

Minutes

Town of Blowing Rock

Board of Commissioners

July 12, 2005

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, July 12, 2005. Those present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman and David Wray. Others present were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Doug Chapman of McGill Associates, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Building Inspector John Warren, Police Chief Owen Tolbert, Parks & Recreation Director Jennifer Gore, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed assembled citizens.

APPROVAL OF MINUTES

Commissioner Lentz made a motion to approve minutes for meetings held June 14th and 29th, 2005 as presented, seconded by Commissioner Tester. Motion approved.

PUBLIC HEARINGS

- 1. Ord. #2005-06- Ordinance to Establish Northeast Extraterritorial Jurisdiction**

A proposal to extend the Town of Blowing Rock extraterritorial jurisdiction one (1) mile beyond the Town's corporate limits was presented by Planning Director Kevin Rothrock. Included in the proposed ETJ were Possum Hollow Road, Gorforth Road, Wonderland Drive and Green Hill Road. The boundary would also include Rocky Glen Subdivision, Sunrise Cove, Tipton Lane and the Blowing Rock Assembly Grounds.

The establishment of an ETJ area is a two-step process. An ordinance defining the ETJ boundary must be adopted, and an ordinance must also be adopted that specifies the zoning designations of each lot in the new ETJ area.

The Town of Blowing Rock Planning and Zoning Board held several meetings to discuss the proposed ETJ area boundary and zoning classifications. A subcommittee was formed to further study the proposed ETJ area. Public meetings were held on May 2nd and May 9th, 2005 encouraging public comments and concerns.

One hundred and forty-eight properties would be affected by the proposed ETJ. Some of the properties along Green Hill Road and Blackberry Gorge are already partially within the town limits. All property owners were notified four (4) weeks prior to the public hearing.

Following Mr. Rothrock's presentation, Mayor Lawrence called for public comments.

Wayne Green was first to speak regarding the proposed ETJ. Mr. Green expressed his view regarding citizens within the ETJ district being allowed to vote in town elections. He stated the N.C. General Statutes did not prohibit ETJ citizens from voting. He felt it was unfair that citizens affected by the ETJ district did not have the ability to vote. He stated that previously he had asked Council to present to the N.C. House of Representatives

a resolution allowing residents within the ETJ district to vote. He stated at that time Council chose not to do so. He asked that Council postpone the establishment of an ETJ district until the County Board of Elections could conclude that ETJ district residents could vote in municipal elections.

Mr. James Craig, a resident of Wonderland Drive, stated he did not understand why the meeting time was changed from 7:00 p.m. to 6:00 p.m. He felt this was unfair and residents should have been aware of the change. He felt some residents would not be able to attend because of the time change. Mayor Lawrence informed Mr. Craig that the time was set at the last Town Council meeting and the time change had nothing to do with ETJ or zoning.

Mr. Craig also questioned why the proposal did not extend the full mile and across the Blue Ridge Parkway. Commissioner Wiseman stated she felt this was due to lack of access on the Parkway.

Mrs. Martina Ford, a resident of Green Hill Road, spoke of her dissatisfaction with the ETJ proposal. She felt the ETJ would put too many restrictions on her property. Mrs. Ford spoke of the proposed setbacks. She stated she was under the impression the setbacks were to be 25-foot street and 12-foot side/rear now the proposal was for 25-foot street and 8-foot side/rear. She questioned why this change had occurred. She stated that she had attended the meetings and she understood the proposed zoning setbacks were to be 25-foot street and 12-foot side/rear not 25-foot/8-foot. Commissioner Lentz stated these were just recommendations that Council had not yet voted on. Planning Director Rothrock stated this recommendation was made during the last Planning Board meeting. Mrs. Ford stated that residents had not been informed of the recommended change. Commissioner Ball advised the Planning Board meetings were held at the same time each month and were open

to the public. Mrs. Ford also said she felt more information should be given to residents affected by the ETJ. She requested that Council postpone their decision for at least another month for further study on the matter.

