

MINUTES
Town of Blowing Rock
Board of Commissioners
February 12, 2008

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, February 12, 2008 at 7:00 p.m. at the Town Hall Council Chambers. Attending were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Albert Yount, Phillip Pickett and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Police Chief Eric Brown, Public Works Director Johnny Lentz, Emergency Services Director Kent Graham, Finance Director Nicole Norman, Planning Intern Adam Stillman, Building Inspector Jesse Horner, Parks & Recreation Director Jennifer Brown, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 7:08 p.m. and welcomed those in attendance.

APPROVAL OF MINUTES

Upon a motion received from Commissioner Ball, seconded by Commissioner Yount minutes for meetings held on January 8, 13, 14, and 15, 2008 were approved as written. Unanimously approved.

PRESENTATION

Mayor Lawrence asked ASU Chancellor Kenneth Peacock and Athletic Director Charlie Cobb to come forward to receive the *Town of Blowing Rock Proclamation Honoring the Appalachian State University Football Team 2007 NCAA Football Championship Series National Champions* for their third consecutive National Collegiate Athletic Association (NCAA) Football Championship Series game at the University of Tennessee-Chattanooga Finley Stadium, defeating the University of Delaware with a final score of 49-21. Mayor Lawrence proclaimed the 12th day of February, 2008 as Appalachian State University Day in Blowing Rock.

Chancellor Peacock thanked the citizens of Blowing Rock for the support they have shown to ASU. Mr. Peacock expressed that this was a special time for northwestern North Carolina and he was looking forward to four national championships! Mr. Peacock expressed his admiration of the young men on the team and how their lives were being transformed. He also spoke of the great pride he felt for these young men and how wonderful it was to look at them and

say "congratulations champion!" Mr. Peacock closed by thanking everyone once again for their support of ASU.

Athletic Director Charlie Cobb spoke of the excitement of being able to share in this success and the tremendous ability of the team and how it began with their coach, Jerry Moore. Mr. Cobb conveyed that Coach Moore was unable to attend because he was in Mississippi getting the Coach of the Year award from the American Football Foundation. Mr. Cobb also commented on what great wisdom Coach Moore had acquired in his 45-year coaching career and how deserving he was of the award. Mr. Cobb expressed his appreciation to the citizens of Blowing Rock for their continued support. Exhibit A

APPOINTMENTS

During their 2008 Retreat, Council discussed appointments to various town boards and asked that Town Manager Hildebran follow up with the prospective members. The following appointments were presented to Council for their final approval:

- **Planning Board (*Appointments Effective March 2008 meeting*)**
 - Debbie di Santi, appoint to an unexpired term ending 2010
 - Nelda Miller, reappoint to a three-year term ending 2011
 - Sue Sweeting, reappoint to a three-year term ending 2011
 - Greg Grana, appoint to a three-year term ending 2011
- **Board of Adjustment (*Appointments Effective March 2008 meeting*)**
 - Charles Davant, III, appoint to a three-year term ending 2011
 - Ron Oberle, reappoint to a three-year term ending 2011
 - Carole Horne, reappoint to a three-year term ending 2011 (Alternate)
- **ABC Board (*Appointment Effective July 2008*)**
 - Susie Greene, reappoint to a three-year term ending in 2011
- **TDA Board (*Appointments Effective March 2008*)**
 - Lynn Drury, reappoint to a three-year term ending 2011 (Resident)
 - Bernie Keele, reappoint as Chairperson for a one-year term, with TDA to develop rotational chairperson process for Council consideration
- **Watauga County Recreation Commission (*Appointment Effective Immediately*)**
 - Albert Yount, appoint to term vacated by Keith Tester

A motion was given by Commissioner Tester to accept the appointments as presented, seconded by Commissioner Klutz. Commissioner Yount inquired if a letter of appreciation would be sent to the outgoing members for their time on the boards. Mr. Hildebran conveyed that letters had been sent and a reception would be held before the March 11, 2008 meeting in honor all volunteer board members.

PUBLIC HEARINGS

Commissioner Pickett asked to be recused from discussion on the following public hearing for CUP 2007-04 Main Street Village due to a perceived conflict of interest. Upon a motion given by Commissioner Ball, seconded by Commissioner Tester, Council voted to recuse Commissioner Pickett. In favor of the motion: Yount, Ball & Tester. Against the motion: Klutz Motion passed.

