

MINUTES

Town of Blowing Rock

Board of Commissioner

Reconvened Meeting - June 16, 2008

The Town of Blowing Rock Board of Commissioners reconvened on Monday, June 16, 2008 at 2:00 p.m. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Albert Yount and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Legal Consultant Tom Terrell, and Town Clerk Sharon Greene.

A motion to recuse Commissioner Pickett from the meeting due to a conflict of interest was made by Commissioner Tester, seconded by Commissioner Ball. Unanimously approved.

Several representatives from Chetola Severn Partners were also present.

DISCUSSION ITEM

Mr. Terrell explained the reason for the work session between Council and Chetola Severn Partners was to discuss the proposed project on North Main Street. Mr. Terrell advised a project of this magnitude challenged the functionality of a town the size of Blowing Rock and could potentially change the character. According to Mr. Terrell, the Town had only one chance to do this project correctly and needed this extra "time at the table" to listen and ask questions.

Mr. Terrell advised during the public hearing held in February, the project was postponed due to issues that needed further review. He spoke of a Development Agreement tool provided by the General Assembly to help towns and counties such as the one between Chetola Severn Partners and the Town. Mr. Terrell explained that he, Town Manager Hildebran, Planning Director Kevin Rothrock, and Town Attorney Allen Moseley had

worked diligently on the document in order to protect the Town's interest. After finishing the document, it was given to Chetola Severn for their review. They made changes to the document and returned it to the Town as a CUP whereas the Town changed the document to reflect what was originally in the Development Agreement. Mr. Terrell stated that is where it stands at the present time.

Mr. Terrill reminded Council this work session was a "quasi-judicial" decision-making process and everything discussed was also disclosed to the public. He stressed the need for Council to keep an open mind until another public hearing could be held on this project. At some point a final conclusion would need to be made and a solution found to satisfy the Town and the developer. He spoke of two things to help guide the meeting, the first being "what are the Town's concerns" and "what are the responsibilities of the developer"?

Commissioner Tester asked for clarification regarding the "quasi-judicial" process and how it concurred with this work session. Mr. Terrell responded this was part of the complete process, proper notice had been given of the meeting, the media were present and this was a very transparent process. He reiterated the need for impartiality to be maintained during this work session.

Commissioner Tester wanted clarification that any comments made in this meeting or any other meeting prior to the CUP process would not be binding. Mr. Terrell assured Mr. Tester they would not.

Attorney Tony diSanti representing the developer thanked Council for meeting with Chetola Severn and conveyed very productive meetings between his client and the town staff had taken place and issues of concern had been incorporated into their plan. However, they felt a direct conversation with Council was needed.

Mr. diSanti stated that several changes had been made to the project such as to the site plan, elevation, etc. but the three significant issues that needed further discussion were parking, traffic study and water issues.

Commissioner Tester's responded that he wanted to make sure that everyone understood that he would accept the information presented, but he did not have adequate time to review the information properly because he had only received it Saturday morning of a holiday weekend before the meeting to be held on Monday. Mr. Tester reiterated the fact that he would not make any binding decision on anything during this work session. Mr. diSanti assured Mr. Tester his clients were not expecting final decisions to be made but needed more guidelines from Council. In response to Mr. diSanti's statement, Commissioner Tester advised two months had been spent on the project plus taxpayer money, he felt the document between Council and the developers reflected Council concerns and their position.

Mr. Kent Tarbuton approached Council and presented them with a hand out of changes incorporated into the plan per comments from the February 12, 2008 Council meeting. Also listed on the hand out were items agreed to, per proposed terms incorporated in the draft agreement, as well as items needing further discussion between Council and the developers. **Blowing Rock Conditional Use Permit Summary by Chetola Severn - Exhibit A**

Planned Changes Incorporated per Comments of February 12, 2008 Meeting

Mr. Tarbuton began discussion regarding parking. He felt that much attention had been given to the parking situation over the past several years. Mr. Tarbuton advised 10 parking spaces had been added to the plan over what was required by the Town. He went on to explain the project was not a destination, it was something else for people to do while they were here, unlike Chetola which was a destination. He felt a distinction needed to be made because the 398 spaces proposed in the project were very significant because the project was not a destination people were already in Blowing Rock for other reasons. Mr. Tarbuton conveyed changes had been made to the plan regarding hotel parking. As shown on the original plan, the hotel parking was now a green space area, with hotel parking underground.

