

**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**August 11, 2015**

The Town of Blowing Rock Town Council met in regular session on Tuesday, August 11, 2015 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, N.C. Present were Mayor J.B. Lawrence, Mayor Pro-tem Albert Yount and Council Members Dan Phillips, Sue Sweeting, Doug Matheson and Ray Pickett. Others in attendance were Town Manager Scott Fogleman, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Building Inspector John Warren, Finance Director Nicole Norman, Public Works and Utilities Director Mike Wilcox, Police Chief Tony Jones, Assistant Parks & Recreation Director Erin Kegley and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 6:00 p.m. and extended his condolences to Council Member Sweeting for the recent loss of her mother.

**APPROVAL OF MINUTES**

Council Member Pickett made a motion to approve the minutes for the meeting held on July 14, 2015 as written, seconded by Council Member Matheson. Unanimously approved.

**SPECIAL RECOGNITIONS AND REPORTS**

Kipp Turner began his monthly update regarding the Highway 321 Widening Project by stating a large milestone had been completed recently with the traffic shift to the northbound side. He also advised that the left turn signal had been installed at the Sunset Drive intersection. Mr. Turner stated the relaxed time restrictions on the project had proved to be very helpful.

Mr. Turner reminded everyone of the planned closure of the south end of Hwy 321 Business beginning the week of August 24<sup>th</sup>. He stated an off-site detour would be completed as soon as possible weather permitting, and that it is not expected to last longer than 28 days.

Mr. Turner stated that work continued on the wall near Tanger Outlets and there were plans to install a right turn lane at that intersection. He also advised that work on the walls near Holiday Inn, and across from Samaritan's Purse and Food Lion would hopefully be completed before the leaf season as well.

Council Member Phillips commented that he had some safety concerns, one being the drop off on the edge of the new gutter where the traffic shift had taken place. He stated that several people had mentioned if they got over too far it would throw their car over into the on-coming lane. Mr. Turner stated he would check into that matter.

Council Member Phillips also commented that he felt it was difficult to locate the turn outs to the businesses in that area and suggested that something else be done to make

the entrances more visible. Mr. Turner responded that he thought there might be too many visual distractions due to the all the barrels and he would check to see if a number of the barrels could be removed to help with the situation.

Council Member Matheson asked if the right turn lane at the north end of the project near Chetola would be installed before the first ASU ballgame in September. Mr. Turner answered that he hoped that it would be installed by September 1<sup>st</sup>.

Council Member Pickett asked about the closure of Sunset Drive and when that might occur. Mr. Turner stated that work would start after the leaf season was over in order to minimize impact.

Mayor Lawrence thanked Mr. Turner for his update.

Town Manager Fogleman presented the following consent agenda items.

## **CONSENT AGENDA**

### **1. ABC Store Travel Policy**

In accordance with North Carolina General States 18B-700 (g2), the ABC Store must have a personnel travel policy in place. The travel policy must be approved by the board's appointing authority annually. Since the Town of Blowing Rock is the appointing authority for the ABC Board, it is necessary for the Blowing Rock Town Council to approve the policy. Also, as a result of the Town of Blowing Rock being the appointing authority, the Town of Blowing Rock travel policy may be used. The ABC Board has requested the Town of Blowing Rock Town Council approve this policy for their use.

#### **ABC Travel Policy – Attachment A**

### **2. Budget Amendment to Facilitate Paving Projects for Gideon Ridge Road and the Cemetery**

Funding was included in the fiscal year 2014-2015 operating budget for paving activities. A portion of the funding (\$35,074) remained unspent at the end of the fiscal year. Now that the new fiscal year has started effective July 1, 2015, those remaining funds are being recommended for reallocation from Fund Balance within the General Fund in support of paving activities on Gideon Ridge Road as well as at the Woodlawn Cemetery. **Budget Amendment # 2015-11 – Attachment B**

### **3. Bid Award for Sunset Drive Storm Water Drainage Repair**

Design has been completed and bids have been received for storm water ditch line repairs along Sunset Drive just below White Pine Drive. Bid award from Council is being sought once the permit from the North Carolina Department of Environmental and Natural Resources is received. Funding is provided by the Ditch Line Repair project approved as part of the fiscal year 2015-2016 Budget. **Bid Award for Sunset Drive Water Drainage Repair Staff Report – Attachment C**