Commissioner Pickett vacated the meeting. Town Attorney Moseley explained the reason for recusal.

Numerous representatives from Chetola Severn Partners, LLC, and audience members joined Planning Director Kevin Rothrock in being sworn to speak during the following public hearing.

1. CUP 2007-04 Main Street Village Project

Planning Director Kevin Rothrock presented Council with a request from Chetola Severn Partners, LLC for a conditional use permit for a multi-phase project that included a 72-room hotel, 2 restaurants, 21,000 SF of retail mixed with 16,000 SF of office space, and 36 condominium units. The proposed project is planned for the 7.28-acre vacant parcel along Main Street across from Boxwood Lodge and based on the proposed density the project would require 1.47 acres of off-site land. A new access road would be provided through the site between Main Street and Hill Street. The project also included 2 levels of underground parking and surface parking to serve the hotel, restaurant, and retail/office uses.

Planning Director Rothrock gave an analysis of the project discussing the following items: setbacks, building heights, landscaping/buffers, tree protection, retaining walls, sidewalks, and water availability.

Inconsistencies with the Town Land Use Code such as the applicant's proposal to convey all of the storm water generated from the site directly to the Middle Fork of the New River in an area that serves as a forebay for Chetola Lake were also discussed. Mr. Rothrock stated that Chetola Seven, LLC proposed to use Chetola Lake as a storm water detention basin for the project. Mr. Rothrock stated this was a significant change from the manner in which storm water had been detained in Blowing Rock over the past 16 years. He advised that most commercial projects have provided on-site detention since 1991 and if Chetola Lake was used as a storm water detention, this would be a major change in

Town Policy. Mr. Rothrock voiced his concern that precedence might be established for future projects within the town watershed if this was allowed as well as concerns with fairness of this change in policy to those who have developed projects and provided on-site detention in the past.

Mr. Rothrock advised that Wayne Green had commented during the Planning Board meeting that an off-site detention system had been approved several years ago behind Woodlands. The private system was designed by Engineer Chuck Davis as a dry detention pond that would be built to provide storm water detention to other nearby projects within the watershed that could not provide on-site detention due to lack of land or the presence of subsurface rock. (Note: Town Attorney Allen Moseley provided a memo (Council Packet-Exhibit J) that stated, in his opinion Mr. Davis' proposed detention project did not create a precedent for off-site storm water detention.)

The Planning Board recommended a water quality filter device be installed to filter oils and grease from the parking lot runoff if Chetola Lake was to be used for detention.

Mr. Rothrock advised the residential portion of the project (2.76 acres) was limited to 24% impervious surfaces and the project met this requirement.

The applicant requested a Special Intensity Allocation to exceed the standard built-upon surface acres (36%) of the commercial portion of the project. The commercial portion of this project (4.52 acres) would need more than the maximum 70% impervious surfaces Special Intensity Allocation. The commercial section of the project would require 1.47 additional off-site acres of land in order to meet the 70% impervious limit. Mr. Rothrock pointed out that in 1999, Chetola Resort deeded 0.86 acres of land to the Town for the purpose of building a sidewalk along that area. In exchange, the deed stipulated that Chetola Resort could use that area for meeting density requirements or impervious calculations for future projects. Chetola Resort agreed to assign the 0.86 acres of pervious credit to Chetola Severn Partners for part of the balance of the impervious area limitation. However, Town Council must authorize the pervious area credit for this project since it is offsite from Chetola Resort properties.

Mr. Rothrock also advised that an additional 0.605 acres of pervious areas is needed to be transferred for the project to comply with the impervious ordinance requirements. Chetola Resort has offered to transfer perpetual use of the stream bank of the lake forebay to account for the balance of pervious areas needed for the project. In addition to the 0.86 acres of pervious area, the Town Council must also agree that the area around the forebay can be transferred to the proposed project in order to meet the 70% impervious limitation.

Mr. Rothrock stated the ordinance required a 16-foot opaque buffer along the full length of the Bisanar property. The applicant's engineer was proposing a 16-foot semi-opaque buffer along only the upper portion of the adjacent property.

