G.S. 47-30) 3 mylar and 2 paper copies of a recordable annexation plat. Plat must show the existing and proposed City Limits, state if the annexation is contiguous or non-contiguous and title the annexation (i.e. Green Fields Contiguous Voluntary Annexation)
- Metes and Bounds Description of property being considered for annexation.
- Copy of Approved Preliminary Site Plan or Final Site Plan or Copy of Subdivision Plat-if applicable.
- Projected Market Value of Development at build-out (land and improvements).
- General Annexation Area Data: Linear feet of public streets, total annexation acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.
- This Application Form completed, dated and signed by property owners, and attested.

#### Required, but often missing information. Please make sure to include the following:

**Correct Tax Map, Block and Lot Number(s).** Call Watauga County Tax Department at 828-265-8026, or Caldwell County Tax Department at 828-757-1340 if there is any question about the number. **THIS IS VERY IMPORTANT!** Incorrect tax map, block and lot number(s) can cause the application to be rejected, requiring resubmittal. If the property being requested for annexation is only a portion of an existing parcel, please indicate this is the case.

**Owners Signature and Date of Signature.** See lower section of this application. All real property owners must the application, and the date of signature MUST be filled in!

Corporate Seal for property owned by a corporation.

Re-Zoning Application if the property is currently outside Blowing Rock's Extraterritorial Jurisdiction.

Summary Information

Development Project Name: Blowing Rock Lodge  
Street Address: 123 / 31 / 97 Old US Hwy 321 Blowing Rock, NC 28605

Tax Map, Block and Lot Number(s)  
2818-54-8679-000

Acreage of annexation site: 3.383  
Linear feet of public streets within annexation boundaries: 00  
Annexation site requesting connection to Town water: YES Sewer: YES

Number of proposed dwelling units  
Type of units: \_\_\_\_\_ Single-family, \_\_\_\_\_ Townhouse, \_\_\_\_\_ Condo, 22 Apt.

Building square footage of non-residential space: 0.0  
Specific proposed use (office, retail, warehouse, school, etc.): \_\_\_\_\_

Projected market value at build-out (land improvements): \$ 767,000 (Same as current Tax Value)

Person to contact if there are questions about the petition:  
Name: Alan Crees  
Address: 820-B Stake Farm Road Boone, NC 28607  
Telephone: 828-262-1767 Fax: \_\_\_\_\_  
Cell: 828-963-0534 e-mail: acrees@mesco.com

Annexation Petition

State of North Carolina  
County of Watauga/Caldwell (please circle one)  
Petition of Annexation of Property to the Town of Blowing Rock, North Carolina

PART 1. The undersigned, being all the owners of the real property described in this application respectfully request the annexation of said property to the Town of Blowing Rock, North Carolina.

The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Land Use Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners. The property to be annexed is:  
\_\_\_\_\_ contiguous to the present corporate limits of the Town of Blowing Rock, North Carolina; or  
 not contiguous to the municipal limits of the Town of Blowing Rock, North Carolina, not closer to the limits of any other municipality and is located within (3) miles of the municipal limits of the Town of Blowing Rock, North Carolina (pursuant to G.S. Chapter 160A-58.1).

PART 2. NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? YES \_\_\_\_\_ NO



Do you otherwise claim a vested right for the property subject to this petition? YES \_\_\_\_\_ NO X  
 If yes, please submit proof that vested rights have been granted by a governing board or some other means. I hereby declare that my failure to disclose the existence of vested right terminates any vested right previously acquired for this property.

Print Owner Name(s), Addresses

Owner's Signature(s):

A. Mountain Rentals, LLC

[Signature]

Date: 9/7/23

491 George Wilson Rd, Boone, NC 28607

Phone: 828-964-3661

B. Mountain Rentals, LLC

[Signature]

Date: 9/7/23

491 George Wilson Rd, Boone, NC 28607

Phone: 828-964-3471

C. \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

D. \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E. \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

If additional owners, please attach a separate sheet with names, addresses, signatures, and date.

Corporate Seal

North Carolina  
Watauga County

I, Morgan A. Redmond, a Notary Public for said County or State, do hereby certify that David S. Kennedy & John M. White personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal this the 7<sup>th</sup> day of September, 2023.

My commission expires 11/06/26, Notary Public Morgan A. Redmond


Morgan A. Redmond  
 NOTARY PUBLIC  
 Watauga County  
 North Carolina  
 My Commission Expires November 6, 2026

MOUNTAIN RENTALS, LLC (BLOWING ROCK LODGE) ANNEXATION  
CERTIFICATE OF SUFFICIENCY

To the Board of Commissioners of the Town of Blowing Rock, North Carolina:

I, Hilari H. Hubner, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Blowing Rock, this the 7 day of November, 2023.

