

**MINUTES**  
**Town of Blowing Rock**  
**Board of Commissioners**  
**Regular Meeting- May 14, 2013**

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, May 14, 2013 at 5:30 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, Dan Phillips, Tommy Klutz, Doug Matheson and Jim Steele. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Police Officer Aaron Miller, Finance Director Nicole Norman, Public Works Director Mike Wilcox, Parks & Recreation Director Jennifer Brown, Emergency Services Director Kent Graham, and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:30 p.m. and welcomed everyone.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Steele to approve the minutes for the April 9<sup>th</sup> meeting as written, seconded by Commissioner Klutz. Unanimously approved.

Commissioner Matheson asked to be excused from discussion on the following topic due to his wife being employed by Appalachian Regional Healthcare System (ARHS). In favor of Commissioner Matheson being excused from the public hearing were Yount, Phillips, and Steele. Against: Klutz. Commissioner Matheson was excused.

Mayor Lawrence asked anyone wishing to speak during the following public hearing to be sworn by the clerk.

**PUBLIC HEARINGS**

**1. CUP #2013-01 – Appalachian Place at Chestnut Ridge**

Planning Director Kevin Rothrock presented a request to Council from Appalachian Regional Healthcare System to construct a 112-bed post acute care/skilled nursing facility. In Phase I and II of the project, the applicant plans to construct an approximately 103,000 square foot facility to include a pharmacy and on-site clinic, parking, access road, and new bridge from Hwy 321 to the 68-acre site.

Planning Director Rothrock then reviewed site access for the proposed project. He stated a new bridge would be constructed over the Middle Fork New River with one lane entering the property and two lanes leaving.

Accommodations would also be made on Hwy. 321 to provide a south-bound left turn to enter the property and cross the bridge. NCDOT would construct the access road and

maintain it after completion. According to Mr. Rothrock, the road would remain open to serve the construction site and residents during Phase I of the project.

Mr. Rothrock also reviewed lighting, setbacks, building height, parking, etc. In reference to water and sewer availability fees, he stated the applicant had requested a transfer of water/sewer availability fees from the current hospital property to the proposed project. Based on the current number of beds and clinic space at the current hospital, the applicant would be credited with \$132,430 of availability fees.

Mr. Rothrock then spoke regarding the 2004 Comprehensive Plan policies that should be considered while reviewing the project. During the Planning Board's regular meeting held on March 21, 2013, recommendation for approval was made with the following five (5) conditions:

1. That a design for the access bridge aesthetics be submitted for review by staff before the Town Council public hearing.
2. That the fire access road surface be compatible with the building code and fire code.
3. That cut and fill be minimized for the site and access road.
4. That the parking area be modified to minimize cut and fill.
5. That access to the residential homes be maintained throughout construction.

Also, consistent with the Town Ordinance Section 16-4.10.3, no conditional use permit shall be approved by Council unless the following Findings of Fact are approved:

- a) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- b) The use or development complies with all required regulations and standards of the Land Use Ordinance or with variances thereto, if any, and with all other applicable regulations.
- c) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is located.
- d) The use or development will not substantially injure the value of adjoining or abutting property.
- e) The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Town of Blowing Rock Comprehensive Plan and any other duly adopted plans of the Town.

Commissioner Klutz had questions regarding the ground lighting for the project. Mr. Rothrock stated no ground lighting was proposed.

Commissioner Steele also asked, since a different type of lighting was proposed along Hwy. 321 than lighting used downtown, he was unclear as to which type would be used in the project. Mr. Rothrock explained the project lighting would be comparable to the coach lighting used downtown. He advised that subdivision standards would be followed as well. Commissioner Steele suggested the applicant be able to choose which lighting they felt would be appropriate. Planning Director Rothrock stated he would work with the applicant to install enough lights to provide lighting on the sidewalk side of the street.

Commissioner Phillips asked if anyone previously had been given a credit for water and sewer availability fees. Town Manager Hildebran stated not since he had been with the Town, but ARHC owned both tracts of land in this particular case.

