

MINUTES

Town of Blowing Rock

Board of Commissioners

May 8, 2007

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, May 8, 2007 at 7:00 p.m. in the Town Hall Council Chambers. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Police Chief Eric Brown, EMS Director Kent Graham, Parks & Recreation Director Jennifer Brown, Building Inspector Jesse Horner, and Town Clerk Sharon Greene.

Ribbon Cutting – Memorial Park Picnic Shelter

Mayor Lawrence invited everyone to join him and members of Council in Memorial Park for the ribbon cutting ceremony for the newly constructed picnic shelter. Mayor Lawrence thanked representatives of Blowing Rock Renovators General Contractor George Gilleland and Construction Supervisor Charlie Day for their donation of labor in the construction of the shelter. Mayor Lawrence also thanked the Winterfest Committee for their \$1,500.00 monetary donation towards the shelter.

Call to Order

Mayor Lawrence called the meeting to order at 7:00 p.m. and welcomed those in attendance.

Approval of Minutes

Upon a motion given by Commissioner Tester, the minutes for the April 10, 2007 meeting were approved as written, seconded by Commissioner Ball. Unanimously approved.

Presentation

Mayor Lawrence asked that Mr. Gilleland and Mr. Day of Blowing Rock Renovators step forward to receive a plaque thanking them for their generous donation of fine workmanship on the Memorial Park Picnic Shelter.

At this time, Mayor Lawrence stated the agenda order would be changed and Old Business would be conducted next.

Old Business

1. Resolution of Support – Zero Waste Initiatives – (Resolution #2007-07)

During the April meeting, Jasmine ShoShanna presented Council with an update on the Watauga County Zero Waste Project. At that time, Ms. ShoShanna requested that Council consider adopting a resolution supporting zero waste initiatives.

According to the GrassRoots Recycling Network, “Zero Waste is a design principle for the 21st Century that seeks to redesign the way resources and materials flow through society. Zero Waste requires eliminating subsidies for raw material extraction and waste disposal, and holding producers responsible for their products and packaging. The goal is to promote clean production, prevent pollution, and create communities in which all products are designed to be cycled safely back into the economy or environment.”

Town Manager Hildebran presented Council with Resolution #2007-07 in support of zero waste initiatives for their consideration. Ms. ShoShanna thanked Council for their quick response to her request and for supporting the Watauga County Zero Waste Project.

A motion was made by Commissioner Wiseman to adopt Resolution #2007-07, seconded by Commissioner Ball. Unanimously approved. **Resolution #2007-07 Attachment A**

Public Hearings

1. Code Amendment – Wind Mills (Ordinance #2006-11)

During the regular meeting in March 2007, Council approved an extension to the wind energy system moratorium until July 2007 to allow for additional study by the Planning Board. On March 19, 2007 the wind energy subcommittee met with Brent Summerville of the Western NC Renewable Energy Initiative. During the meeting, a draft ordinance was discussed on how it would be effective in regulating, but not prohibiting, wind energy systems.

Planning Director Rothrock presented Council with Draft Ordinance #2006-11 and reviewed the following highlights:

- Allow small wind energy systems generating not more than 20kW.
- Allowed by Conditional Use Permit in Residential-Agriculture (R-A) Zoning District only.
- System tower height (including turbine and blades not to exceed 100 feet above grade.
- Minimum setbacks from base of tower to property line of 200 feet. This would generally require a minimum *square* lot size of 3.67 acres (minimum size of a circular lot would be 2.9 acres) if the maximum tower height is permitted.
- An emergency turbine braking system.
- Only monopole towers approved.
- A map is provided indicating available existing lots based on the draft ordinance.

Commissioner Wiseman questioned how high the towers could be. Mr. Rothrock commented the towers could sit on concrete pads and depending on the design, the overall height would be measured from the ground elevation. Mayor Lawrence questioned if the power generated by a wind energy device would be limited to only one home. Mr. Rothrock stated there was no limit.