  
Hilari H. Hubner, Town Clerk

CORPORATE SEAL



**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF BLOWING ROCK, NORTH CAROLINA  
(Non-Contiguous)**

**WHEREAS**, the Town of Blowing Rock has been petitioned under G.S.160A-58.1 to annex the area described below; and

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

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Blowing Rock Town Hall at 6:00 p.m. on November 14, 2023, after due notice by publication in the *Watauga Democrat*, on November 1, 2023 and November 8, 2023; and

**WHEREAS**, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- 1) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;
- 2) No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- 3) The area described is so situated that the Town of Blowing Rock will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- 4) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- 5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.



**WHEREAS**, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

**WHEREAS**, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Blowing Rock and of the area proposed for annexation will be best served by annexing the area described;

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

**Section 1.** By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Blowing Rock effective **November 30, 2023**:

This is a description of a survey of the Mountain Rentals, LLC property, a deed of which is recorded at Book of Records 1485 at Page 678 in the Watauga County Register of Deeds, being located in Blowing Rock Township, Watauga County, North Carolina and being more particularly described as follows:

BEGINNING on a new 1/2 inch iron rod, said iron rod being a corner between the Mountain Rentals, LLC property recorded at Book of Records 1485 at Page 678 and the Town of Blowing Rock property recorded at Book of Records 1823 at Page 110 and at Plat Book 25 at Page 16, said BEGINNING POINT being located South 29 degrees 37 minutes 21 seconds West 6,460.51 feet from N.C.G.S. Middle Fork Azimuth Mark (South 28 degrees 27 minutes 26 seconds West 6,461.51 feet plat north horizontal distance plus 01 degrees 09 minutes 55 seconds to plat azimuth to equal grid north), said BEGINNING POINT having the North Carolina Grid Coordinates (NAD 83/2011) of North 884,681.10 feet and East 1,215,514.08 feet; thence from the POINT OF BEGINNING for the following calls: North 51 degrees 39 minutes 43 seconds East 290.77 feet to a magnetic set in the pavement of Old U.S. Highway 321 (S.R. #1572) near its intersection with Ski Crest Park; North 87 degrees 01 minutes 42 seconds East 76.34 feet to a magnetic nail set in pavement; South 69 degrees 39 minutes 18 seconds East 333.46 feet to a magnetic nail set in the pavement of Old U.S. Highway 321 (S.R. #1572); South 18 degrees 25 minutes 29 seconds West 14.28 feet to an existing 1/2 inch iron rod at a point of curve; thence with a curve to the right, having a radius of 146.08 feet an a chord of South 43 degrees 52 minutes 31 seconds East 135.80 feet to a point; South 13 degrees 37 minutes 33 seconds East 72.07 feet to a point at a right of way monument; North 84 degrees 20 minutes 42 seconds West 174.67 feet to a point of curve; thence with a curve to the left, having a radius of 1,102.72 feet and a chord of North 83 degrees 36 minutes 25 seconds West 57.26 feet to a right of way monument at a point of curve; thence with a curve to the left, having a radius of 1,102.72 feet and a chord of South 84 degrees 32 minutes 41 seconds West 396.64 feet to a point; South 70 degrees 44 minutes 20 seconds West 24.25 feet to a point, a corner with an easement shown at



Plat Book 25 at Page 16, and continuing along the same bearing 23.67 feet, for a total distance along this bearing of 47.93 feet to a point of curve; thence with a curve to the left, having a radius of 1,149.45 feet and a chord of South 73 degrees 51 minutes 17 seconds West 13.21 feet to a new 1/2 inch iron rod, a corner with the Scott P. McIntosh property recorded at Book of Records 1079 at Page 444; thence with the Scott P. McIntosh property and still continuing with the easement shown at Plat Book 25 at Page 16 North 36 degrees 27 minutes 21 seconds West 80.00 feet to a new 1/2 inch iron rod, a corner with the Town of Blowing Rock property recorded at Book of Records 1823 at Page 110 and at Plat Book 25 at Page 16; thence with the Town of Blowing Rock property and with the easement shown at Plat Book 25 at Page 16 North 51 degrees 39 minutes 43 seconds East 35.02 feet to a point; thence leaving the easement shown at Plat Book 25 at Page 16 and still continuing with the Town of Blowing Rock property for two calls: North 51 degrees 39 minutes 43 seconds East 19.96 feet to a new 1/2 inch iron rod; North 36 degrees 27 minutes 21 seconds West 60.00 feet to the POINT OF BEGINNING containing 3.383 acres by coordinates.

TOGETHER with a well that is located on Lot 15 of Block A of Ski Crest Park subdivision which is recorded at Plat Book 3 at Page 161, the southeast corner of said well house being located North 25 degrees 53 minutes 20 seconds East 526.17 feet from a new 1/2 inch iron rod which is the POINT OF BEGINNING for the above described 3.383 acre tract, said well house being described as follows: South 81 degrees 50 minutes 04 seconds West 6.85 feet to a point; North 07 degrees 05 minutes 14 seconds West 6.56 feet to a point; North 82 degrees 45 minutes 53 seconds East 6.91 feet to a point; South 06 degrees 32 minutes 24 seconds East 6.45 feet to a point.

As surveyed by Western Carolina Surveyors, P.A., R. CURTIS GAINES, P.L.S., this the 7th day of August, 2023 and being their Job #10509 (back reference to Job #B99-052).

