

**MINUTES  
Town of Blowing Rock  
Board of Commissioners  
Regular Meeting-May 10, 2011**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, May 10, 2011 at 5:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phil Pickett, Tommy Klutz, Doug Matheson, and Jim Steele. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Building Inspector Jessie Horner, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Police Chief Eric Brown, Parks & Recreation Director Jennifer Brown, EMS Director Kent Graham and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed those present.

**APPROVAL OF MINUTES**

Commissioner Steele made a motion to approve the minutes for the April 11, 2011 meeting, seconded by Commissioner Klutz. Unanimously approved.

**PUBLIC HEARINGS**

**1. Conditional Zoning (Ordinance #2011-04)**

Planning Director Kevin Rothrock presented a draft ordinance to establish a conditional zoning process in the Town Land Use Code. Conditional zoning was originally considered during the review of the Land Use Code updates by consultant Michael Egan. Mr. Rothrock commented that Town Staff had carefully studied the conditional zoning process and considered it to be a valuable tool for the developmental review process.

Mr. Rothrock further explained that conditional zoning is a voluntary process in which the applicant submits an application for rezoning. The property could be rezoned to a specified use with all details and conditions of the development approval tied to rezoning. Unlike a standard rezoning that opens up all the permissible uses of the zoning district for the rezoned property, conditional zoning limits permissible uses to a single use or a list of selected uses typically allowed in the underlying zoning district.

Also unique to conditional zoning is that the final decision is legislative, avoiding the strict rules of the quasi-judicial process common to a conditional use permit. As proposed, the conditional zoning process would not replace the CUP process but would

be an alternative to that means of project approval. The conditional zoning process would open up dialogue between the developer and the review boards (Planning Board and Town Council), and include neighboring property owners in the review process. A neighborhood informational meeting would be required prior to the Planning Board meeting putting the developer in direct contact with those affected by the project.

According to Mr. Rothrock, the conditional zoning process would provide more flexibility for project approval than the traditional quasi-judicial review and provide more opportunity for quality development that meets the desires of the community and be consistent with the Comprehensive Plan. The conditional zoning process would also run with the deed to the property the same as a conditional use permit and any amendments would have to receive approval from the governing board.

Mr. Rothrock reviewed the following list of advantages and disadvantages to the conditional zoning process:

### **Advantages**

1. Legislative process avoids quasi-judicial rules and formality.
2. Conditions can be attached and potential uses limited to rezoning request unlike traditional rezoning.
3. Open dialogue between applicant and governing body or advisory board. Ex. Pate communication allowed.
4. Denial or approval is simple majority vote of governing body.
5. Neighborhood meeting identifies concerns early on in the process rather than at public hearing.
6. Applicant can propose conditions, and neighbors, Planning Board and Council can recommend additional conditions for approval.
7. May allow deviations from zoning standards if specified in the Land Use Code.
8. No findings of fact required.
9. As opposed to traditional rezoning, the approval dictates what will be built.

### **Disadvantages**

1. Potential for “back room deals” when open communication is not kept in check.
2. Potential for spot zoning – coordination necessary with adopted plans.
3. Local government or neighbors may ask for too many conditions that may not be “fair and reasonable”.

Commissioner Klutz stated in his opinion, the current zoning process was adequate and he was not in favor of this change. He also felt the disadvantages outweighed the advantages and until the potential for “back room deals” was worked out, he would not support the conditional zoning process.

Mayor Lawrence asked if conditional zoning had been in effect during a prior meeting, would it have applied to the dress shop in the Robbins House on Park Avenue request.

Mr. Rothrock advised this was a good example where the conditional zoning process would have added more flexibility for the proposed project. He further explained; in that particular situation, neighbors were not concerned about a dress shop going into the building, but the change in zoning which could allow a restaurant or some other business that would be disruptive to their neighborhood. With the conditional zoning process, a dress shop could have received approval.

Mr. Rothrock also stated with a conditional use permit, neighbors within 150 feet of the proposed project would be notified and with the conditional zoning process it is recommended that neighboring property owners within 400 feet be notified of the required neighborhood informational meeting. He also reiterated the fact that Town Council had the power to deny any of the conditional zoning requests if they chose to.

Town Attorney Moseley stated the biggest disadvantage he could see, would be the potential for unreasonable conditions that neighboring property owners could request that might not be fair to the applicant. He thought the conditional zoning process may not work for everyone, but would provide another option for applicants.

At this time, Town Manager Hildebran suggested that Council hold a work session with consultant Michael Egan to review the matter more thoroughly.

Commissioner Steele asked Mr. Rothrock to review several areas of the draft ordinance and possibly make some wording changes.

Commissioner Yount voiced his concerns with the potential of "back room deals".

Mayor Lawrence called for public comments from the audience. Mr. Jeff Eason asked if the conditional zoning process would give more flexibility for new businesses coming to the area. Mr. Rothrock stated that it would.

Commissioner Yount commented that he was willing to further discuss the conditional zoning process and that he would like a list of other towns comparable to Blowing Rock that had approved conditional zoning.

Commissioner Yount made a motion to close the public hearing, seconded by Commissioner Pickett. Unanimously approved.

Commissioner Klutz made a motion to deny Conditional Zoning Ordinance #2011-04. Commissioner Yount seconded the motion for discussion purposes. Commissioner Steele mentioned that he liked the added flexibility that conditional zoning would allow because the Town's needs may change, especially when the Hwy 321 widening process is completed. Commissioner Pickett mentioned that he too was a proponent of conditional zoning. Commissioner Matheson commented that he liked the overall concept, but would like to discuss the matter further.