Commissioner Yount asked for further clarification regarding the water/sewer availability fees. Planning Director Rothrock explained the availability fees were for the demand on the Town's system, infrastructure and maintenance costs, and the applicant was asking for a credit for availability fees already paid for the original hospital site.

Commissioner Klutz had questions regarding the stonework on the proposed bridge. He suggested the bridge have capped stone. He also wanted assurance that residents in the area would be able to access their property during construction. He asked that the contractor make sure the road was accessible at all times for residents. Planning Director Rothrock explained the road currently there would be widened and a new connection would be added once construction began.

Ms. Barbara Wright also had questions regarding the right-of-way to the property. Planning Director Rothrock stated additional right-of-way would be needed.

Mr. Marcus Terry, Architect for the project stated that he and several others were present to answer questions that Council might have. He stated that ARHS continued to work to accommodate any challenges regarding the road, residential access, lighting pollution, etc. after going before the Planning Board.

Mr. Terry gave further details by stating a pharmacy would be located inside the proposed building, the bridge stone would match the stone on the buildings and if retaining walls were to be added, the stone would also match that of the buildings.

Commissioner Phillips had questions regarding any needed zoning changes since the pharmacy was now proposed inside the hospital building; he had understood the pharmacy was to be a separate access building. Commissioner Phillips felt that he could not vote unless he knew what was planned for the 68-acre tract.

Mr. Herbie Haines stated the 2000 square foot proposed pharmacy would replace the existing pharmacy and currently the 10-acre tract in Phase I of the project was the only portion being discussed. Other components such as future retail, etc. would be brought back before Council at a later date.

Mr. Tim Ford also explained that the hospital currently had an on-sight pharmacy and ARHS felt a pharmacy would be a good component for the community if it could be utilized by the public.

After further explanation regarding the road to the project, Commissioner Klutz reiterated that he wanted the residents in the area to have access to their property at all times.

Commissioner Klutz had questions regarding the plans to have a doctor on site, etc. Mr. Ford explained they planned to have a clinic available, hopefully with extended hours, but an emergency facility was not planned and they were not sure which doctors would be located at the facility.

With no further questions, Mayor Lawrence called for a motion to close the public hearing. Commissioner Phillips made a motion to close the public hearing, seconded by Commissioner Klutz. Unanimously approved.

Commissioner Yount then made a motion to approve CUP #2013-01 Appalachian Place at Chestnut Ridge as presented. Commissioner Klutz seconded the motion. Commissioner Yount stated he felt this project was a “win/win” for the community and having a pharmacy would only be an enhancement because a pharmacy would bring in more tax money to the area. Town Manager Hildebran inquired if Commissioner Yount wished to include the five (5) Findings of Fact in his motion. Commissioner Yount concurred. Commissioner Phillips felt that he did not have adequate time to review the the CUP regarding the pharmacy and therefore would vote against the motion. In favor: Yount, Klutz, Steele. Against: Phillips Motion carried. **CUP #2013-01 Appalachian Place at Chestnut Ridge – Exhibit A**

Commissioner Matheson re-entered the meeting at this time.

Mayor Lawrence asked those wishing to speak during the next public hearing to be sworn by the clerk.

## **2. CUP #2013-02 Mellow Mushroom**

Planning Director Rothrock presented a request from Chuck Luddeke on behalf of Harvest Moon Enterprises, Inc (Mellow Mushroom) to convert the former Bob Timberlake Gallery to a Mellow Mushroom restaurant. Conversion of the building would include an addition of freezer and storage space in the existing parking spaces on the north side of the building and the addition of a covered patio for 24-outdoor seats on the Main Street side of the building.

Mr. Rothrock continued to explain a setback of eleven (11) feet would be maintained with the addition of the 288 square feet of storage space which met the standard criteria for the allowable setback encroachment.

Also, based on the use, the removal of two (2) existing parking spaces, with the proposed addition and outdoor dining, the applicant would be required to provide five (5) additional parking spaces for the restaurant. The applicant planned to utilize existing parking on the Coffey property adjacent to the Speckled Trout and Hartley Interiors. This property, managed by Vincent Properties would be leased to the applicant and would satisfy the parking requirements. If for some reason the spaces could not be maintained perpetually, the applicant must then secure other satellite parking or make a payment into the Town parking fund with 30 days to satisfy the ordinance requirements.