I, R. CURTIS GAINES, P.L.S., certify that this description was prepared by me from a survey made under my supervision this the 7th day of August, 2023.

**Section 2.** Upon and after **November 30, 2023**, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Blowing Rock and shall be entitled to the same privileges and benefits as other parts of the Town of Blowing Rock. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3. Town Services and Utility Agreement.** The primary purpose of the annexation petition is to request Town water and sewer service to the existing property. The current Town policy regarding any new extension of public utilities requires that such property be located within the Town's corporate limits, contiguous or satellite. In addition, the voluntary annexation process requires that the cost of extending water and/or sewer lines be borne by the petitioner. The following terms will describe the responsibilities of both the petitioner and the Town with respect to the provision of municipal services and public utilities.

The agreements, conditions, and obligations of Petitioner set forth herein shall run with and be appurtenant to the title of the territory described in Section 1 and be binding upon Petitioner's successors in title:



- A. Petitioner shall be responsible for all costs associated with the extension of public water and sewer to serve the subject property. Specifically, the petitioner is responsible for all costs associated with providing a public sewer line connection to the public sewer force main located along the property, consistent with the Town Code. The petitioner is also responsible for all applicable sewer availability fees. In any future event where the petitioner needs public sewer for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.
- B. Given that the public water is deemed “available” at the time of consideration of the annexation request, connection to the Town’s public water supply is required. All costs associated with connection to the Town public water system shall be borne by the petitioner, including water availability fees. In any future event where the petitioner needs public water for the two single-family structures located on the East portion of the property, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.
- C. Consistent with the “Settlement Agreement” between the Town of Boone and the Town of Blowing Rock, the subject property must have a conditional rezoning application public hearing and adoption by the Blowing Rock Town Council, in order to make a connection to the public water line along Old Highway 321.
- D. All other municipal services will be provided subject to NC General Statutes concerning satellite annexation, including but not limited to garbage and recycling collection.

**Section 4. Municipal Taxes.**

Consistent with NC General Statutes, the Petitioner is responsible for payment of applicable municipal taxes.

**Section 5.** The Mayor of the Town of Blowing Rock shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

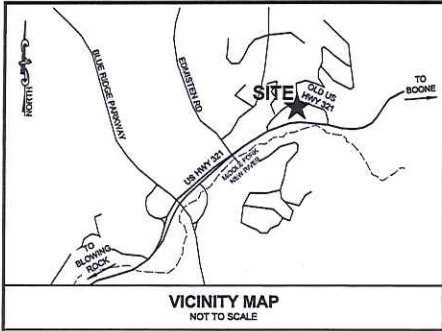
**ADOPTED** this the 14<sup>th</sup> day of November, 2023.

