BOONE TOWN COUNCIL
SPECIAL MEETING
JUNE 8, 2010

A special meeting of the Boone Town Council was called to order at 8:37 p.m. on Tuesday, June 8, 2010, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members in attendance were Mayor Pro Tem Lynne Mason, Jamie Leigh, Rennie Brantz, Stephen Phillips, and Andy Ball. Town staff members in attendance were Town Manager Greg Young, Town Clerk Freida Van Allen, Finance Director Amy Davis, Assistant to the Manager Jim Byrne, Human Resources Director Peri Moretz, Planning & Inspections Director Bill Bailey, Police Chief Dana Crawford, Public Utilities Director Rick Miller, Public Works Director Blake Brown, and Interim Fire Chief Jimmy Isaacs.

APPROVAL OF SAHA LEASE WITH WATAUGA COUNTY FARMERS' MARKET

Town Attorney Sam Furgiuele presented the adopted SAHA lease with the Watauga County Farmers' Market **(permanently on file in June, 2010, Council packets)**. Town Attorney Furgiuele explained that the Town must approve all SAHA sub-leases. After little discussion, on a motion by Council member Brantz, seconded by Council member Mason, Council moved to approve the SAHA lease with the Watauga County Farmers' Market, contingent upon the following conditions:

1. Limit towing as stated in the Watauga County Farmers' Market letter dated June 7, 2010.
2. Provide proper signage regarding towing within the parking lot.
3. Name the Town of Boone as an additional insured on the certificate of insurance.

VOTE: Aye-All
Nay-None

PRESENTATION OF TEXT AMENDMENT - REGULATION OF OPEN-HOUSE SIGNS

Planning Director Bill Bailey presented a draft of a text amendment to regulate open-house signs. After little discussion, on a motion by Council member Mason, seconded by Council member Ball, Council moved to send the text amendment to a special public hearing scheduled for Monday, June 21, 2010 at 6:00 p.m. in the Council Chambers.

VOTE: Aye-All
Nay-None

ADOPTION OF TEXT AMENDMENT - ELECTRONIC AND INTERNET GAMING USES

Before voting on the text amendment, Town Attorney Sam Furgiuele felt it was appropriate for Council to hear additional comments since it does not seem the State of North Carolina will ban the uses but will embrace and tax the uses. On a motion by Council member Brantz, seconded by Council member Ball, Council moved to open the public hearing on the proposed text amendment at 8:56 p.m.

VOTE: Aye-All
Nay-None

Police Chief Dana Crawford read a memo summarizing other municipalities'experiences regarding electronic and internet gaming uses. Town Attorney Furgiuele said if the proposed text amendment is adopted, it will prohibit electronic and internet gaming uses in residential areas. There being no further comments, the public hearing closed at 9:10 p.m.

On a motion by Council Member Mason, seconded by Council Member Brantz, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan.

VOTE: Aye-All
Nay-None

On a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to adopt the following text amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest.

Article X, Permissible Uses
Section 165. Table of Permissible Uses

Uses Description	R-1	R-1A	RR	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
26.0 Certain Activities which pose Particular Concerns about Public Health, Safety or Welfare														
26.100 Electronic & Internet Gaming Use												**S**		**S**
~~26.0~~ 27.0 GOVERNMENT USES	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**
~~27.0~~ 28.0 SUBDIVISIONS														
~~27.100~~ 28.100 Major	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**Z**	**S**
~~27.200~~ 28.200 Minor	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**	**Z**
~~28.0~~ 29.0 COMBINATION USES	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**ZS**	**Z**	**ZS**

Please note the changes in the Use Category may necessitate changes to other Articles in the UDO to change the numbering.

Article XI, Supplementary Use Regulations
Section 198. Supplementary Rules for Uses involving Certain Activities which pose Particular Concerns about Public Health, Safety or Welfare.

[a] Electronic and Internet Gaming Uses.

[1] Application. The requirements of this section shall apply to all Electronic and Internet Gaming uses, as defined in this ordinance, whether conducted as a principal use or activity, or an accessory use or activity.

[2] Definitions. Unless otherwise specifically provided herein, or unless clearly required by the context, the words and phrases used in this section shall have the following meaning indicated when used in this section.