Mr. Rothrock further explained the storage addition would be constructed from heavy timbers and board and batten style siding. The covered patio would also utilize heavy beam construction and a shed roof.

Other requirements to be addressed were:

1. Current overhead utilities serving the building should be placed underground.
2. Garbage collection and recycling can be accomplished through roll-out style containers and screened in the alley behind the building.
3. The alley behind the building and the subject property must be combined to avoid setback encroachments.

According to Mr. Rothrock, during their April 18<sup>th</sup> meeting, the Planning Board recommended approval of the conditional use permit with the following conditions:

1. All bottle-recycling activity shall be completed in the morning.
2. Garbage collections shall not be conducted during early morning hours.
3. Garbage/recycling container areas shall be screened from view of the street.

Mr. Rothrock then reviewed the five (5) Findings of Fact.

Commissioner Steele asked if the alley-way area had been measured to assure that there was adequate room to add another condenser and additional 120-gallon propane tanks, etc. Mr. Rothrock responded that he had measured the area and there would be adequate room.

Commissioner Yount stated he had some concerns regarding the early morning delivery truck disturbing others in the area.

Commissioner Matheson voiced his concerns with potential noise from the dumping of recyclables. Mayor Lawrence stated according to the Town ordinance, all glass items were to be dumped between the hours of 9:00 a.m. to 7:00 p.m.

Commissioner Yount asked if the applicant fully understood Item # 7 in the CUP pertaining to parking requirements. Mr. Luddeke stated he understood should the satellite parking at the Coffey property be discontinued for any reason, he would either need to secure satellite parking elsewhere or pay into the Town's parking fund.

With no further questions, Commissioner Matheson made a motion to close the public hearing, seconded by Commissioner Klutz. Unanimously approved.

A motion for approval of CUP #2013-02 with the addition of all five (5) Findings of Fact was made by Commissioner Klutz, seconded by Commissioner Matheson. Unanimously approved. **CUP #2013-02 – Mellow Mushroom – Exhibit B**

### **3. Resolution Ordering the Closing of Jamie Fort Road (Res #2013-10)**

Planning Director Rothrock presented Resolution #2013-10 to close Jamie Fort Road at the entrance to Samaritan's Purse from Hwy. 321 to the first parking area. Mr. Rothrock explained, when the Hayes Center was first constructed, the applicant requested the Town accept maintenance of the access road from Hwy. 321 to the parking area for snow removal purposes. Samaritan's Purse submitted a request to remove this street from public maintenance and return it to a private street which required a public hearing.

During the April Council meeting, comments were made that the Fort family should be contacted regarding the road closure. Mr. Rothrock stated that Samaritan's Purse had agreed to speak with the Fort family to discuss options privately.

Commissioner Matheson asked if there would be lanes added to the area. Mr. Rothrock stated the road was to be widened by 4 feet to assure there was adequate fire truck access.

Audience member Ginny Stevens asked if anyone had spoken with the Fort family in reference to this change. Mr. Rothrock stated the Fort family was aware of the request. Mr. Ron Wilcox of Samaritan's Purse advised that a representative from Samaritan's Purse had not yet spoken with the Fort family.

Audience member Karyn Herterich stated even though it would be polite to speak with the Fort family, she felt there were many people who lost when the Hayes Center closed.

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

Commissioner Klutz made a motion to accept Resolution #2013-06 to close Jamie Fort Road and for the Fort family to be notified, seconded by Commissioner Yount. Unanimously approved. **Resolution #2013-10 – Closing of Jamie Fort Road – Exhibit C**

## **NEW BUSINESS**

### **1. – NC Department of Transportation – US Hwy 321 Update**

Mr. Mike Pettyjohn, NCDOT Engineer was present to update everyone regarding the Hwy. 321 Widening Project. He advised that the project had been extended by approximately 5 months due to an unexpected change in general contractors and bad weather. He stated there had been approximately 1½ miles of water/sewer lines installed underground and 12,000 cubic yards of soil moved thus far. He also stated that NCDOT strived to keep on-going communication with the public via social media, etc., regarding the project.