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

ATTEST: \_\_\_\_\_

Hilari H. Hubner, Town Clerk





**SITE INFORMATION:**

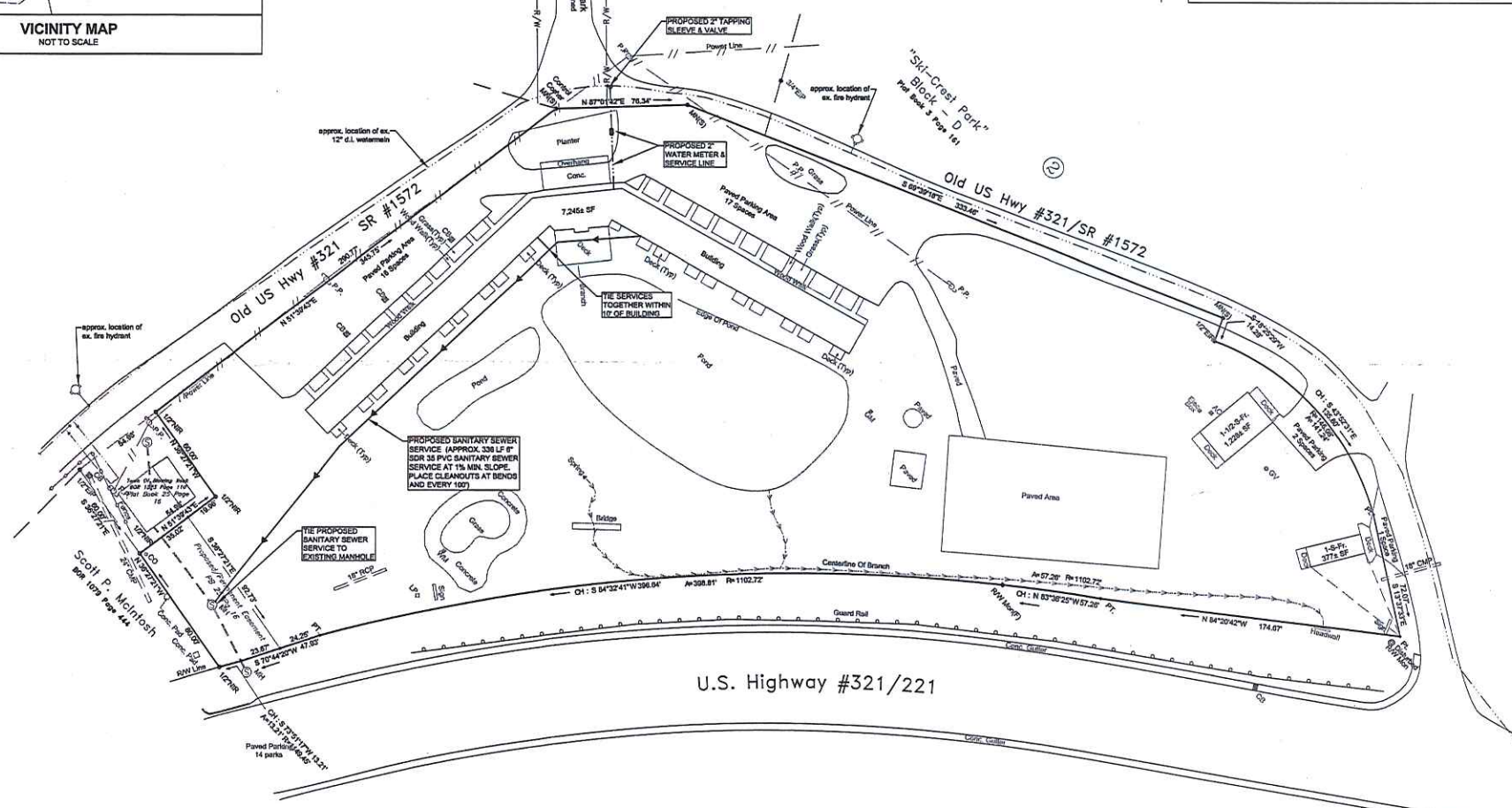
PIN: 281854867000  
 PROPERTY AREA: 1.363 ACRES  
 EXISTING ZONING: 6B IN ETJ  
 PROPOSED ZONING: CONDITIONAL DISTRICT 6B  
 EXISTING USE: 1.310 MULTIFAMILY  
 PROPOSED USE: 1.310 MULTIFAMILY  
 EXISTING GROSS FLOOR AREA: 8,850 SF  
 EXISTING BEDROOMS: 24  
 EXISTING PARKING SPACES: 38

**GENERAL BUSINESS ZONING REQUIREMENTS:**

MINIMUM LOT SIZE: NONE  
 MINIMUM LOT WIDTH: NONE  
 BUILDING SETBACK FROM RW: 20'  
 BUILDING SETBACK FROM PROPERTY LINE: 0'  
 MAXIMUM EAVE HEIGHT: 35'  
 MAXIMUM OVERALL BUILDING HEIGHT: 50'

**GENERAL NOTES:**

- BOUNDARY SURVEY FOR APPALACHIAN INVESTORS, LLC BY WESTERN CAROLINA SURVEYORS, P.A., JOB NO. 10509, DATED 08/07/23.
- BEARING CALLS RELATIVE TO REFERENCED SURVEY. A ROTATION WAS PERFORMED TO NCGS GRID NORTH NA83(2011) TO ALIGN WITH LIDAR DATA.
- CONTOURS PRODUCED FROM QLI LIDAR DATA SOURCED FROM NORTH CAROLINA SPATIAL DATA DOWNLOAD.
- CONTOUR INTERVAL = 2'.
- TOTAL ACRES: 3.383 ACRES
- PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA 0.2% ANNUAL CHANGE FLOOD HAZARD ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 3710281800A, EFFECTIVE DATE 12-03-09.
- PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES. CALL 1-800-632-4949.



**GRAPHIC SCALE**

(IN FEET)  
1 INCH = 30 FEET

**PRELIMINARY**  
FOR REGULATORY REVIEW ONLY

**MUNICIPAL ENGINEERING, INC.**

68 SHIPWASH DRIVE, GARNER, NC 27529 • PHONE: 919-772-5393  
 822-B STATE FARM ROAD, BOONE, NC 28607 • PHONE: 828-262-1767  
 LICENSE NUMBER: F-0812 & G-586