Mr. Tarbuton stated due to lack of adequate parking for condominiums located in the northeast section, 18 spaces had been added to that area as recommended by the Town.

According to Mr. Tarbuton, all suggested changes regarding sidewalks had been incorporated into their revised plan and neighboring property owners had been agreeable regarding easements needed in order to extend the sidewalk to Knights on Main. Mr. Doug Wilkins elaborated further regarding sidewalks and how they had been improved upon for safety purposes.

Mr. diSanti urged further discussion regarding the redesign of town homes located in the project. Mr. Wilkins stated the town homes which were originally in longer rows with several units were clustered more, due to Planning Director Rothrock's suggestion. He advised with the topography of the area the town homes could be moved further away from the retail area.

The green space area was discussed, which according to Mr. Tarbutton, would be a park area where activities could be held. Commissioner Tester advised Council was more concerned with the depth of the green space rather than the area. Mr. Tarbutton felt the green space was an important addition to the project.

Storm water filters to capture oils and solids from the surface parking areas were also discussed. Mr. Tarbutton elaborated how important it was to him to protect Chetola Lake and what entered into the lake. Mr. Tarbutton conveyed he had recently spent approximately \$45,000 to protect the fore bay area and peninsula at Chetola. The fore bay area which is located near the security building at Chetola's entrance was there to stop silt and hydrocarbons from entering into the lake.

Commissioner Yount stated the Town Engineer had a problem regarding the catch basin, and since Mr. Chapman was not present, Mr. Yount requested this be tagged as a concern for further discussion.

The "No Right Turn" sign located across the street from the Hill Street entrance was discussed briefly. Commissioner Yount requested this issue be tagged for further discussion. He also suggested something other than a sign be installed. Mr. Tarbutton stated there needed to be enough space for emergency service vehicles to enter.

Items Agreed to Per Proposed Terms/Incorporated into Draft Agreement

Mr. Tarbutton advised a contribution of \$151,800 would be made toward the Town's cost for the water interconnection project.

He also stated the original plan had been changed regarding the sanitary sewer system. They were no longer going to hook onto the town's sanitary sewer at the manhole at Cornish Road because of overflow problems. A recommendation was made for the project to hook to the manhole located below the crosswalk from Chetola's entrance. This change would be approximately 400 feet less than the original estimate of 600 feet. According to Chetola Severn representatives, the estimated cost for the propose work was \$60,000. The net funds remaining from the \$60,000 would be given to the Town for sewer line upgrades on Main Street after the 200 feet of sanitary sewer was installed.

Mr. Tarbutton advised following discussion regarding the Main Street Village name, they felt Blowing Rock Village would be appropriate. Commissioner Tester advised members of the TDA had spent a considerable amount of time promoting Blowing Rock and there were two reasons people came to this area, the scenic location and the village character. He felt the name Blowing Rock Village would take away from what people know now as "the Village".

Architectural issues were elaborated upon by stating comments and suggestions from Council and Town Staff had been incorporated into the plans for the hotel and retail spaces. The retail area now had a more residential look and the motel was more in keeping with the area and all changes met Town Code.

Mr. Wilkins explained the colored and scaled elevations photos were currently being prepared for Council's review. Commissioner Tester stated photos were not adequate. He advised a 3-D computer based model of the project showing all angles of the project were needed. Commissioner Ball reiterated Council wanted to be able to see what the project would look like in comparison to surrounding properties and renderings were not realistic. Commissioner Tester continued by stating a project of this size would change the look of Blowing Rock to a certain degree and there was technology available to develop what was needed. Mr. Wilkins advised they were unable to do exactly what Council was requesting. Commissioner Tester responded that he needed the highest level of confidence knowing exactly what a project of this significance would look like before approving anything and something was needed on file to make sure the project was being done exactly as it should be. Commissioner Klutz advised the 3-D model needed to be from an easement point instead of the street and clearly marked.

Materials were discussed next. A rendering was shown to Council of the residential units. Commissioner Ball advised there were too many materials being used, it was too busy. Mr. diSanti stated originally the plans were too plain. It was consensus of Council to continue working on the materials being used for the residential units.

After some discussion from the applicant regarding the soil and geotechnical report, Commissioner Tester advised he needed a level of confidence this project would not be started and problems arise and then abandoned. Chetola Severn stated they were not comfortable with sharing this report in a public meeting. Mr. Tester responded they would not necessarily have to share the information in the public meeting as long as the town engineer reviewed it and was satisfied.