According to Mr. Rothrock, a total of 398 parking spaces are required for the project, but 370 spaces were proposed. Mr. Rothrock advised clarification had been given since the Planning Board meeting, that all restaurant dining would be inside a fully-enclosed structure and the hotel spa had been eliminated.

Mr. Rothrock said the 28 space parking deficit must be satisfied by either providing more parking, reducing the need for parking, or by paying into the Town Parking Fund.

Access to the site was to be provided through a driveway connection onto Main Street south of the entrance to Chetola Resort, and a driveway connection onto Hill Street. The driveways would be connected with a new private road to serve the development. According the Section 16-218 (C) of the Town Code, no two streets may intersect with any other street on the same side at a distance of less than 400 feet. The proposed driveway onto Main Street would only be 200 feet from the entrance to Chetola Resort and would not meet the requirements of the Land Use Ordinance. A Traffic Impact Analysis (TIA) was provided by Kimley-Horn and Associates to summarize the traffic patterns associated with the proposed project. According to the report, the best location for the proposed driveway was as shown on the plans so as to provide proper sight distance away from the curve on Main Street near Ransom Street. Mr. Rothrock agreed with the location being the safest from the curve, but stated staff had concerns with the placement so close to the Chetola entrance. Mr. Rothrock also stated that contrary to the February 11th letter from Kimley-Horn the Town had not accepted and approved the Traffic Report Analysis.

The timing of the TIA was also discussed. Mr. Rothrock stated that Planning Board members and several neighbors questioned the traffic count being done during the month of January since this was not a very busy time of year.

The Planning Board also had concerns regarding emergency vehicles being able to access the area. Mr. Rothrock advised that Emergency Services Director Kent Graham had studied the access points and confirmed that adequate turning radius for fire apparatus would be provided according the proposed plans.

Mr. Rothrock advised that typically applications for new buildings and alterations to existing buildings required architectural elevations of all sides of the building to be submitted for review by staff and the boards. He stated the applicant was requesting that a "concept plan" be approved that would require detailed designs of each building to be submitted for review and approval by the Planning Board and Town Council prior to construction. According to procedures adopted with respect to conditional use permits this would be a change in procedure. Mr.

Rothrock did state that with the magnitude of the proposed project approving the “concept plan” might be wise.

Mr. Rothrock also pointed out the following design elements that were inconsistent with the ordinance:

- Flat roofs are shown on the retail/office and restaurant buildings. The ordinance requires 6:12 pitch roofs unless constructed in an area surrounded by flat roofs and parapet walls similar to the east side of Main Street in the Town Center.
- The windows on the second floor should have a residential-type look. On the lower level of the buildings, store-front windows may be acceptable.
- Pergolas are not common to downtown Blowing Rock. Awnings are a better choice and are consistent with existing buildings in the Central Business.
- The hotel design does not seem to reflect a mountain resort character. The design had massive amounts of glass and appears to lack mountain design materials. The roof pitch is not shown but appears to be less than 6:12. The proposed porte cochere as shown is an insignificant part of the design and should be more substantial. The porte cochere at the Hayes Performing Arts Center may be a better example.
- The townhouse design does not appear to reflect local architecture.

Mr. Rothrock advised that during the Planning Board meeting it was recommended the building designs meet the commercial design standards in the Land Use Code and that each building be submitted for review by the Planning Board and Town Council.

Several issues were discussed regarding conformity with the Town Comprehensive Plan.

Mr. Rothrock stated during the December 20, 2007 meeting of the Planning Board a recommendation to approve the conditional use permit application was made with the following conditions:

1. That a “concept” and footprint plan was being approved at this time, with the requirement that all building designs had to come back before the Planning Board and Town Council for approval prior to a building permit being issued.
2. That Chetola Lake be allowed as a storm water detention device as long as it meets the Land Use Code, and has adequate filtration devices in the parking lot catch basins and intake points.
3. That the retaining walls on the project be made of stone and meet the height requirements in the Land Use Code.
4. That as many trees as possible be saved including large native rhododendrons saved.
5. That the buffer along the Bisanar property be opaque screening.

6. That the 412 parking spaces be met or the balance paid into the parking fund. (Note: the 412 spaces is not necessarily the total parking required)
7. That the access to the property be through the driveways 1 and 2 as shown, provided the driveways are fire truck accessible.
8. That the buildings be designed with a mountain theme consistent with the Land Use Code.
9. That the building heights meet the Land Use Code and that the height. Limitation be enforced. That the Chetola property as submitted be used for impervious area calculations.