**BLOWING ROCK LODGE**  
**WATER AND SEWER SERVICES**  
 TOWN OF BLOWING ROCK  
 BLOWING ROCK, NORTH CAROLINA

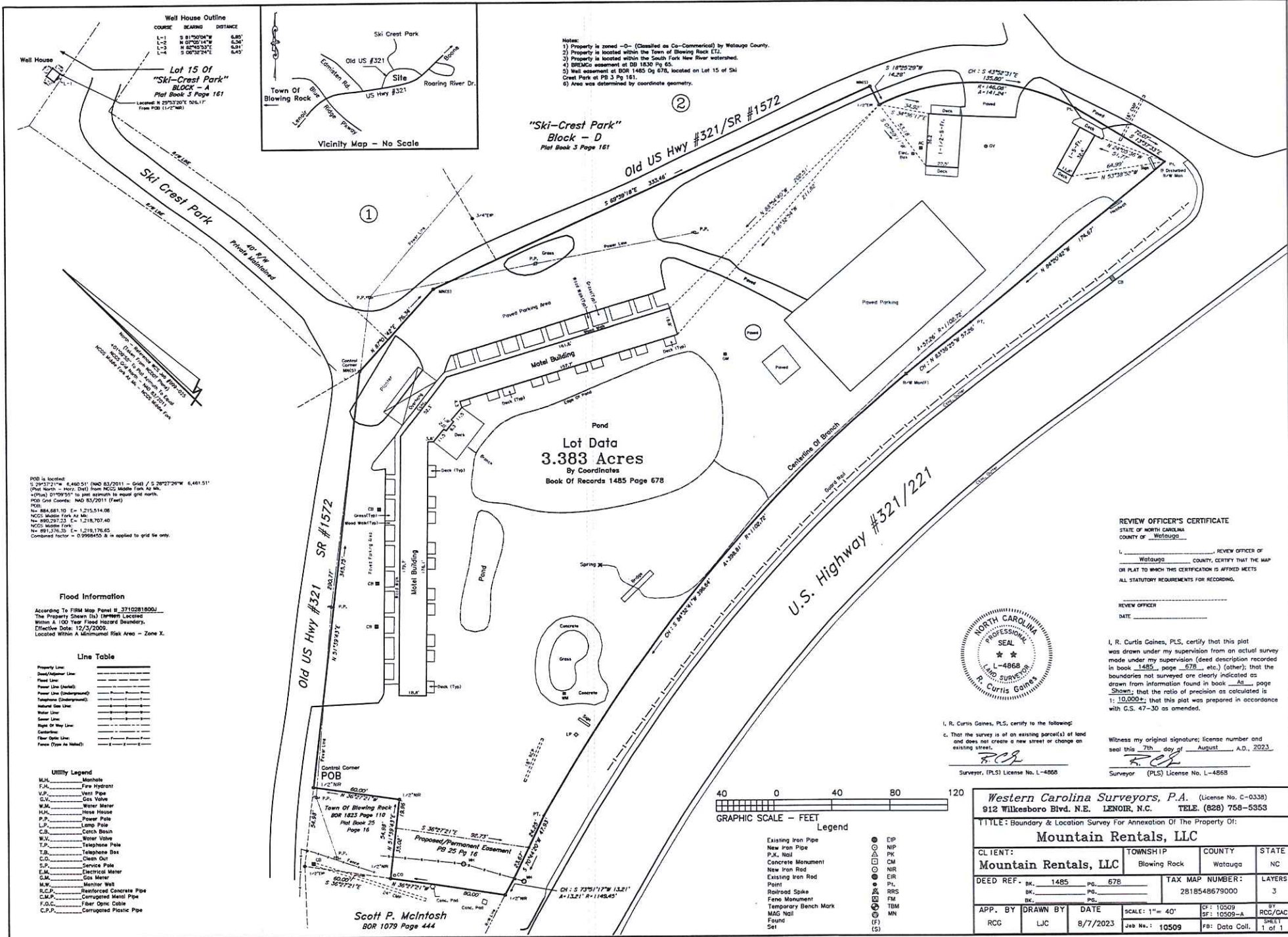
**SITE PLAN FOR**  
**WATER AND SEWER SERVICE**

NO.	REV.	DESCRIPTION

SCALE: AS SHOWN  
 DATE: 04-23  
 DRAWN BY: SBJ  
 CHKD. BY: ALC

PROJECT NUMBER:  
B23028

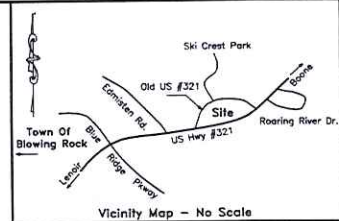
DRAWING NO. C-1 SHEET NO. 1 OF 1



Well House Outline

COURSE	BEARING	DISTANCE
L-1	S 81°00'04"W	6.85'
L-2	N 0°00'14"W	6.50'
L-3	N 84°53'31"E	6.51'
L-4	S 06°32'24"E	6.45'

Lot 15 Of "Ski-Crest Park" BLOCK - A Plat Book 3 Page 161  
 Located in 0°00'00" N 0°00'00" E  
 From POB (1/2" MB)



- Notes:
- 1) Property is zoned -D- (Classified as Co-Commercial) by Watauga County.
  - 2) Property is located within the Town of Blowing Rock (T2).
  - 3) Property is located within the South Fork New River watershed.
  - 4) BRECMA easement at DB 1830 Pg 65.
  - 5) Well easement at BOR 1485 Pg 67B, located on Lot 15 of Ski-Crest Park at PB 3 Pg 161.
  - 6) Area was determined by coordinate geometry.