Commissioner Lentz had questions regarding the property located on Green Hill Road which was zoned Residential-Agriculture (R-A) and it's proximity to the Blue Ridge Parkway. Commissioner Lentz had concerns on how these devices would affect the view from the Parkway. Commissioner Ball inquired if anyone had discussed this issue with the Blue Ridge Parkway or if a copy of the proposed ordinance had been forwarded to the Park Service. Mr. Rothrock stated that no one had directly discussed this with them, but they would have opportunity to comment if an application was made. He also stated the wording in the draft ordinance was similar to the ordinance already adopted by Watauga County regarding the Parkway.

Commissioner Tester felt that item #6 of the draft ordinance should be omitted regarding the FAA Regulations because it would not be applicable to the area. Mr. Rothrock stated this was the exact language that was used regarding cell towers.

Mayor Lawrence asked if anyone else had comments regarding this issue. Blowing Rock resident Ginny Stevens questioned if the area on Green Hill Road adjacent to the Parkway was the only place wind energy devices would be allowed. Mr. Rothrock expressed at the present time this was the only area zoned R-A., and the ordinance limited the locations to R.A. zoning.

Mr Rothrock also mentioned that Council had received a letter from Mr. Richard Turk in opposition of wind energy devices.

With no further comments, a motion was given by Commissioner Lentz, seconded by Commissioner Wiseman, to close the public hearing.

A motion to deny Ordinance #2006-11 was made by Commissioner Lentz, seconded by Commissioner Wiseman. Commissioner Wiseman stated the climate, aesthetics, and people were the main reasons others came to Blowing Rock and wind energy devices should not be allowed especially since the Town had been so tough on cell towers. She also maintained she was strongly opposed to allowing wind mills in town. Commissioner Lentz mentioned that Blowing Rock was fighting to save the trees in the gorge and wind energy devices should not be allowed on the mountaintops. He felt the sight pollution would far outweigh the amount of energy that would be produced.

Commissioner Tester commented even if the ordinance was passed, any site allowing wind mills would be within one mile of the Blue Ridge Parkway and he did not think the Parkway would think favorably of having wind mills along the ridge tops near the Parkway. With no further discussion, the motion to deny ordinance #2006-11 and bring back an ordinance prohibiting windmills during the June meeting was unanimously approved.

2. Gideon Ridge Area Annexation – Public Hearing

Planning Director Rothrock stated the purpose of the public hearing was to receive comments regarding the proposed annexation of two areas in Gideon Ridge. Previously during the February 13, 2007 meeting, Council adopted the Resolution of Intent and Service Report for the Gideon Ridge Area. After explanation of the report, Mr. Rothrock stated the public would be given an opportunity to speak regarding the annexation.

After Council initiated procedures for the possible annexation of the two areas outside the southeast corner of the Town limits through the adoption of the Resolution of Intent, Council also adopted the Service Report for the Gideon Ridge Area. The report described plans for extending and financing municipal services such as police, fire, street maintenance, sanitation, water, sewer and other major services to each of the areas if annexed.

Mr. Rothrock informed everyone the Town had completed the following procedures regarding the annexation process:

- Notification was mailed to property owners on February 20, 2007, in accordance with state statute.
- Notification for the public informational meeting and public hearing was published in the *The Blowing Rocket* on March 22 and March 29, 2007.
- A public information meeting on each area was held on April 5, 2007.
- The public hearing on each area was scheduled for May 8, 2007.
- Following the public hearings, Council would be able to consider ordinances annexing these two areas on June 12, 2007. This would permit Council to annex these areas effective June 30, 2008.

The following North Carolina State Law (General Statute 160A-48) established standards that each area must meet in order for the area to qualify for Town-initiated annexation are as follows:

1. Both annexation areas are contiguous with the Town's corporate limits.
2. Over one-eighth (12.5%) of the total boundary of each area coincides with the existing town limits.
3. Neither area is within the boundaries of an incorporated municipality.
4. The proposed town limit boundaries resulting from this annexation utilize property lines and/or streets
5. The areas are developed for urban purposes. Area I is entirely commercial and Area II is at least 66.7% (60% required) developed for urban purposes (commercial and residential).
6. Neither area is within an existing water or sewer district.