Mayor Lawrence called for a vote on Commissioner Klutz's motion for denial of Ordinance #2011-04. In favor: Klutz, Against: Yount, Pickett, Matheson & Steele. Motion denied.

Commissioner Pickett made a motion to hold a work session to further review conditional zoning, seconded by Commissioner Yount. In favor: Pickett, Yount, Matheson & Steele, Against: Klutz. Motion carried.

## **NEW BUSINESS**

### **1. U.S. Census Resolution (Res. #2011-05)**

Planning Director Rothrock advised the 2010 U.S. Census revealed that Blowing Rock's population had decreased by 177 residents in the past ten years from 1,418 to 1,241. He mentioned that town staff strongly believed that the population had not decreased by 12% but had grown at a similar rate as the rest of Watauga County and other surrounding areas. He also advised that staff had received reports that several citizens had not received census materials nor were visited by census workers.

Mr. Rothrock stated that the majority of Blowing Rock residents received their mail through a post office box and the U.S. Census did not mail packets to post office boxes. He also stated the Watauga County voter registry listed 1,252 registered Blowing Rock voters in Watauga County and 44 registered voters in Caldwell County for a total of 1,296. This number did not reflect children living in town as well as people who were not registered to vote. He also mentioned the 2010 Census reported an increase in dwelling units.

Mr. Rothrock reported the Town was seeking U.S. Census appeal assistance through Rep. Virginia Foxx's office and establishing a resolution was the first step in the appeal process.

Commissioner Pickett made a motion to approve the U.S. Census Resolution #2011-05 as presented. Commissioner Klutz seconded the motion. Unanimously approved. **U.S. Census Resolution #2011-05 – Exhibit A**

### **2. Budget Amendment (Ordinance #2011-05)**

Town Manager Hildebran presented Budget Amendment Ordinance #2011-05 for fiscal year 2010-2011 to Council for their consideration. He briefly detailed the following sections of the budget affected by the amendment:

Section 1 (General Fund) this section allocates loan funds escrowed with BB&T Bank for the purchase of fiscal year 2010-2011 capital equipment.

Section 2 (Water/Sewer Fund) is to allocate funds received from Blowing Rock Fire & Rescue for fire hydrants to the Interconnection Reserve (Fire Hydrants) and transfer budgeted amounts for water tank and clearwell maintenance/cleaning to the General Fund per auditors.

Section 3 (Water/Sewer Capital Projects Fund) is to complete the transfer of budgeted amounts for water tank & clearwell maintenance/cleaning to the General Fund per auditors.

Commissioner Klutz asked why there was a budget amendment for the water tank and clearwell maintenance items. Mr. Hildebran explained the monies were placed in the town's reserve fund to be used for these two capital items and this process was per the Town auditors.

With no further comments, Commissioner Klutz made a motion seconded by Commissioner Pickett to approve Ordinance #2011-05 as presented. Unanimously approved. **Budget Amendment Ordinance #2011-05 – Exhibit B**

### **3. Capital Project (Ordinance #2011-06)**

Town Manager Hildebran presented a Project Ordinance for fiscal year 2010-2011 to Council for approval. He stated the ordinance allocated funds toward Phase II of the Downtown Streetscape Project. Mr. Hildebran advised that NCDOT cost participation was \$31,500 and the total cost of this phase was \$70,000. He mentioned the anticipated completion of Phase II would be in 45-60 days.

Commissioner Pickett made a motion for approval of Ordinance #2011-06 as written. The motion was seconded by Commissioner Yount. Unanimously approved. **Capital Project (Ordinance #2011-06) – Exhibit C**

### **SPEAKERS FROM THE FLOOR**

None

### **DEPARTMENTAL REPORTS**

Mr. Hildebran presented Council with the FY 2011-12 Budget pursuant to Section 159-11 of the N.C. General Statutes.

The FY 2011-12 Recommended Budget totals \$6,311,550 for all Town operations, capital improvements, and debt service requirements; a decrease of \$85,420 compared to last year's adopted budget of \$6,396,970.

Mr. Hildebran advised the recommended budget maintained the current property tax rate of \$0.028 per \$100 of the valuation for the sixth straight year. He also mentioned the budget proposed a change to water/sewer fees, with an increase of \$1.00 per month in both water and sewer fees and a reduction in the water interconnection fee of \$2.00 per month, which would result in no net change.

Mr. Hildebran also advised a public hearing would be held on the proposed budget at 5:00 p.m. on Tuesday, June 14, 2011. Work sessions to review the budget were

scheduled at 4:00 p.m. on Monday, May 16, Tuesday, May 17, and if needed, at 4:00 p.m. on Thursday, May 26, 2011 at Town Hall. Mr. Hildebran thanked town staff for their hard work on the proposed budget.

After extending birthday wishes to Commissioner Klutz and reminding everyone of the Town Clean-Up Week to be held the week of May 16, he welcomed Planning Intern Christina Walsh.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 5:55 p.m.

**MAYOR** \_\_\_\_\_  
**J.B. Lawrence**

**ATTEST** \_\_\_\_\_  
**Sharon Greene, Town Clerk**

**ATTACHMENTS** (May 10, 2011)  
**U.S. Census Resolution (Res. #2011-05) – Exhibit A**  
**Budget Amendment (Ordinance #2011-05) – Exhibit B**  
**Capital Project (Ordinance #2011-06) – Exhibit C**