"Ski-Crest Park" Block - D  
 Plat Book 3 Page 161

Lot Data  
 3.383 Acres  
 By Coordinates  
 Book Of Records 1485 Page 678

POB is located:  
 S 29°37'21"W 6,480.51' (NAD 83/2011) = Grid / S 29°27'24"W 6,461.51'  
 (Dist North - North, Dist from NCCO Middle Fork As Measured) 01°00'35" to just upstream to equal grid north.  
 NAD Grid Coords: NAD 83/2011 (Fixed)  
 POB:  
 Nor: 884,681.10 E = 1,215,514.06  
 NCCO Middle Fork As Measured:  
 Nor: 880,297.23 E = 1,218,707.40  
 NCCO Middle Fork:  
 Nor: 881,076.33 E = 1,219,176.65  
 Combined factor = 0.9998455 & is applied to grid file only.

Flood Information  
 According to FIRM Map Panel # 2710281500J  
 The Property Shown (is) (is/are) Located  
 Within A 100 Year Flood Hazard Boundary.  
 Effective Date: 12/3/2005  
 Located Within A Minimal Risk Area - Zone X.

Line Table

Property Line	Shade/Adjacent Line
Power Line	Power Line
Power Line (Underground)	Power Line (Underground)
Telephone (Underground)	Telephone (Underground)
Natural Gas Line	Natural Gas Line
Water Line	Water Line
Sanitary Line	Sanitary Line
Ridge Or Key Line	Ridge Or Key Line
Centerline	Centerline
Flow Ditch Line	Flow Ditch Line
Fence (Type as Indicated)	Fence (Type as Indicated)

Utility Legend

M.H.	Manhole
F.H.	Fire Hydrant
V.P.	Vent Pipe
G.V.	Gas Valve
W.M.	Water Meter
H.H.	House House
P.P.	Power Pole
L.P.	Lamp Pole
C.B.	Catch Basin
W.V.	Water Valve
T.P.	Telephone Pole
T.B.	Telephone Box
C.O.	Chimney Out
S.P.	Service Pole
E.M.	Electrical Meter
G.M.	Gas Meter
M.W.	Monitor Well
R.C.P.	Reinforced Concrete Pipe
C.M.P.	Corrugated Metal Pipe
F.O.C.	Fiber Optic Cable
C.P.P.	Corrugated Plastic Pipe

Scott P. McIntosh  
 BOR 1079 Page 444



REVIEW OFFICER'S CERTIFICATE  
 STATE OF NORTH CAROLINA  
 COUNTY OF Watauga

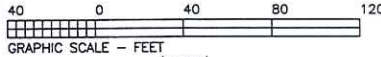
I, \_\_\_\_\_, REVIEW OFFICER OF \_\_\_\_\_, Watauga COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER  
 DATE \_\_\_\_\_

I, R. Curtis Gaines, PLS, certify that this plot was drawn under my supervision from an actual survey made under my supervision (and description recorded in book 1485, page 67B, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in book 1485, page 67B; that the ratio of precision as calculated is 1:10,000+; that this plot was prepared in accordance with G.S. 47-30 as amended.

- I, R. Curtis Gaines, PLS, certify to the following:  
 a. That the survey is of an existing parcel(s) at hand and does not create a new street or change an existing street.

Witness my original signature; license number and seal this 7th day of August, A.D., 2023.  
 RCG  
 Surveyor (PLS) License No. L-4868



Legend

●	EP	Existing Iron Pipe
○	NP	New Iron Pipe
○	PK	Concrete Monument
○	CM	New Iron Rod
○	NR	Existing Iron Rod
○	ER	Point
○	PL	Railroad Spike
○	RS	Fence Monument
○	FM	Temporary Bench Mark
○	TBM	MAG Nail
○	MN	Found
○	(S)	Set

Western Carolina Surveyors, P.A. (License No. C-0338)  
 912 Wilkesboro Blvd. N.E. LENOIR, N.C. TELE (828) 750-5353

TITLE: Boundary & Location Survey for Annexation Of The Property Of  
**Mountain Rentals, LLC**

CLIENT:	TOWNSHIP	COUNTY	STATE
Mountain Rentals, LLC	Blowing Rock	Watauga	NC
DEED REF. BK. 1485 PG. 67B	TAX MAP NUMBER:	LAYERS	
	2818548679000	3	
APP. BY RCG	DRAWN BY LJC	DATE 8/7/2023	SCALE: 1" = 40'
			CP: 10509 SF: 10509-A RCG/GAC SHEET 1 of 1



## MEMORANDUM

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

**From:** Brian Johnson, Acting Planning Director

**Subject:** BRAAC Re-organization

**Date:** November 14, 2023

At the mid-year retreat in June, Council asked staff to consider a reorganization of BRAAC that added a recreation/public land representation to the commission. BRAAC members reported at the retreat that they wanted public projects to go before them prior to going to the Council for consideration. The draft language was discussed at the September 12, 2023, Town Council meeting. It was decided to revisit several areas of the language including the name and number of members, and to further clarify the commission's process, responsibilities, and duties.

The Planning Board discussed the language at the September 21, 2023, meeting and offered the following name change for consideration, Public Land, Appearance, and Recreation Board. The board all agreed and felt that Appearance should be part of the name.