Commissioner Tester asked for clarification regarding what Council would be approving during the public hearing, would it be density, foot print, etc., everything except the final design of the buildings. Mr. Rothrock advised that was correct. Commissioner Tester also asked for clarification regarding Chetola Lake as the detention basin for the project. Commissioner Tester inquired if the applicant was requesting that Chetola Lake be their detention basin and if so, they would need to clearly demonstrate that Chetola Lake could be maintained continuously and all detention requirements could be met, or was the applicant requesting a variance or waiver of the retention regulations so they could pipe directly into Chetola Lake. In that case, Chetola Lake would not be identified as the detention basin, and would this be a prudent thing to do? Commissioner Tester inquired if the applicant was specifically asking that Chetola Lake be determined as the detention basin for the project excluding a request for a variance or waiver. Mr. Rothrock gave his opinion that the applicant was requesting that Chetola Lake be regarded as the detention basin for the project.

Commissioner Klutz questioned if Chetola Lake was not acting as a retention pond now. He said that water from the New River had been dumped there for many years.

Council asked the applicant to come forward for questions and comments. Mr. Tony di Santi stated he was representing the applicant and for the record, the applicant was Chetola Severn, LLC not Chetola Severn Partners, LLC. Mr. diSanti introduced the principals of Chetola Severn, LLC that were present for the public hearing. Mr. di Santi stated this was the most significant development since Shoppes on the Parkway was developed approximately 23 years prior. Mr. di Santi stated he and the other principals of Chetola Severn, LLC wanted to assure the Town that Main Street Village would be an addition to Blowing Rock that residents and visitors would be proud of. Mr. di Santi advised the project had a very significant local influence with Mr. Kent Tarbutton, Mr. Lou Dessaint, and Mr. Doug Wilkins each of them owning property in Blowing Rock. Mr. di Santi advised that he had represented others that had wanted to develop this property and this group had put together the best use of the property for the enhancement of Blowing Rock.

According to Mr. diSanti, Main Street Village would bring \$70,000,000 into the town which would greatly enhance the status of Blowing Rock. He also advised the town's comprehensive plan encouraged mixed use projects such as this one.

Mr. di Santi stated plans for the project had begun in October 2006 and during this process, Town Manager Scott Hildebran and Planning Director Kevin Rothrock had been a great help to the project developers. Mr. di Santi continued by stating that all aspects of the project, such as setbacks, buffers, sidewalks, retaining walls, etc. complied with the Town Code.

The inconsistencies mentioned in Mr. Rothrock's analysis were discussed by Mr. di Santi such as impervious surfaces, and how Mr. Tarbutton had given to the Town 0.86 acre for a sidewalk with the stipulation the Town would in turn allow this property to be used to meet density requirements later. Mr. diSanti stated that Mr. Tarbutton requested the stipulation be honored during the public hearing for the project being presented.

Mr. di Santi advised, in January 2000 RSK Mountain Property, LLC had conveyed to Chetola Severn, LLC, a storm water retention easement agreement.

Buffer requirements and parking were also discussed. Mr. di Santi stated Chetola Severn, LLC would comply with the ordinance requirements, but there were questions on the parking requirements for the project. According to Planning Director Rothrock a calculation of 398 spaces were needed to comply, but according to Chetola Severn LLC 388 spaces were needed, but an agreement could be worked out between the project developers and town staff. Mr. di Santi also stated the Town comprehensive plan encouraged shared parking and the Urban Land Institute, which is a national body that guides professionals on how to plan for projects, had also encouraged shared parking for mixed use projects. Mr. di Santi assured Council these issues would be worked out and the project would comply with the Town Code.

Mr. di Santi discussed the proposed access for the project stating the proposed access had been reviewed by the N.C. Department of Transportation and they believed this was the safest access.

Mr. di Santi introduced Attorney Tom Griffin a representative of Chetola Severn, LLC and asked him to address some of the storm water issues. Mr. Griffin assured Council the proposed use of Chetola Lake as the detention basin was not a way to get around any requirements of the Town Land Use Code. He stated originally they were unaware the town had a policy regarding off-site storm water detention. Mr. Griffin stated they also understood the Town's concerns regarding policy change and setting precedence if Chetola Lake was used as an off-site detention basin. In their opinion Council should have the flexibility to allow off-site storm water detention if all the other requirements were met on a project.