Mr. Rothrock stated that each annexation met the statutory requirements for a Town-initiated annexation. He also advised that according to General Statutes referenced above, the Town must either:

1. Adopt a resolution identifying an area, or areas, as being under consideration for annexation at least one year before a "Resolution of Intent" is adopted; **or**
2. If a Resolution of Consideration is not adopted one year in advance, then the annexation ordinance must go into effect between 1 year and 400 days after the ordinance is adopted.

Mr. Rothrock explained that a Resolution of Consideration was adopted by the Town on August 8, 2006 which was less than one year before the Resolution of Intent was adopted. Therefore, the effective date of the annexation ordinance is June 30, 2008.

He also said General Statute states with each annexation area the following procedures must take place:

- A Resolution of Intent must be adopted between 45 and 55 days before a public informational meeting and 60 and 90 days before a public hearing.
- A Report with plans for providing police and fire protection, solid waste collection, street maintenance, and water and sewer services in the annexation area must be approved and made available to the public at least 30 days before the public informational meeting.
- Notices of the public hearing must be mailed at least four weeks before the public information meetings to owners of properties within the area to be annexed as shown in the property tax records.
- The annexation ordinance can be adopted not less than 10 and not more than 90 days after the hearing.
- The annexation can be effective not less than 70 and not more than 400 days after the ordinance is adopted.

Town Manager Hildebran asked Mr. Rothrock to discuss the town services listed on page 8 through page 12 of the Annexation Report. Mr. Rothrock stated that police protection was currently provided to Areas 1 & 2, as well as fire protection. He stated that Caldwell EMS was the primary ambulance provider, but the Blowing Rock Rescue Squad responds initially in the tiered response system and serves in standby capacity for ambulance services to these areas. In reference to street maintenance, Mr. Rothrock advised that the Town provides maintenance of streets in the municipal system (i.e. public, non-state system) with Powell Bill funds and general revenues and as a general rule.

Mr. Rothrock also advised on the effective date of annexation, the town would extend street maintenance services to the areas to be annexed on the same basis and in the same manner as services are provided in the remainder of town limits. Mr. Rothrock clarified that street maintenance would be provided for Gideon Ridge Road but not Gideon Ridge Lane due to its narrow conditions.

Solid waste collection was also addressed, with Mr. Rothrock stating Caldwell County residents currently pay a \$15.00 solid waste fee each year to dispose of garbage in Caldwell convenience sites. If annexed, the property owners in Area 2 would continue to pay this fee as other Town of Blowing Rock/Caldwell County residents. However, on the effective date of annexation, the town would extend solid waste collection services to the area to be annexed on substantially the same basis and in the same manner as it is provided to other areas.

Mr. Rothrock maintained Area 1 & 2 were currently served by the municipal water system of the town. He stated that sufficient water pressure exists to serve the needs of the annexation areas, but upgrades in lines should be expected within two years of the annexation to provide increased pressure for fire protection. He advised that after annexation water customers paying the out-of-town rates would then pay the same rates as in-town customers.

According to Mr. Rothrock, the proposed areas currently did not have access to the municipal sewer system and a private sewer system serves most houses on Gideon Ridge Lane. The system was being evaluated by the town engineer to see if it could serve as pressure sewer and other homes in Area 2 could be served by a gravity line extension. Extension of town sewer to both areas would be evaluated and placed in the water sewer CIP.

Mr. Rothrock gave further information regarding revenue from Local Government Sales and Use Tax, gasoline tax, property taxes and water revenues. A summary was given comparing total annual costs and total annual revenues, which would net the Town approximately \$7,325.10 per year.