### **4. Bid Award for Chestnut Drive Sewer Line**

Design has been completed and bids have been received for a pressure sewer line to provide service to several homes on Chestnut Drive near Grandfather Circle. Related approvals necessary to move this project forward are being processed in tandem to help streamline project implementation. For this reason, bid award from Council is being

sought at this time in the amount of \$32,875 along with \$7,000 of contingency funding so that when easement paperwork and related approvals from impacted property owners along with pending approval from the North Carolina Department of Environment and Natural Resources are received, construction can begin. Funding is provided by the Chestnut Drive Sewer Extension project, approved as part of the fiscal year 2015-2016 budget. **Bid Award for Chestnut Drive Sewer Line Staff Report – Attachment D**

A motion was made by Council Member Pickett to approve all Consent Agenda items as presented, seconded by Council Member Phillips. Unanimously approved.

Mayor Lawrence asked those who wished to speak during the following public hearing to be sworn by the Town Clerk.

## **PUBLIC HEARINGS**

### **1. Urgent Care Conditional Use Permit**

Planning Director Kevin Rothrock presented a conditional use permit request from Blowing Rock MOB, LLC to convert the former Blowing Rock Renovators building to a medical clinic/urgent care facility.

Planning Director Rothrock reviewed the site plan for the project stating the project met all applicable setback requirements and based on the proposed use and the building square footage, 25 parking spaces were required and the applicant was proposing 26 spaces.

Lighting for the project would be standard coach lighting. Storm water would be collected in the parking lot and directed to an underground detention system designed to meet Town Code.

According to Planning Director Rothrock, the Town Code requires an eight (8) foot buffer between the proposed clinic and Subway. By utilizing the existing parking spaces for employees, there would not be space for additional landscaping. The Applicant was proposing a narrow strip of landscaping between the parking lot and the building with small bushes to maximize vehicular turning space. In order to approve the site plan as submitted, a waiver of the landscape screening along the north property line would be needed.

Planning Director Rothrock stated that during their July 16, 2015 meeting, the Planning Board recommended approval of the conditional use permit as submitted which included waiver of the 8-foot landscape buffer on the north side.

Council Member Sweeting had several questions regarding the setbacks, the location for the handicap parking space, and the area between the building and Subway. She also wanted to know if the Planning Board had voted unanimously in favor of the project and if any neighbors from the area had been in attendance.

Council Member Phillips also inquired who the principals of the LLC were.

Planning Director Rothrock responded that the Planning Board had unanimously approved the project during their meeting and there had been no adjoining property owners in attendance. Planning Director Rothrock stated that currently representatives of the project were present to answer questions.

Mr. Thorn Baccich, Vice President of Development of Brackett-Flagship Properties thanked Planning Director Rothrock for his help with the project. He explained the proposed project was a general practice/urgent care facility.

Council Member Sweeting asked how many providers and employees would be in the building, because she didn't feel that five (5) employee parking spaces would be adequate. She also expressed concerns with the location of the handicap parking space; she felt it was in an unsafe location. Council Member Sweeting had several other questions regarding medical waste, delivery area, etc.

Audience member Karyn Herterich questioned the viability and sustainability of the project.

Ms. Diane Rivers, Managing Partner of Brackett-Flagship Properties responded that their company was currently managing 1.8 million square feet of medical offices and assured everyone that they had adequate experience in this area.

Town Resident Charlie Sellers asked if Council had spoken with Dr. Bunky Davant regarding this issue. He advised that he had approached Dr. Davant and that he was in favor of the project because there was a great need for it in Town.

At this time, a motion was made by Council Member Sweeting to close the public hearing, seconded by Council Member Pickett. Unanimously approved.

Council Member Sweeting stated due to the questions she had regarding the project she made a motion to table the discussion until she could get answers to her questions. The motion was seconded by Council Member Phillips. Council Member Sweeting continued by stating she had concerns regarding the employee parking spaces, the ramp behind the building being visible to the residents along Skyland View Drive, the location of the handicap parking space and the need for more than one handicap space.