Another concern of Mrs. Ford's was, if the ETJ district was established, would annexation come later for these properties. Mayor Lawrence stated most of the area would not meet the density requirements for annexation. Planning Director Kevin Rothrock also stated the town had no plans for annexation. Several other members of Council assured Mrs. Ford the proposal had nothing to do with annexation. Their concerns were preserving the beauty of the area around the perimeters of the town. Mrs. Ford felt Council was trying to control what she could do with her property. Commissioner Wray advised that Council's main objective was to protect property owners, not put restraints on them.

Wayne Green spoke again regarding annexation. He felt this was a viable concern for residents. He also felt everyone had not received notification of the meetings. He stated he checked the town's website daily and unless residents did the same they might not have seen any notification on the website.

Charles Wright, of 276 Rocky Glen Lane, stated he did not receive any notices regarding meetings and workshops being held. Commissioner Wiseman asked Mr. Rothrock if the requirements for notification were followed properly. Mr. Rothrock stated, to the best of his knowledge, proper procedures for sending out notification was followed. He stated that property owners (as listed with the Watauga County Tax Office) within the proposed ETJ were sent boundary ordinances by mail, as well as being notified by newspaper and by the town's website.

Sunrise Cove property owner Sue Glenn spoke in favor of the ETJ. She stated that initially she was not happy about the proposed zoning, but she felt that establishing the ETJ was a good idea.

Council discussed holding a drop-in information session for residents within the ETJ proposed district and citizens of Blowing Rock. They asked Planning Director Rothrock to put together a workshop to let residents know why the ETJ is being considered and what residents can be protected from by establishing the ETJ.

A motion was made by Commissioner Wiseman, seconded by Commissioner Ball to close the public hearing at 6:50 p.m. Motion approved.

Commissioner Wray made an additional motion to postpone the ETJ proposal until the Planning Board and town staff could hold informational sessions for residents. Commissioner Wiseman seconded the motion, with all members being in favor.

Mayor Lawrence called for further discussion on the matter.

Commissioner Wray stated he felt that ETJ was very important but he also valued the resident's opinions. He felt another workshop should be held to give residents more information as to why establishing an ETJ is so important.

Commissioner Tester stated that ETJ had been discussed previously and that Council's objective was to protect the integrity of the village and extending zoning one mile beyond the boundaries of Blowing Rock would do so. He also stated he would feel more comfortable with the ETJ proposal if he heard from citizens of Blowing Rock

stating they realized the potential damage that could be done to the Town of Blowing Rock without having an ETJ in these areas.

Sue Glenn stated she was receiving input from various people wanting the ETJ but there needed to be more information and that some residents did not understand the town's zoning process. Ms. Glenn also stated that some residents felt that annexation would follow after the ETJ was established.

Mr. Rothrock advised that the various citizen concerns stated at this public hearing had been discussed at previous meetings and workshops held by the town.

Commissioner Tester stated he felt it was in the best interest for everyone to understand the process and how it is regulated. He wanted citizens to be aware of the advantages of the ETJ.

Commissioner Wray stated even though the Town had followed the "letter of the law," he wanted affected residents to be informed and to understand what can happen without an ETJ and how important it can be for them.

Commissioner Ball stated she would like staff to make available a packet of basic information regarding this matter. Commissioner Tester stated he wanted specific information about Blowing Rock included in the packets.

After further discussion, Council directed Planning Director Rothrock to schedule an additional information session for the residents to meet with Planning Board members and town staff for the purpose of gathering more information regarding the establishment of the proposed ETJ.

1. Ord. #2005-07 Ordinance to Establish Northeast ETJ Zoning Districts

A motion was made by Commissioner Tester to table the public hearing to establish northeast ETJ zoning districts due to the postponement of the proposed ordinance to establish the northeast extraterritorial jurisdiction until the August meeting. The motion received a second from Commissioner Ball, with all members being in favor.

2. Ord. #2005-08 – Ordinance to Establish Building Setbacks in the R-A Zoning

District

A proposal to establish an ordinance to provide street and lot boundary setbacks for the R-A (Residential-Agricultural) zoning district was presented by Planning Director Kevin Rothrock. He stated that while working on the ETJ Northeast area it was discovered that no R-A zoning had ever been designated with the Town's jurisdiction. He also found that when the standards for R-A zoning were written into the code in March 2000, no building setbacks were established. A recommendation was made by the Planning Board to adopt a street setback of 25 feet and a side/rear setback of 12 feet in the R-A zoning district.