[A] *Electronic and Internet Gaming Use*. A use, whether principal or accessory, where person(s) utilize electronic machines, including but not limited to computers or gaming terminals, to conduct or participate in games of chance, including sweepstakes and gambling activities not prohibited under N.C. Gen. Stat. Chapter 14, Article 37, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, including but not limited to Internet cafes, Internet sweepstakes, electronic gaming machines/operations or cybercafes, and excluding a business solely participating in a lottery approved by the State of North Carolina.

[3] Requirements.

[A] An Electronic and Internet Gaming use shall be permitted with a special use permit in the B-3 and M-1 zoning districts.
[B] An Electronic and Internet Gaming use shall not be located on a lot which is within two thousand, six hundred and forty (2640) feet of another lot containing an Electronic and Internet Gaming use as measured from the closest edge of each lot to the other lot.
[C] An Electronic and Internet Gaming use shall not be located on a lot which is within one thousand (1,000) feet from a lot upon which a church, school, library, public park, playground, or daycare center is located as measured from the closest edge of each lot to the other lot.
[D] No Electronic and Internet Gaming use shall be located on any lot which is within one thousand (1000) feet from any residential district, as defined in Section 151, as measured from the closest edge of each lot to the other lot.
[E] No more than one Electronic and Internet use may be located on the same lot.
[F] No Electronic and Internet Gaming use may operate between the hours of 10:00 p.m. and 8:00 a.m.
[G] No permits shall be issued for Electronic and Internet Gaming uses until all required privilege and other licenses are obtained and all required fees have been paid.
[H] A certificate of occupancy shall not be issued until the Electronic and Internet Gaming use meets any applicable federal, State or County requirements, including any requirements of the Appalachian Regional Health Department.

VOTE: Aye-All
Nay-None

FISCAL YEAR 2010-2011 BUDGET WORKSHOP

Town Manager Greg Young reviewed a powerpoint presentation outlining the Fiscal Year 2010-2011 proposed budget **(permanently on file)**. Council discussed at length the large amount of tax exempt properties within the corporate limits and the difficulty in providing service without compensation. Council also discussed at length water and sewer rates. Mayor Pro-Tem Mason said that certain people in the community are paying more for water and sewer than electricity and hoped that the Town would not increase the rates dramatically this year.

Mayor Clawson declared a break at 10:00 a.m. Council reconvened at 10:16 a.m.

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to add a Public Hearing on a 60-Day Moratorium on Certain Proposed Parking Uses and Adoption of Ordinance Enacting a 60-Day Moratorium on Certain Proposed Parking Uses to the agenda.

VOTE: Aye-All
Nay-None

PUBLIC HEARING ON 60-DAY MORATORIUM ON CERTAIN PROPOSED PARKING USES

Mayor Clawson opened the public hearing at 10:18 p.m. Planning Director Bill Bailey said Council directed that Staff prepared amendments to the UDO that would include standards for gateway enhancements corridor districts. This special district would include enhanced landscaping requirements. Adopting the moratorium ordinance will prohibit parking lots in corridor distrcts until the text amendments are prepared. There being no further comments, the public hearing closed at 10:24 p.m.

ADOPTION OF ORDINANCE - 60-DAY MORATORIUM ON CERTAIN PROPOSED PARKING USES

On a motion by Council member Brantz, seconded by Council member Brantz, Council moved to adopt the following ordinance:

ORDINANCE #10-04

ORDINANCE PROVIDING FOR A SIXTY DAY MORATORIUM ON THE ISSUANCE OF BUILDING, ZONING, CONDITIONAL ZONING AND/OR SPECIAL USE PERMIT(S) AND ALL OTHER DEVELOPMENT PERMITS FOR CERTAIN PROPOSED PARKING USES

WHEREAS, the Town of Boone (hereafter "the Town") is a municipal corporation organized under the laws of North Carolina and invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, pursuant to N.C. Gen. Stat. Chapter160A, Article 19, the Town is given the authority to plan and regulate development within its corporate limits and its extra-territorial jurisdiction ("ETJ"), and pursuant to N.C. Gen. Stat. Chapter160A-381(e), the Town is specifically given the right, under certain circumstances, to impose a development moratorium; and

WHEREAS, pursuant to N.C. Gen. Stat. Chapter 160A, Article 8, the Town is given authority to prohibit, regulate and abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens; and

WHEREAS, the Town has adopted a Unified Development Ordinance (hereafter, the "UDO") to carry out the purposes of its duly adopted 2006 Comprehensive Plan Update (hereafter, "the Comprehensive Plan"); and