In response, please see the attached draft ordinance language that would widen the scope of BRAAC with the addition of a recreation/public land oversight component. Language has also been added to clarify that the BRAAC has the responsibility of acting as the Tree Board since 2020. Additional language was also added to clarify the responsibilities and duties of the board regarding public art, murals, and outside agencies and organizations.

**ORDINANCE NO. 2023-19**

**AN ORDINANCE TO MODIFY TEXT IN THE LAND USE ORDINANCE  
REORGANIZING THE BLOWING ROCK APPEARANCE ADVISORY  
COMMISSION (BRAAC)**

WHEREAS, the Blowing Rock Land Use Ordinance describes the functions of the Blowing Rock Appearance Advisory Commission (BRAAC); and

WHEREAS, at the mid-year retreat in June 2023, the Board of Commissioners asked staff to consider a reorganization of BRAAC that added a recreation/public land representation to the commission; and

WHEREAS, changing the board name to better reflect the duties of the board; and

WHEREAS, additional language has been added to clarify that the board has the responsibility of acting as the Tree Board since 2020; and

WHEREAS, adding 2 additional members from five (5) members to seven (7) members to better seek members with diverse professional backgrounds and help the board conduct official business at any of its regular meetings; and

WHEREAS, the Planning Board and Board of Commissioners agree that this ordinance amendment is consistent with the 2014 Comprehensive Plan Update.

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

Section 1. Section 16-3.6 of the Blowing Rock Town Code is hereby amended and will read as follows:



**Section 16-3.6 Public Land, Appearance, and Recreation Board ~~Appearance-Commission~~**

**16-3.6.1 Membership and Vacancies.** There shall be ~~an~~ a Public Land, Appearance, and Recreation Board ~~Appearance-Commission~~ (herein after referred to as "Board") consisting of ~~five (5)~~ seven (7) members, all of whom shall be citizens and residents of the planning and zoning jurisdiction of the town. Members shall be appointed by the board of commissioners for ~~a term of three (3) years.~~ three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the period of the unexpired term. It is desirable that at least one member be ~~a member of~~ a design professional, and at least one member have a background in recreation, coaching, or sports administration.

**16-3.6.1.1** Members may be removed from the commission by the mayor for due cause. Attendance at the meetings of the commission and performance of the duties of members shall be considered a prerequisite for continued membership on the commission.

**16-3.6.1.2** Members of the commission shall serve without pay, but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the commission.

**16-3.6.2 Organization, Rules, Meetings and Records.** Within thirty days after its appointment, the public land, appearance, and recreation board ~~appearance-advisory commission~~ shall meet and elect a chair and vice-chair. It may create and fill such other offices as it may determine. The term of each officer shall be one year. They may be re-elected. The commission shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which records shall be open to the public. The commission shall meet as needed. All of its meetings shall be open to the public. For the purpose of taking any official action authorized or required by this article, there shall be present a quorum of ~~three~~ four (3 4) members.

**16-3.6.3 Responsibilities and Duties**

(A) It shall be the responsibility and duty of the public land, appearance, and recreation board ~~community-appearance-advisory commission~~:

(1) To initiate, promote and assist in the implementation of general community beautification in the town and its environs.

(2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities, and programs bear upon the appearance of the town and its environs.

(3) To provide leadership and guidance in matters of area community design and appearance to individuals and to public and private organizations and agencies.

(4) To make studies of the appearance characteristics and problems of the town and its environs, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the town, any portion or neighborhood thereof, or any project to be undertaken.

(5) To prepare both general and specific plans for the improved appearance of the town.

(6) To make recommendations upon any permit or other item referred to the commission by the board of commissioners, planning board, board of adjustment, or administrator.

(7) To take any other action authorized by this chapter or any other ordinance or resolution adopted by the board of commissioners.

(8) To review proposed amendments and improvements to town parks, facilities, properties, public ways, and rights-of-ways, and to provide recommendations to the Board of Commissioners related to the proposals. The board shall maintain a process to review and forward recommendations to the Board of Commissioners when review is requested by the Board of Commissioners. All requests shall be reviewed by the board in a prompt and expeditious manner and recommendations shall be in writing and forwarded to the Board of Commissioners.

(9) To review the requests of individuals, agencies, or organizations, public and private, whose plans, activities, programs, and funding bear upon the appearance of the Town. The board shall maintain an application process for these requests and forward in writing the recommendations to the Board of Commissioners.

(10) To review proposed public art and murals, and to provide recommendations related to the proposals. The board shall maintain a permit application and process to review and forward recommendations to the Board of Commissioners for approval or denial of the application. All applications shall be reviewed by the board in a prompt and expeditious manner and recommendations shall be in writing and forwarded to the Board of Commissioners.

(11) To take any other action authorized by this chapter or any other ordinance or resolution adopted by the board of commissioners.

(12) To serve as the Tree Board in conjunction with the Blowing Rock Landscaping Department to include the short- and long-range management of trees within public street rights-of-way, Town-owned property, and other public property in the Town.



(B) The following specific duties are hereby conferred upon the public land, appearance, and recreation board ~~appearance advisory commission~~:

(1) To ask the proper officials of any public agencies of the state and its political subdivisions for plans for public buildings, facilities or projects to be located within the town.