Mr. Wilkins was also aware of one other project where Council had allowed off-site detention but the project was not built.

Mr. Griffin advised that Chetola Severn, LLC felt it was important to speak with experts regarding the use of Chetola Lake as an off-site detention basin and they had discussed the issue with the North Carolina Division of Water Quality (DWQ) and Army Corps of Engineers. According to Mr. Griffin, both entities had felt this would be the best approach to handling the storm water for this project but were unable to write a letter of support due to their lack of jurisdiction. Mr. Griffin also spoke regarding the precedence standpoint, and felt they were not asking Council for a waiver or variance nor were they trying to escape on any legal aspects by using Chetola Lake. They legally had a perpetual right to use Chetola Lake as their storm water basin. Mr. Griffin stated that Chetola Severn LLC would help maintain Chetola Lake by sharing in the maintenance and it would continue to serve the community. He also stated that according to their calculation, their project would increase the level in Chetola Lake by .09 inches which was very insignificant "the width of a dime".

Commissioner Tester inquired if the Town Attorney had seen the document between Chetola Severn LLC and Chetola. Mr. Moseley stated that he had seen the document. Mr. Tester inquired if the document clearly stated who would be responsible for the maintenance of the lake. Mr. di Santi assured Mr. Tester that had been taken care of in the document between the two parties.

Mr. Tarbutton also affirmed the water quality was going to be protected as well. Mr. di Santi stated that Chetola Severn, LLC had gone beyond the ordinance requirements.

Town Attorney Moseley inquired if the Town should be a party to the easement agreement because, for example: in the future someone else succeeded Mr. Tarbutton's interest in Chetola and the applicant's interest then the Town could ensure the maintenance was being done and the levels were adequate. Mr. di Santi stated specific language could be added to the CUP stating the agreement could not be changed without permission from the Town. Mr. Moseley stated this situation was unique since the grantor (Mr. Tarbutton) was a party to the easement agreement. Mr. di Santi stated this issue could be worked out between Mr. Tarbutton and the Town.

Commissioner Yount requested the Town Engineer to come forward to explain the filtration system the Planning Board had recommended being installed. Town Engineer Doug Chapman stated he had spoken with the applicant's engineer regarding this issue and felt that something could be worked out. He stated they had discussed some type of absorbent material to collect hydrocarbons could be placed in the lake. Mr. Chapman asked if other types of pollutants other than oil and grease were a concern.

Commissioner Klutz inquired if Chetola Lake was a detention basin or just Chetola Lake, because it had been used for the past 100 years for all of Blowing Rock's run-off and he felt it was unfair for this project to have to remove all the oils and gases, when everyone else did not. Commissioner Klutz suggested since the Town was in the process of developing a new Town storm water system, further open areas for filtration purposes might be needed before everything went into Chetola Lake.

Town Engineer Chapman stated that according to the applicant's report, approximately 1460 acres drained into Chetola Lake, which included Bass Lake, Country Club, some of the Green Hill area, etc., but most everything from Main Street to the east and part of the hospital area drained into the Middle Fork of the New River. Mr. Chapman stated his only concern was putting water into the stream that flows through Chetola and felt the water should be treated prior to this happening.

Commissioner Yount asked if Mr. Chapman was satisfied with the mathematics regarding flow volume from the project. Mr. Chapman stated the volume there now should satisfy the volume from the project and felt the increased volume would be very little.

Commissioner Tester expressed his concern regarding the emergency overflow being exceeded presently. He asked if it was feasible allowing more potential of overflow into Chetola Lake. He felt this would amplify problems.

After further discussion regarding storm water detention, Mayor Lawrence called for a short break at 9:15 p.m.

At 9:30 p.m. the public hearing reconvened. Commissioner Tester questioned future ownership of the project. Mr. Douglas Wilkins a principal of Chetola Severn LLC stated the town homes were being built to sale, but Chetola Severn, LLC would maintain ownership of the commercial properties, such as the hotel and retail units.