WHEREAS, the Town adopted in October 2009 the "Boone 2030 Land Use Plan," (hereafter, "the 2030 Plan") to guide the Town in its long term growth and in further implementation of the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan has warned about the negative impacts of road widenings through the developed areas of the community, has discouraged driveway cuts along the major corridors, has encouraged the control of the proliferation of impermeable surfaces including parking areas, has recognized the importance of street trees and landscape buffering, has promoted the visual importance of the major roadway entrances into Boone as measures of community image and quality, has directed the Town to harmonize commercial uses and designs along major highway corridors and to maintain Boone's original community character as a small town; and

WHEREAS, the 2030 Plan has strongly encouraged improvements to the appearance of the corridors for the public traveling into and through Boone, which it labeled "Gateway Enhancement Corridors"; and

WHEREAS, the UDO has inadequate safeguards to protect the appearance of the Town's "Gateway Enhancement Corridors," by whatever name known, with respect to the construction of parking lots along those corridors; and

WHEREAS, Corridor Overlay Districts have been created under UDO Section 158, but specific Gateway Enhancement Corridors, which would be expected to largely be contained with the Corridor Overlay Districts, have not yet been designated; and

WHEREAS, there are certain corridors heavily traveled by the public to and through Boone which are under current construction and expansion, which construction and expansion have resulted in the demolition of multiple existing buildings, thus creating the potential for multiple parcel redevelopment and replacement of commercial and residential structures with unattractive and inadequately buffered surface parking lots, which will defeat the stated objectives of the Town's Comprehensive Plan and the duly adopted 2030 Plan; and

WHEREAS, UDO minimum parking requirements for multi-family developments, without companion maximum parking limits, itself undermines these stated goals; and

WHEREAS, the Town Council recognizes that under State law and the UDO,

development permits which are issued while the requested amendments are prepared will vest development rights which are contrary to the goals of the Comprehensive Plan, the 2030 Plan, and the desired future development of the Town, while interfering with the direction of the Town Council for the preparation and consideration of proposed amendments before further such undesirable development takes place; and

WHEREAS, there is no alternative way to suspend the stated undesirable development while the proposed amendments are prepared; and

WHEREAS, in order to consider the proposed amendments as required by State law and the UDO, giving proper public notice of the proposed amendments and providing the required opportunity for the consideration and recommendations of the Planning Commission and for the further consideration by the Town Council, a moratorium period of at least sixty days is required; and

WHEREAS, this moratorium is for the purpose of allowing the aforesaid procedure to run its course while the desired changes are considered;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA HEREBY ADOPTS A SIXTY DAY MORATORIUM, THROUGH AND INCLUDING AUGUST 7, 2010, ON THE ISSUANCE OF ANY BUILDING PERMIT, EXCEPT IN CASES IN WHICH THE BUILDING PERMIT IS SOUGHT IN CONNECTION WITH A PREVIOUSLY APPROVED AND CURRENTLY VESTED CONDITIONAL DISTRICT ZONING DECISION OR PREVIOUSLY APPROVED AND CURRENTLY VESTED SPECIAL USE PERMIT; ANY ZONING PERMIT; ANY CONDITIONAL DISTRICT ZONING PERMIT; ANY GRADING PERMIT; ANY SPECIAL USE PERMIT(S); OR ANY OTHER DEVELOPMENT APPROVAL OF ANY KIND OR CHARACTER FOR ANY 10.0 PRIMARY USE LISTED AND INCLUDED IN THE UDO TABLE OF PERMITTED USES, UDO SECTION 165, WITHIN ANY CORRIDOR OVERLAY DISTRICT ESTABLISHED AND IDENTIFIED IN UDO SECTION 158, OR FOR ANY PROJECT FOR WHICH AN ACCESSORY PARKING USE IS PROPOSED WHICH IS 10% OR MORE GREATER THAN ANY MINIMUM ESTABLISHED IN THE UDO.