Mr. Pettyjohn extended appreciation to Council, Mr. Hildebran and Mr. Rothrock for their continued support.

Commissioner Matheson asked when the section in Blowing Rock would be completed. Mr. Pettyjohn stated the completion date was 2015.

Commissioner Phillips stated that he had thought the northern section of the project was supposed to be completed before the south end and asked if Mr. Pettyjohn feel that NCDOT was in “full swing” on the project. Mr. Pettyjohn stated they would like to be further along; however, with the weather, etc. the project was slightly behind schedule.

Commissioner Phillips stated he was not seeing a lot of backhoe and bull dozer activity. Mr. Pettyjohn advised that Maymead was hiring locally as much as possible and a lot of work was being done on the south end of the project filling a large area with dirt.

Commissioner Phillips also questioned when the blasting would be completed on the area near Cliff Dwellers Motel. Mr. Doug Eller also with NCDOT stated they hoped to begin blasting once again in the next couple weeks and an access ramp was in the process of being completed.

Commissioner Klutz asked Mr. Pettyjohn if the change in retaining wall material had an effect on the 5 ½ month delay. Mr. Pettyjohn explained the walls needed to be the way the Town wanted them and it had worked out best.

Council then had several other questions regarding the walls.

Commissioner Matheson commented that he would like to see the blasting completed before traffic got too heavy in the summer months.

Mr. Eller stated there were plans to close Hwy. 321 on Tuesdays and Thursdays from 11:00 a.m. to 3:00 p.m. in order to blast.

Council thanked Mr. Pettyjohn and Mr. Eller for their update.

Commissioner Matheson asked to be excused from the following item due to his wife being employed by Appalachian Regional Healthcare System.

## **2. NCDOT Municipal TIP Agreement – ARHS Road**

Town Manager Hildebran presented the NC Department of Transportation (NCDOT) Municipal Agreement for the construction of an access road to the proposed Appalachian Regional Healthcare System (ARHS) Post-Acute Care Facility located in the corporate town limits to Council for their consideration.

According to the NCDOT's Administrative Code, the Department will enter in agreement with municipalities for the purposed of advancing construction projects that fall within the boundaries of the jurisdiction and are included in the Transportation Improvement Program. Per the agreement, NCDOT would design, construct and maintain the new access road which would be completed by late 2014.

The estimated \$2,583,330 project would be funded through the Appalachian Regional Commission grant and was approved by the NCDOT Board of Transportation. Town Manager Hildebran asked Mr. Pettyjohn with NCDOT how long he anticipated construction would be on the access road. Mr. Pettyjohn responded approximately 18 months.

With no further discussion, Commissioner Klutz made a motion to approve the NCDOT Municipal Agreement as presented, seconded by Commissioner Steele. Unanimously approved. **NCDOT Municipal Agreement – Exhibit D**

## **3. BRAAC Appointments**

Town Manager Hildebran stated that based on the recent approval of a Land Use Code Amendment that re-established the Blowing Rock Appearance Advisory Commission under the Town structure, proposed BRAAC appointments were now in order.

The following people had agreed to serve on the Commission:

- Barbara Wright (1-year term expiring 2014)
- Rita Wiseman (1-year term expiring 2014)
- Alice Roess (1-year term expiring 2014)
- Deborah McDowell (2-year term expiring 2015)
- Curtis Andrews (2-year term expiring 2015)
- Anne Barnes (2-year term expiring 2015)
- Bo Henderson (3-year term expiring 2016)
- Lynn Hubbard (3-year term expiring 2016)
- Myra Scoggins (3-year term expiring 2016)



According to Mr. Hildebran, all proposed appointees had previously been involved with BRAAC and/or community landscaping/gardening. The proposed terms of office were selected by ransom draw.

Commissioner Yount asked if BRAAC would have a plan of operation to go by. Mr. Hildebran stated that BRAAC would be like any other Town board and would follow the Town Code as well as have by-laws in which to follow. Mr. Hildebran asked staff liaison for BRAAC, Jennifer Brown if the by-laws had been written. Ms. Brown stated a draft had been composed, but not voted upon.