Mayor Lawrence opened the floor for comments and questions from the audience. Ms. Jan Elder stockholder in The Blowing Rock visitor attraction approached Council with questions regarding the proposed annexation. Ms. Elder advised that due to the recent administrative changes at The Blowing Rock, she needed more information since their business was part of the annexation. She inquired if the street and parking lot would be maintained by the town. Town Manager Hildebran affirmed the parking lot was already located within the town limits, however, the town did not currently maintain the lot but the town would continue to maintain the street. Ms. Elder had other questions regarding water rates, solid waste collection, and taxes and advised she would follow up with staff.

With no further discussion, Commissioner Wiseman made a motion to close the public hearing for Area 1, seconded by Commissioner Ball. Unanimously approved.

Mayor Lawrence opened the public hearing for Area 2 and asked if there were any questions or comments. After receiving no comments, Commissioner Lentz made a motion to close the public hearing for Area 2, seconded by Commissioner Ball. Unanimously approved. No action needed.

Town Manager Hildebran advised that Mr. Rothrock would be available to answer questions regarding the proposed annexation for the next 30 days prior to consideration of the annexations by Town Council in June.

3. Riopel Single-Family Addition (CUP #2007-07)

Planning Director Rothrock presented a request to Council from Appalachian Building Services for a conditional use permit to construct a dining room addition to a single-family residence at 173 Maple Street extension. The subject property is zoned CB, Central Business and is within the primary fire district.

Mr. Rothrock stated the property met the 15-foot street setback and the 5-foot side setback.

Public Works Director acknowledged that previously the property had experienced run-off problems and inquired if anything would be done regarding this. A representative from Appalachian Building Services responded they were planning to re-grade the pitch of dirt around the foundation of the home to channel the water elsewhere.

Commissioner Lentz made a motion to close the public hearing, seconded by Commissioner Ball. Unanimously approved. Commissioner Lentz made another motion to approve CUP #2007-07 as presented, seconded by Commissioner Ball. Unanimously approved. **CUP #2007-07 Attachment B**

4. Tree and Landscape Ordinance Revisions (Rescheduled to June 12, 2007)

Speakers from the Floor

None

Departmental Reports

Town Manager Hildebran presented Council with the proposed budget for FY 2007-2008 and reminded them of the scheduled budget meetings to be held on May 21 and 22, 2007 at 4:00 p.m. at Town Hall. He also advised a public hearing would be held during the next regular Council meeting on June 12, 2007.

Mr. Hildebran expressed his condolences to Planning Director Kevin Rothrock on the recent loss of his father. He also stated that Finance Director Margaret Pierce was ill with a back injury.

According to Mr. Hildebran the proposed tax rate was set to remain at \$.028 per \$100.00 of the valuations. He also advised an increase in water and sewer rates was proposed in the amount of \$.075 for both water and sewer per month making the bi-monthly minimum charge of \$31.50 for water and \$31.50 for sewer. Mr. Hildebran stated a change in the method of calculating the fee structure for building permits and zoning fees would be discussed during the scheduled work sessions. He advised a copy of the proposed budget would be available at Town Hall the following day and would also be posted on the Town's website. **Proposed FY 2007 - 2008 Budget Attachment C**

Mr. Hildebran reminded Council of the Intergovernmental Retreat to be held at Chetola on May 24, 2007.

Improvements to Memorial Park were briefly discussed as Mr. Hildebran advised that part of the Parks & Recreation Master Plan included a Hardscape Plan for the area near the gazebo where grass would not grow. He requested Council's approval before the improvements were done. A motion was given by Commissioner Wiseman and seconded by Commissioner Ball to move forward with the Hardscape Plan. Unanimously approved.

Adjournment

With no further business to discuss, Mayor Lawrence adjourned the meeting at 8:00 p.m.

Mayor _____

J.B. Lawrence

Attest: _____

Sharon Greene, Town Clerk

Attachments

(A) Resolution #2007-07 Supporting Zero Waste Initiatives

(B) Riopel Single-Family CUP #2007-07

(C) Proposed FY 2007-2008 Budget