During the term of this moratorium, Town staff and the Town Attorney shall prepare proposed amendments to the UDO which at a minimum identify and propose Gateway Enhancement Corridor Overlay Districts, propose parking maximums for all development where only parking minimums are currently established, other than single family and two-family residences, review and make appropriate proposals regarding flexibility in parking location and number currently given to the Community Appearance Commission and the Administrator, review and make appropriate proposals regarding the location of parking within the Gateway Enhancement Corridors, review and make appropriate proposals regarding landscape buffering for parking lots both from the perspective of Gateway Enhancement Corridors and from the perspective of R-1 and R-1A zoning districts, review and make appropriate proposals regarding community appearance standards for parking lots, and review and make such proposals regarding related sections of the UDO to accomplish the relevant goals of the 2006 Comprehensive Plan Update and the Boone 2030 Land Use Plan; all such proposals to be made in sufficient time so that before this moratorium expires, staff may present recommended text to the Boone Town Council, the Boone Town Council may determine what changes and amendments should be considered by the Town, and following a public hearing and the consideration and recommendations of the Boone Planning Commission, may adopt the changes and amendments to the Town's Unified Development Ordinance, if any, which should be made to achieve these purposes and goals.

This Ordinance is effective the 8th day of June, 2010.

Adopted this 8th day of June, 2010.

_____
Mayor

Attest:

_____
Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 3, PAGES 403-405)

VOTE: Aye-All
Nay-None

FISCAL YEAR 2010-2011 BUDGET WORKSHOP - CONTINUED

Council discussed at length the water and sewer budget. Council agreed to implement the revised water and sewer rates **(permanently on file)** rather than what was originally proposed. Mayor Pro-Tem Mason expressed her concern, once again, regarding the rising rate of water and sewer rates. Council member Leigh pointed out that the Town agreed to increase rates in order to gain the revenue to off-set the debt for the new water intake. Once the new intake is on-line, hopefully, the Town will be able to decrease the rates. On a motion by Council member Brantz, seconded by Council member Ball, Council moved to adopt the revised rates.

VOTE: Aye-4 (Ball, Brantz, Leigh, Phillips)
Nay-1 (Mason)

Mayor Pro-Tem Mason pointed out that AppalCART's new facility is being funded by the American Recovery Act and she felt that the Town should decrease its funding to AppalCART since some of the Town's funding is budgeted for the new facility.

Council discussed electronic surveillance of the downtown area. Council agreed that crime statistics from the area need to be reviewed before discussing further.

Council member Phillips left the meeting at 11:45 a.m.

Council continued to discuss the budget, page-by-page.

RECESS

On a motion by Council member Mason, seconded by Council member Leigh, Council moved to recess the meeting at 12:29 p.m. until Thursday, June 10, 2010 at 8:30 a.m. in the Council Chambers, 1500 Blowing Rock Road.

VOTE: Aye-All
Nay-None

A recessed meeting from Tuesday, June 8, 2010 was called to order at 8:40 a.m., Thursday, June 10, 2010 in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro Tem Lynne Mason, Jamie Leigh, Rennie Brantz, Stephen Phillips, and Andy Ball. Town staff members in attendance were Town Manager Greg Young, Town Clerk Freida Van Allen, Finance Director Amy Davis, Assistant to the Manager Jim Byrne, Human Resources Director Peri Moretz, Planning & Inspections Director Bill Bailey, Police Chief Dana Crawford, Public Utilities Director Rick Miller, Public Works Director Blake Brown, and Interim Fire Chief Jimmy Isaacs.

FISCAL YEAR 2010-2011 BUDGET WORKSHOP - CONTINUED

Council began discussion by talking about the Jones House gallery wall renovation project. After some discussion Council agreed to allocate $4,000 to complete the renovation project. Finance Director Amy Davis suggested allocating the funds out of this year's budget since the project is already underway. Council agreed.

Council discussed at length the merger of the Watauga County and Boone Tourism Development Authorities. Council then discussed the financing of the post office renovation project. The Town Manager said he would present a financing proposal soon.

Council next discussed the Planning and Inspections travel and training budget. Council agreed to add an additional $2,500 to the travel and training line item.

Council also agreed to add $8,150 to the recycling contract line-item.

Council agreed to renovate the audio/visual element in the Council Chambers. Funding for the renovations will be absorbed within the budget.

Mayor Clawson left the meeting at 9:30 a.m.

Council agreed to discuss funding for Parks and Recreation once the 1/4-cent referendum proposal has been conducted.

Council then discussed the Water Committee recommendation for funding the toilet rebate program as proposed by the Water Study Committee on June 9, 2010. After some discussion, Council agreed to have staff continue to investigate options for funding this pilot project.

ADJOURNMENT

On a motion by Council member Leigh, seconded by Council member Ball, Council moved to adjourn at 9:58 a.m.

VOTE: Aye-All
Nay-None

_____ _____

Town Clerk Mayor