Mr. Kent Tarbutton proprietor of Chetola Resort spoke regarding the project. Mr. Tarbutton stated he served as a member of the Tourism Development Authority and he had heard several comments that more hotels were needed to attract the base of tourism Blowing Rock wanted. He felt this project was the finishing piece to the puzzle that connected downtown Blowing Rock to the areas where Chetola and Shoppes on the Parkway were located. He felt the addition of a mixed use development such as this one was what Blowing Rock needed to increase the tax base and increase tourism.

Mr. Richard Gooseman owner of the Meadowbrook Hotel spoke in favor of the proposed project. He felt the addition of the large hotel would help in bringing more corporate groups to town especially increasing business during the week.

Mr. Gooseman also addressed storm water management. He stated that he would be interested in hearing plans to assist Chetola with the removal of sediment, because the sediment entered the pond on his property before going to Chetola Lake. He advised that it was a problem dredging the pond of the sediment and where to take it.

Mr. Gooseman felt this was an excellent project and it would be an enhancement the town.

Mr. Ed Merritt of 749 Main Street addressed Council with his concerns regarding the project. He stated that he understood the owners of the property needed to maximize the use of the property in order to make a profit, but he had several concerns. Aesthetically he was not looking forward to sitting on his porch and looking down on the project. He asked that the embankment between his property and the project be left as is to save the large trees and rhododendron located there. He also addressed the increase in traffic flow to that area. Mr. Merritt felt this would increase the existing problems with traffic back-up during the peak periods. He also felt this would add to the parking problems in town. Mr. Merritt stated the proposed plan showed a building every half-acre which in this opinion was very dense. In closing, Mr. Merritt thanked Council for listening to his concerns.

Blowing Rock resident Mrs. Karen Kennedy Herterich stated she had attended the Chamber of Commerce meeting regarding this project and felt this project would enhance the status of Blowing Rock. She felt the project embodied exactly what the Chamber and Town wanted.

Mrs. Herterich gave an opinion that everything built in Blowing Rock did not necessarily need to be of the same materials, such as rock, brick, stone, etc. or be just five certain colors. She felt that SouthMarke was a nice break to the eye in regard to architecture because it was different than other businesses in town. She challenged the developers of the proposed project to use their creativity and that everything did not need to look alike.

Mrs. Herterich also stated the group associated with this project, were very solid and that it certainly helped that Mr. Tarbuton was a part of this because people knew him. Mrs. Herterich spoke favorably of the added 70 million tax dollars and how that amount of money could help with adding needed bathroom facilities, fix curbing, etc.

Mr. Jimmy Crippen owner of Crippen's Country Inn and Restaurant spoke in favor of the project. Mr. Crippen stated even though there were two other restaurants proposed in this project, it was his responsibility to draw patrons to his restaurant once they were here. He felt this project would be healthy competition.

Mr. Douglas Wilkins of Chetola Severn, LLC thanked staff and everyone for their help with this project. He stated that in the three years he had worked on the proposed project there had been four changes in plans after consulting with Town staff and area residents. Mr. Wilkins stated the project was a well thought out project that would be an asset to the town.

Commissioner Tester had questions regarding the entrance to the project and how it would be changed with the reworking of Hwy 321. Mr. Tarbutton stated he did not feel it would change the entrance. Mr. Wilkins also stated that N.C.D.O.T. had met with the developers three times and the highway change had been incorporated into their plans.

Commissioner Tester also voiced his concerns regarding the timing of the traffic analysis. Mr. Tester asked Chetola Severn, LLC to focus on the peak periods because that was when the traffic problems occurred.

Mr. Adam Novak, Traffic Engineer for Kimley-Horn and Associates stated a lot of thought was put into the traffic analysis but they were not in control as to when it was done. He stated the time was randomly selected.

Commissioner Tester felt the impact of the project was defined when the proposed build out was completed possibly in 2009. Mr. Tester addressed two concerns with that, one being, the probability of the project being built out in 2009 he felt was close to zero due to the restraint on water. The real impact would not happen immediately, it would happen approximately five years in the future after the project was completed. Commissioner Tester advised his understanding from the analysis was the problem was not with traffic volume, but with safety aspects and there was no good way of dealing with it. Commissioner Tester asked if parameters were given from the Town, could the model be done again to incorporate those changes. Mr. Wilkins stated that it could, but he did not foresee any change in the outcome.