Commissioner Phillips also wanted to know if the typical procedure would be followed regarding appointees to this board. Mr. Hildebran stated that openings on BRAAC would be appointed by Council such as with the Planning Board, Board of Adjustment, etc. hereafter.

A motion was made by Commissioner Matheson for approval of the appointees as presented, seconded by Commissioner Klutz. Unanimously approved.

#### **4. Budget Amendment (Ord #2013-06)**

Town Manager Hildebran presented Budget Amendment Ord. #2013-06 for consideration.

**Section 1 (General Fund)** recognized installment loan proceeds related to FY 2012-2013 Capital Equipment purchases, recognized grant proceeds from the state for the purchase of Mobile Data Terminals (MDT's) in the police department, and allocates capital reserve funds towards the Memorial Park tennis court fence replacement.

**Section 2 (General Capital Projects Fund)** allocated capital reserve funds towards the Memorial Park tennis court fence replacement.

**Section 3 ( Water/Sewer Fund)** recognized installment loan proceeds related to the FY 2012-213 Capital Equipment purchased.

**Section 4 (BRAAC Special Revenue Fund)** creates a starting budget to bring the Blowing Rock Appearance Advisory Commissioner into the Town's budget via a separate special revenue fund. Allocations would be made in accordance with prior year's trends and will need to be adjusted following recognition with the BRAAC treasurer prior to year end.

Commissioner Yount made a motion to approve Ordinance #2013-06 as presented, seconded by Commissioner Klutz. Unanimously approved. **Budget Amendment (Ord #2013-06) 0 Exhibit E)**

#### **SPEAKERS FROM THE FLOOR**

None

**DEPARTMENTAL REPORTS**

**FY 2013-2014 Recommended Budget**

Town Manager Hildebran presented the FY 2012-2014 Recommended Budget to Council stating the Budget totaled \$6,332,000. The proposed budget has a tax rate set at \$0.28 per \$100 valuation, which is the current tax rate. The Recommended Budget included changes to water/sewer fees, with an increase of \$0.75 per month in both water and sewer fees. All other charges/fees are unchanged, except for implementation of a notary fee. **FY 2013-2014 Recommended Budget – Exhibit F**

Town Manager Hildebran also reminded Council of the scheduled Budget Work Sessions on Monday, May 20<sup>th</sup>, Tuesday, May 21<sup>st</sup>, and Thursday, May 23<sup>rd</sup> beginning at 4:00 p.m.

Commissioner Phillips asked where the year-to-date sales tax revenue stood compared to last year. Mr. Hildebran stated sales tax were down from last year approximately \$20,000. Commissioner Yount also had questions regarding the change in sales tax distribution recently passed by Watauga County. Mr. Hildebran gave further explanation. Mr. Hildebran also extended appreciation to Finance Director Nicole Norman and all department heads for their hard work on the budget.

Commissioner Klutz had questions regarding the Town’s Storm Water Plan. Mr. Hildebran stated Council had approved a Storm Water Plan and several areas had been identified as in need of repair. These items would be prioritized and repairs would be made accordingly. Commissioner Klutz asked that staff look at the Morningside Drive area.

Mr. Hildebran wished Mayor Lawrence luck with his upcoming surgery.

The annual spring Town clean-up week was now underway.

Robbins Pool at Broyhill Park would open for the season on May 25<sup>th</sup>.

Commissioner Matheson had questions regarding recycling and landfill tipping fees.

**ADJOURN**

There being no further business to conduct, the meeting was adjourned at 7:13 p.m.

**MAYOR** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
**J.B. Lawrence** **Sharon Greene, Town Clerk**

**ATTACHMENTS** (05-14-2013)

CUP #2013-01 Appalachian Place at Chestnut Ridge – Exhibit A

CUP #2013-02 – Mellow Mushroom – Exhibit B  
Resolution #2013-10 – Closing of Jamie Fort Road – Exhibit C  
NCDOT Municipal Agreement – Exhibit D  
Budget Amendment (Ord #2013-10) - Exhibit E  
FY 2013-2014 Recommended Budget – Exhibit F