Commissioner Tester questioned the logic behind the proposal of 25/12-foot setbacks. Planning Director Rothrock stated that a wide range of uses are allowed in the R-A district, and felt the 25-foot front setback and 12 ft. side and rear setback would be comparable to the types of uses expected in that district.

Mr. Wayne Green asked for clarification in the Town Code establishing where the Blue Ridge Parkway line was.

Also discussed was what constituted a road and what didn't. He felt the code was unclear on the definition of a road.

Commissioner Tester stated before they could approve this proposal, Mr. Rothrock needed to look at each property in question and identify roads and driveways. Mr. Tester felt this needed to be done before the information sessions began in order to be able to explain the impact it would have on property owners.

Wayne Green spoke on the noise and junk-car ordinances and who would be enforcing this in the ETJ area.

Commissioner Wiseman informed Mr. Green that the issues he was bringing up had been discussed at length in the past, and felt this did not pertain to the issues tonight.

A motion to close the public hearing was made by Commissioner Wiseman, seconded by Commissioner Ball. Motion approved.

Commissioner Tester made a motion to approve Ordinance #2005-08 as presented with the addition that a note be added, specifically stating for purposes of defining setbacks in the R-A District, the Blue Ridge Parkway line be considered a property line. Commissioner Ball seconded the motion, with all members in favor.

[Ord. # 2005-08 Attached as Exhibit A](#)

Mayor Lawrence called for short break at this time.

In resuming the meeting Mayor Lawrence announced that the ETJ information session would be held on Tuesday, July 26, 2005. The first one being 3:00 p.m. to 5:00 p.m. and another 7:00 p.m. to 9:00 p.m.

OLD BUSINESS

1. Ord. #2005-02 – Single Family Projects in Central Business District

In June of 2005, Council discussed a recommendation by the Planning Board to require a conditional use permit for single-family homes in the Central Business District. The recommendation also would require single-family structures to meet the commercial design standards in the Land Use Code. It was decided at the March meeting that further work was needed on the draft ordinance to be done by the Planning Director and Town Attorney.

After further review by Planning Director Rothrock and Town Attorney Allen Moseley a revised draft Ord. #2005-02 was presented before Council for their consideration, of an amendment to require design guidelines compliance for the construction, relocation or alteration of any single-family structure in the Central Business District. Specifically, the draft ordinance requires a conditional use permit (CUP for additions and exterior renovations to single-family structures. The purpose of adopting this ordinance was to insure that the historic downtown area of Blowing Rock preserves its village character.

The new ordinance specifies the sections of the commercial design standards that apply to single-family homes such as design, exterior walls, color, rooflines and general landscaping. The Zoning Administrator would have the authority to approve, at staff level, minor modifications to a structure including color, windows, roof materials, doors, trim, and landscaping through a zoning permit process. Any changes beyond the scope of these minor items would have to be approved by the Planning Board and Town Council through a conditional use permit.

Commissioner Wiseman entertained a motion to approve Ord. #2005-02 as presented, seconded by Commissioner Ball. Motion approved.

[Ord. # 2005-02 Attached as Exhibit B](#)

NEW BUSINESS

1. Art in the Park – 2006 Dates

A motion was made to approve the 2006 Art in the Park dates by Commissioner Lentz, seconded by Commissioner Ball. Motion approved. The scheduled dates are, May 13, June 10, July 15, August 12, September 9, and October 7, 2006.

DEPARTMENTAL REPORTS

Town Manager Hildebran commended the Parks and Recreation Department for the exceptional job they did for the July 4th activities. Council also wished the Mayor good wishes on his upcoming knee surgery.

There being not further business to discuss, Mayor Lawrence adjourned the meeting at 7:55 p.m.

Mayor _____

J.B. Lawrence

Attest: _____

Sharon H. Greene Town Clerk