

**MINUTES - REGULAR MEETING
BOONE TOWN COUNCIL JUNE
17, 2010**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, June 17, 2010, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro Tem Lynne Mason, Andy Ball, Jamie Leigh, Rennie Brantz, and Stephen Phillips. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Dana Crawford, Interim Fire Chief Jimmy Isaacs, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Development Services Director Bill Bailey, and Safety Officer Terry Story.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order, welcomed all in attendance and stated that any persons wishing to address the Council should sign in to speak during the Public Comment period.

Mayor Clawson announced that the annual 4th of July parade and fireworks display will take place on Saturday, July 3, 2010.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young noted the following changes to the agenda:

1. Deletion of Item 4.G. - Adoption of Craymie Agreement.
2. Addition of Item 4.H. - Adoption of Resolution - Creation of NC Mobility Fund.
3. Additional Information for Item 7.G. - Parking Task Force Recommendations.
4. Deletion of Item 7.K. - Approval of Encroachment Agreement - Animal Emergency Clinic of the High Country.
5. Additional Information for Item 7.P. - Awarding of Contract - Winkler's Creek Restoration Project.
6. Additional Information for Item 7.R. - Approval of Budget Amendments.
7. Addition of Item 7.S. - Approval of Matching Funds - NC DOT Pedestrian Planning Grant and approval of Budget Amendment for matching funds.
8. Addition of Item 7.T. - Approval of Vehicle Tax.
9. Addition to Closed Session (NCGS 143-318.11(a)(3) - Legal Advice - Watauga Medics Litigation, Legal Advice - Watauga County Farmers Market Sublease, and Legal Advice - Parking Task Force Recommendations.
10. Reschedule Item 7.F. - Discussion of CAC Priorities to be considered at the June 21, 2010 meeting.

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to approve the agenda, as amended.

VOTE: Aye - All
 Nay - None

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to adopt the following consent agenda items:

Minutes: May 3, 2010 - Quarterly Public Hearing.
 May 5, 2010 - Special Meeting.
 May 7, 2010 - Special Meeting.
 May 10, 2010 - Special Public Hearing.
 May 18/20, 2010 - Regular Meeting.

Approval of Contract - Watauga County Arts Council:

STATE OF NORTH CAROLINA

CONTRACT

COUNTY OF WATAUGA

This contract, made and entered into this the 1st day of July, 2010, by and between the Town of Boone, (hereinafter called "Town"), and the Watauga County Arts Council (hereinafter called "Arts Council").

WITNESSETH:

WHEREAS, the Jones House Advisory Board has recommended to the Boone Town Council that the Town enter into a contract with the Arts Council for the purpose of providing an Executive Director for the Jones House; and

WHEREAS, the Arts Council is willing to provide such a service.

Now, therefore, in consideration of the mutual promises contained herein, as well as other good and valuable consideration flowing between the parties, it is mutually agreed as follows:

1. The Arts Council shall provide an Executive Director and an Administrative Assistant for the Jones House. The Arts Council shall include as part of its personnel committee, one representative of the Town of Boone and one from the Jones House Advisory Board. The purpose of these appointees is to assist the Arts Council in selection and performance appraisal of the Jones House Executive Director and Administrative Assistant. The duties and responsibilities of such personnel shall be as follows:
 - a. To promote the purpose and goals of the Jones House Community Center which is to provide via the Jones House structure, its grounds, and any additions, a community and cultural center for performances, exhibitions, classes and meetings sponsored by various community organizations.
 - b. To assist the Jones House Advisory Board in implementing policies and objectives of the Board.
 - c. The Jones House Executive Director shall:
 - Provide administrative support to the Jones House Advisory Board to carry out responsibilities set forth in the Jones House Resolution dated May 27, 1993.
 - See that Jones House is made available to the public, 25 hours per week, for meeting space and to keep the gallery open 20 hours per week.
 - Oversee facility maintenance - cleanup, etc.
 - Schedule Special Events and community groups for maximum use of the house.
 - Work with the Advisory Board in developing Annual Budget and Annual plan for the House.
 - The Executive Director will employ and supervise part-time help as needed with input from the Personnel Committee.
 - Handle other reasonable activities as directed by Jones House Advisory Board.

2. The Town shall pay the Arts Council the sum of \$40, 494 for said services, said sum to be paid in twelve equal monthly installments, commencing on July 30, 2010.
3. The Arts Council agrees to help keep the Jones House open for nighttime and weekend events as much as possible.
4. This contract shall terminate on June 30, 2011.

IN WITNESS WHEREOF, the parties hereto have executed this contract the day and first above written.

TOWN OF BOONE

BY:

Mayor

ATTEST:

Town Clerk

WATAUGA COUNTY ARTS COUNCIL

BY:

President

Approval of Lease - Watauga County Arts Council:

STATE OF NORTH CAROLINA

LEASE

COUNTY OF WATAUGA

This LEASE is made on the 1st day of July, 2010, by and between the TOWN OF BOONE, (hereinafter referred to as Lessor), and the WATAUGA COUNTY ARTS COUNCIL, (hereinafter referred to as Lessee).

1. **Leased Premises.** The Lessor hereby leases to the Lessee an office in the 2nd floor of the Jones House, said office being the first office to the left of the stairs. The Lessee also has the right to use the reception area and gallery on the first floor, said use to be in common with others. Gallery exhibits shall be determined and maintained by Lessee.
2. **Term.** The term of this lease shall be one (1) year beginning on July 1, 2010, and end on June 30, 2011.
3. **Rent.** The rent for this term shall be fifty dollars (\$50.00), per month and shall be due by the 1st day of each month.
4. **Hours of Operation.** The Jones House shall operate on the average of 25 hours per week, and the gallery available to the public 20 hours per week, with the exception of 2 weeks when it shall be closed. Those weeks are: One week around the Christmas holiday; and one week independently selected by the Jones House Executive Director. These weeks must be approved and mutually agreed upon by the Jones House Advisory Board and the Arts Council.