Stan Winstead of Winstead Arcitecture stated that parking had been reconfigured several times during project planning and due to the slope of the property the proposed location of the handicap parking space was the most feasible. He also advised that the parking met all Town Code requirements. Council Member Sweeting stated that she could not vote in favor of the project without some resolution to the handicap parking issue.

Council Member Pickett made a motion to reopen the public hearing in order to receive more comments, seconded by Mayor Pro-tem Yount. Unanimously approved.

Council Member Phillips stated he was in favor of the project however he too had some unanswered questions.

Mr. Sellers commented the project must adhere to the North Carolina Building Codes and once the Hwy. 321 Widening Project was complete, there would be more development in that area.

Mr. Winstead asked Council to review any questions or concerns they had regarding the project once more and he would try to answer them. He also suggested that the handicap parking space could possibly be moved across the parking lot to the top area in order to keep handicapped individuals from crossing in front of any traffic entering and exiting the parking lot. Council Member Sweeting stated that she wanted to see the change on paper.

Mr. Biccich commented they were under budget constraints and the practice would like to be open by the end of November if possible and suggested the concerns be addressed in the CUP.

Audience member Marcia Quinn commented that she felt more time was needed in order for Council to have their concerns addressed.

Council Member Sweeting made a motion to close the public hearing, seconded by Council Member Pickett. Unanimously approved.

Council Member Matheson suggested that Council meet again in a week to discuss this request once Council had more time to work through any questions or concerns they currently had.

Town Attorney Moseley advised that the public hearing would need to be reopened if more evidence was to be gathered and this meeting needed to be continued to further discuss this issue.

Council Member Pickett asked if these concerns were code related.

Council Member Yount stated he felt a delay for CUP approval was not necessary. He pointed out that the Planning Board had given unanimous approval to the project, the Building Inspector stated that all NC Building Code requirements had been fulfilled by the Applicant, and the Planning Director had a favorable view of the CUP request. Additionally the Applicant's architect had testified that the handicap parking place would be moved to accommodate Council Member Sweeting's placement request.

Council Member Sweeting asked Town Building Inspector John Warren whether the current location of the handicapped parking met the building code and whether the location of the space was addressed in the code. Building Inspector John Warren stated the project did comply with the North Carolina Building Code.

Council Member Sweeting stated that she wished to see a plan once the changes were made.

Council Member Matheson made a motion to adjourn the meeting and reconvene in a week to further discuss these issues. Council Member Phillips seconded the motion.

Town Attorney Moseley advised the public hearing would need to be reopened then the meeting could be adjourned and reconvened in a week.

Council Member Matheson withdrew his motion at this time. He then made a motion to reopen the public hearing, adjourn and reconvene on August 18, 2015 at 6:00 p.m. once the applicant had sufficient time to render a drawing showing any changes made. He also suggested the applicant meet with Council Members Sweeting and Phillips on-site to discuss their concerns. The motion was seconded by Council Member Sweeting. Mayor Pro-tem Yount disagreed. Mayor Lawrence called for a vote on the motion. In favor: Matheson, Sweeting, and Phillips. Against: Yount and Pickett. Motion passed.

**Urgent Care Conditional Use Permit Staff Report – Attachment E**

**SPEAKERS FROM THE FLOOR**

None

At 7:40 p.m., Council Member Matheson made a motion to enter into closed session to consult with the Town Attorney pursuant to NCGS 143-318.11 (a) (5) to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, seconded by Council Member Pickett. Unanimously approved.

**AJOURN**

At 7:50 p.m., Council reentered their meeting and adjourned until 6:00 p.m. on Tuesday, August 18, 2015.

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

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

**ATTACHMENTS**

[ABC Travel Policy – Attachment A](#)

[Budget Amendment # 2015-11 – Attachment B](#)

[Bid Award for Sunset Drive Water Drainage Repair Staff Report – Attachment C](#)

[Bid Award for Chestnut Drive Sewer Line Staff Report – Attachment D](#)

[Urgent Care Conditional Use Permit Staff Report – Attachment E](#)