Mr. Tarbutton advised Chetola Lake was inspected by the State annually and every third year they were given a list of things that needed to be done. Commissioner Tester stated a guarantee was needed since the water retention for this project was proposed to be moved off-site, that proper maintenance would be maintained in years to come. Chetola Severn advised the town would be sheltered from any ongoing maintenance costs.

Items Needing Further Discussion between Town Council and Applicant

The connection to the Town's water system was discussed. The applicant stated they would work with the Town to obtain NCDENR approval and should approval not be granted, they asked to be permitted to construct wells until approval could be granted. Mr. Pat McAteer gave more detail regarding the system in which to supply water to the project. According to the Chetola Severn representative, they spoke with Mr. Lee Spencer at NCDENR and he advised there was no legal moratorium on water and a service line could be run from each proposed building out to the town's main line. According to NCDENR, a loop system would be more appropriate and it was the applicant's view that water was in fact available to their project. They also stated NCDENR needed documentation from the town stating they could tie into the town system in order for this to be done.

Mr. Hildebran stated Mr. Terrell had a letter from NCDENR that addressed this issue differently. He stated other issues needed to be discussed also. Commissioner Tester stated there were two issues, the moratorium on water and the impact this project would have on the system. He asked if any calculations had been done on the impact once this project was completed and occupied. Mr. Hildebran stated the calculations were approximately 37,000 gallons a day which according to NCDENR was not over

burdensome to the town system. It was decided the applicant and town staff should meet and come up with a joint solution agreeable to NCDENR and others involved.

Regarding the left turn lane issues, Mr. Tarbuton advised he was frustrated with the request for a traffic study to be done on a July 4th weekend. In his opinion the impact was already there and this project was providing more parking not causing more of an impact. He stated this area was already congested and the project would not change that. Commissioner Tester conveyed the project would have a major impact on the area because of the addition of the entrance and exit, and the substantial amount of traffic turning in and out of the area would create safety issues. Commissioner Tester advised public health and safety was the main issue and if the applicant could not see that this project created more of a safety issue, he was not confident in their ability to build this project. According to Commissioner Tester, an extensive study was needed to convince him there were no safety issues and the turn lane was more for safety not traffic flow. Commissioner Tester stated that was the condition and they could deal with it however they felt was best. He also implied that he would need to hear from the Town's engineer and NCDOT that no safety issues were evident if turn lanes were not installed and without being convinced of this, he did not think this project was viable. Commissioner Ball agreed with Mr. Tester's stance on this issue.

The final issue of discussion was emergency parking. Mr. Tarbuton advised there were two designated loading zone areas that could also be used as emergency parking. Commissioner Ball advised that she felt strongly about the emergency spaces, because this would be a congested area and separate emergency parking spaces were needed. A representative from Chetola Severn advised emergency vehicles would be going to where the emergency occurred not to the designated areas. Commissioner Ball asked for input regarding this issue from Kent Graham, EMS Director. Mr. Graham stated emergency parking would be useful so parking would be available in the congested areas of the project in case more than one emergency vehicle responded to the call.

Mr. Tarbuton advised \$399,300 had been added to the project costs after the water interconnections donation, sewer upgrades, donation of a segway, etc. Mr. Tarbuton felt this project would have a positive impact on the town.

Mayor Lawrence called for a short break at this time.

Upon reconvening the meeting, traffic and parking were further discussed. Commissioners Tester and Ball reiterated the fact that public safety was of utmost importance.

Chetola Severn thanked Council for their time and honesty in regard to their project.

After the work session ended, a motion was made to recess the meeting until June 30th at 9:00 a.m. by Commissioner Tester, seconded by Commissioner Ball. Unanimously approved.

After a brief time, a motion was made by Commissioner Tester seconded by Commissioner Ball to reopen the meeting. Unanimously approved.

Commissioner Ball made a motion to enter into executive session pursuant to N.C.G.S. 143-318.11(3) to consult with legal counsel, seconded by Commissioner Ball. Unanimously approved.

At 6:30 p.m. Council returned to the regular work session, with no further business to discuss, the meeting recessed until June 30, at 9:00 a.m.

MAYOR _____

J.B. Lawrence

ATTEST: _____

Sharon Greene, Town Clerk

Attachments (June 16, 2008)

Blowing Rock Conditional Use Permit Summary (by Chetola Severn) – Exhibit A