Commissioner Tester advised all the needed waivers regarding parking, storm water detention, etc. were driven by the density of the project. He inquired if there could be some flexibility while looking at the concept plans. Commissioner Tester stated the lack of all on-site parking would drive traffic uptown because that is where the parking facilities are to be located.

Commissioner Tester inquired if a computer model could be made of the project. Mr. Tarbutton stated it could be presented in that fashion. Commissioner Tester asked how the restraint on water affected the project. Mr. Tarbutton responded, no one knew what the water situation was going to do, but he was aware that an interconnection between Boone, ASU and Blowing Rock was planned for the future.

Commissioner Tester stated a bond for the total cost of the project would be required and if Chetola Severn, LLC was aware of this requirement. Mr. Tarbutton stated they were aware of the bond requirement.

Commissioner Ball expressed her concerns with the effect this project would have on Hill Street. She felt the traffic congestion would make a big difference in the neighborhoods in that area. Commissioner Ball stated with 36 town homes the traffic would increase considerably. Mr. Tarbutton advised that only 8 percent or less were full-time residents of Chetola and he felt it would be the same with these town homes. Commissioner Ball stated that something needed to be worked out. Mr. Tarbutton stated he did not feel the impact would be that great, but one solution would be to make Hill Street a one-way street coming down from the project. Commissioner Ball stated she had problems with the density of the project. She also had concerns with emergency vehicles being able to respond to calls in that area. Mr. Tarbutton stated he did not feel the project would impact that issue, because there was a problem presently and the problem was outside the areas such as Chetola, and the proposed project.

Commissioner Klutz stated there were no major issues with the project and he favored the idea of Hill Street being one-way from the entrance of the project, but he would like to see a traffic light installed in that area. He stated there were things he would like to see done to the infrastructure of the town and allowing this project would help.

Mayor Lawrence stated in his opinion there were no issues that could not be worked out.

After further discussion regarding parking, traffic congestion, density, etc. a motion was made to close the public hearing by Commissioner Yount, seconded by Commissioner Ball. Unanimously approved.

Commissioner Klutz made a motion to approve CUP 2007-04 Main Street Village as presented. With lack of a second, the motion died.

Commissioner Tester advised that Council was unable to do what Mr. Klutz had suggested in his motion, because there were three waivers requested that needed to be worked out. Commissioner Tester made a motion to adjourn the meeting and schedule a follow-up meeting to address the waiver requests, and assuming the waivers were allowed Council would collect issues they had with the concept and present them to the applicant. The applicant would bring back the concept with the issues incorporated. Mayor Lawrence asked Town Attorney Moseley if this was permissible under the meeting laws. Mr. Moseley stated since the public hearing was closed, he understood Mr. Tester's motion to be during the next monthly meeting Council would deliberate on the waivers and if granted this would be the first step in approval of the CUP. Mr. Moseley then

understood the applicants would need to come to the next regular meeting in April after another public hearing notice was given.

Commissioner Tester clarified his motion by stating Council would deliberate over the three waivers, then Council would deliberate on the concept of the project and either approve the concept or receive recommendations from Council to modify their concept. The applicant would come back with the modifications and at that point the public hearing could be reopened if necessary. Town Attorney Moseley advised if Council was going to go back and forth with the applicant with changes to the project a public hearing would be needed.

Mayor Lawrence advised the public hearing might need to be reopened and the meeting recessed until the issues were resolved. Commissioner Tester stated whatever was legally necessary, but a public hearing would not be open while considering the waivers or discussing the concept with Council, but a public hearing would be needed when the concept came before Council.

Mr. di Santi asked Commissioner Tester to further clarify his motion. He felt another public hearing wasn't necessary unless a change such as increase of density, etc, was needed. Mr. di Santi felt the meeting could be tabled and discussion could resume at the next regularly scheduled meeting without any advertisement being needed.

Commissioner Yount asked if the motion on the floor needed to be withdrawn and a new motion given to recess this meeting and reconvene at the next scheduled meeting.

Mayor Lawrence stated a motion was on the floor from Commissioner Tester and asked for a second to the motion. Motion dies for lack of a second.