(2) To review such plans as well as permit applications referred to the commission and make recommendations regarding appearance suitability to the appropriate agency or to the planning board, board of adjustment or board of commissioners. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies shall be transmitted promptly to the appropriate town board and to the appropriate agency.

(3) To direct the attention of officials to the needed enforcement of any ordinance that may in any way affect the appearance of the town.

(4) To make recommendations related to the use of recreational facilities and public lands.

~~(4)~~(5) To seek voluntary adherence to the standards and policies of its plans.

~~(5)~~(6) To enter upon private land for the purpose of making examinations or surveys, with the consent and permission of the person in possession of such property.

~~(6)~~(7) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved municipal appearance.

~~(7)~~(8) To formulate and recommend to the town planning board and board of commissioners the adoption or amendment of ordinances regulating the use of property that will, in the opinion of the commission, serve to enhance the appearance of the town and its surrounding area.

~~(8)~~(9) To act as the Tree Board and coordinate efforts with the Town Landscape Department to satisfy requirements of maintaining and expanding the Town's status as a Tree City, USA member.

~~(9)~~(10) To be the lead civic organization coordinating and the chief sponsor of the annual Town Clean-up Week.



**16.3-6.4 Annual Report and Budget.**

(A) In conjunction with the submission of the budget request, the commission shall submit to the board of commissioners a progress report of its activities during the present fiscal year. A report of the entire fiscal year, July through June, shall be submitted to the board of commissioners no later than thirty days after the close of the fiscal year.

(B) The commission may present requests to the board of commissioners no later than April 1 of each year for the purpose of incorporating in the budget future recreation, beautification, preservation, restoration and landscaping projects to include establishment, maintenance and replacement of gardens. Anticipated revenues for the next fiscal year from non-city sources shall be indicated. The requests will be reviewed and, if approved, recommended for inclusion in the proposed budget.

**16.3-6.5 Receipt and Expenditure of Funds.** The commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government or any other source, in addition to any sums appropriated for its use by the board of commissioners. It may accept and disburse these funds for any purpose within the scope of its authority as specified in this article. All sums appropriated by the board of commissioners to further the work and purposes of the commission are deemed to be for a public purpose.

Section 2. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2023

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

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

**Blowing Rock Town Council**

**STAFF REPORT**

**To:** Mayor Charlie Sellers and Blowing Rock Town Council  
**From:** Brian Johnson, Acting Planning Director  
**Subject:** Amortization of Trash Enclosure Areas  
**Date:** November 14, 2023

Attached is proposed draft ordinance language to amortize trash enclosure areas that are not compliant with Land Use Ordinance Sections 16-21.15 and 16-15.15. The purpose of the proposal is to get existing trash receptacles, dumpsters, and rollouts in compliance and clean up the appearance of the areas. Staff conducted a survey of all Commercial, Multi-Family, and Central Business districts and found that 75% +/- were in compliance and 25% +/- non-compliant. 100 +/- dumpsters were surveyed.

At the October 19, 2023 meeting, the Planning Board recommended approval of the ordinance amendment.

**ORDINANCE NO. 2023-18****AN ORDINANCE TO AMORTIZE NON-CONFORMING TRASH ENCLOSURE AREAS IN THE TOWN OF BLOWING ROCK, NORTH CAROLINA**

WHEREAS, trash enclosure areas located on commercial and multi-family properties serve to protect and confine dumpsters and trash receptacles for the health, safety, and appearance of Blowing Rock property owners and residents; and

WHEREAS, trash enclosure areas on multiple commercial and multi-family properties in the town's planning jurisdiction are not in compliance with the current Land Use Ordinance; and

WHEREAS, an amendment to the Land Use Ordinance is needed to provide an amortization time frame for compliance of such areas; and

WHEREAS, the Planning Board and Board of Commissioners agree that this ordinance amendment is consistent with the 2014 Comprehensive Plan Update, and helps to promote the health, safety, and general welfare of the citizens of the Town of Blowing Rock.

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

Section 1. Section 16-21.24 of the Land Use Code of the Town of Blowing Rock is hereby added to read as set forth herein.

**"Section 16-21.24 Amortization of Trash Containment Areas**

**16-21.24.1. All properties subject to the requirements of Section 16-21.15 and 16-15.15 under the Town Code of Ordinances with no enclosure or screening for the trash containment area or do not meet the standards set forth in Section 16-21.15 and 16-15.15, or that is nonconforming in some other way related to screening, fence height, gate functions, or dimensional standard shall, by November 1, 2024 comply with the provisions of this Article.**

**16-21.24.2. If the nonconformity consists of a trash receptacle, dumpster, or rollouts that currently does not have an enclosure must provide such according to specifications established by the Public Works Director. The person responsible for the violation is required to bring the property or development into conformity with the provisions of these Articles.**

Section 2. **Severability; Conflict of Laws.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions



of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be effective upon being signed by the Mayor and Town Clerk.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN OF BLOWING ROCK

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

ATTEST:

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