Mayor Lawrence asked for another motion. Commissioner Yount stated he had made a motion, Mayor Lawrence asked that he repeat his motion. Commissioner Yount stated his motion was to reopen the public hearing then recess the meeting and follow the proposal outlined by Commissioner Tester. Commissioner Tester seconded the motion. Motion carried.

Mayor Lawrence stated this portion of the meeting was officially recessed at 11:30 p.m.

NEW BUSINESS

1. Tax Collectors 2007 Delinquent Report & Advertisement of Tax Liens Order

Council received the Tax Collector's 2007 Delinquent Report and Advertisement of Liens Order for their review. The total tax levy for 2007 being \$2,940,492.63 with a total collected in the amount of \$2,777,432.97 or approximately 94.45

percent of the total levy. According to the Tax Collector's report, advertisement of past due taxes would be March 13, 2008.

Town Manager Hildebran asked that Council take formal action to accept the report and authorize the tax lien advertisement on March 13, 2008. Commissioner Yount made a motion to accept the Tax Collectors 2007 Delinquent Report and to advertise past due taxes on March 13, 2008, seconded by Commissioner Ball. Unanimously approved. **Tax Collectors 2007 Delinquent Report & Advertisement of Tax Lien Order – Exhibit B**

Town Manager Hildebran also reminded Council of a Volunteer Board reception to honor our respective boards to be held prior to the March 11, 2008 meeting at 5:00 p.m. He also stated the regular meeting would begin one hour earlier at 6:00 p.m. and that a public notice would be posted due to the time change.

SPEAKERS FROM THE FLOOR

Ms. Karen Kennedy Herterich approached Council with concerns she had regarding several issues. Her first concern was the need for more public restrooms in town. Council advised Mrs. Herterich of plans for public restrooms on town property known as the "Ice House" located on Maple Street.

Mrs. Herterich also suggested that Council have email addresses through the Town.

Mrs. Herterich inquired as to why the Architectural Review Commission was no longer in effect. She felt this board should be reestablished because it would aid in the communication between town citizens and Council/Town Administration. Mayor Lawrence stated the Town had arrived at the standards they wanted to follow that were best for the Town. Mrs. Herterich stated she would like to see more creativity in town architecture and felt more citizen input was needed.

Commissioner Klutz addressed Mrs. Herterich's concern with the need of more public restrooms by stating his family-owned business had allowed people to utilize their restroom facilities for the past 54 years. He felt other businesses should do the same and this would help alleviate the problem. Mrs. Herterich responded when SouthMarke was built, they had paid \$37,000 in user fees to the town for 10 restrooms that were located in the confines of the shops, plus a restroom in the pavilion that was deemed by the Town as private, not a public facility. Mrs. Herterich stated she paid a lot of money in sales tax, property tax, etc. and felt it was the Town's responsibility to supply public restrooms. She also stated that her facilities were not built to handle the high traffic volume nor was it incumbent on the business owners to provide supplies, water, etc., for this purpose.

Commissioner Klutz maintained his belief that business owners should be neighborly and allow the public to use their facilities. Mrs. Herterich responded that the Town and the Tourism Development Authority should provide more restrooms.

Commissioner Tester stated he had heard this issue mentioned many times and this continued to be a problem. Mr. Tester advised the Town did not have the authority to ask businesses to provide public restrooms and in his opinion, money collected in occupancy tax earmarked for infrastructure should be used to provide more public restrooms. He stated the Town and the TDA were working on this issue with plans for added restrooms in the "Ice House". Mrs. Herterich thanked Council for their consideration. She also inquired if public restrooms would be built at the new Blowing Rock History Museum on South Main Street. Commissioner Ball advised that public restrooms would not be located in that building due to the fact they could not receive accreditation for traveling art shows. Commissioner Tester also stated the building was being funded by BRAHM and the Town could not require them to have public restrooms without requiring other businesses to have public restrooms as well. Mr. Tester also stated that two things were planned for that area, the art museum and the parking facility and there were plans to incorporate public restrooms at the parking facility.

Commissioner Tester felt Council should deal with this issue in an expedient manner.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:55 p.m.

Mayor _____
J.B. Lawrence

Attest: _____
Sharon Greene, Town Clerk

Attachments

ASU Proclamation – Exhibit A
Tax Collector's Report - Exhibit B