5. **Lessee's Care.** The Lessee will commit no act of waste, will take good care of the premises, and will comply with all applicable laws and regulations.
6. **Maintenance and Repairs.** Lessee shall be responsible for any damages caused by its employees, agents or invitees. The Lessor shall be responsible for repairs related to ordinary wear and tear.
7. **Supplies.** The Lessor shall allow the Lessee to use any surplus office equipment the Lessor may have at the Jones House. The Lessee shall be responsible for 1/2 of the supplies and maintenance costs of this equipment.
8. **Assignment of Subletting.** The Lessee shall not assign or sublease the premises without the prior consent of the Lessor.
9. **Alterations.** The Lessee shall not make any alterations, additions, or improvements to the premises without the prior consent of the Lessor.
10. **Utilities.** The Lessee is responsible for paying its phone bill. Lessor shall pay all other utilities.
11. **Personal Property.** The Lessor is not responsible for any personal property located within the Jones House or situated on the grounds of the Jones House.
12. **Default.** If the Lessee defaults in the payment of rent or in the performance of any conditions of this lease, the Lessor may give Lessee written notice of default. If the Lessee does not cure the default within ten (10) days after the giving of notice, this lease shall terminate, and the Lessee shall at once quit and surrender the premises to the Lessor. If this lease is terminated by the Lessor, it may thereafter resume possession of the premises by any lawful means and remove the Lessee or other occupants and their property.
13. **Governing Law.** This lease shall be governed by and construed in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto executed this lease in duplicate originals, and agree to all the conditions set forth above, the day and year first above written.

TOWN OF BOONE

BY:

Mayor

ATTEST:

Town Clerk

WATAUGA COUNTY ARTS COUNCIL

BY:

President

Adoption of Official Meeting Notice:

PUBLIC NOTICE

The public will take notice that the Boone Town Council holds its regularly scheduled meetings at the Council Chambers, 1500 Blowing Rock Road, Boone, NC on the following dates:

THIRD (3rd) TUESDAY AND SUBSEQUENT THURSDAY OF EACH CALENDAR MONTH

Closed Sessions, if necessary, will be held on the subsequent Thursday of each calendar month, at the end of each regularly scheduled meeting.

Persons wishing to appear on the Town Council meeting agenda must notify the Town Clerk (268-6200) by 9:00 a.m., one week before the meeting. No agenda item will be added for action after this time, unless approved by a majority vote of the Boone Town Council.

Agendas are posted on this bulletin board as soon as prepared.

NOTE: Special meetings are called as necessary and are posted and delivered to local news media forty-eight (48) hours in advance.

Adopted: December 22, 1987

Amended: 3/88; 3/90; 12/91; 9/98; 11/03; 12/09; 6/10

Approval of US-EPA Consent Agreement and Order. **(Permanently on file in the Clerk's Office.)**

Appointment of Andy Ball to serve as alternate to the High Country Council of Governments Board of Directors.

Adoption of Resolution - Creation of North Carolina Mobility Fund:

**RESOLUTION FOR CREATION OF
NORTH CAROLINA MOBILITY FUND**

WHEREAS, enhanced mobility across North Carolina's transportation network is a major factor impacting economic growth and job creation; and

WHEREAS, addressing critical mobility and congestion issues across the state is dependent on all modes of transportation; and

WHEREAS, projects enhancing statewide or regional mobility should not be a financial burden on neighboring communities; and

WHEREAS, North Carolina needs a program to fund mobility projects of statewide and regional significance to address critical congestion bottlenecks and improve the state's logistics capabilities; and

WHEREAS, Governor Perdue has called for in her budget the creation of a fund to address transportation projects of statewide and regional significance.

NOW, THEREFORE, BE IT RESOLVED, that the state should create a North Carolina Mobility Fund available for statewide logistics and congestion mitigation needs, including highway, rail, aviation, ports, ferry, and transit projects.

ADOPTED, this the 17th day of June, 2010.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 140)

VOTE: Aye - All
 Nay - None

PUBLIC HEARING

Mayor Clawson opened a public hearing at 6:35 p.m. to hear comment on the proposed FY2010/2011 Budget. Town Manager Greg Young presented the following revenue fund balances:

\$ General Fund - \$13,123,878
\$ Emergency Telephone Systems - \$158,000
\$ Narcotics Enforcement - \$24,100
\$ Water & Sewer Fund - \$6,403,928
\$ Health Insurance Fund - \$1,717,000
\$ Municipal Service District - \$111,310
\$ Rural Fire Service District - \$537,047

Dave Bixby, owner of Village Laundry, appeared before the Council to voice concern over the proposed increase in water rates. He stated that the water rates have caused him to lose business opportunities and an opportunity to provide more jobs. Council Member Mason stated that she was not supportive of an increase in water rates at this time. With no other comments, Mayor Clawson closed the public hearing at 6:40 p.m.

Mayor Clawson opened a public hearing at 6:41 p.m. to hear comment on a proposed vehicle tax. Town Manager Greg Young explained the proposed tax as \$5 per registered vehicle in the town of Boone. He stated that the tax revenue is estimated to be \$24,905 and would be applied to the creation and maintenance of sidewalks. With no public comment offered, Mayor Clawson closed the public hearing at 6:43 p.m.

Mayor Clawson opened a public hearing at 6:43 p.m. to hear comment on the Studio West Apartments LLC annexation. Development Services Director Bill Bailey stated that this is the final step in the annexation process for this request. With no public comment, Mayor Clawson closed the public hearing at 6:44 p.m.

PUBLIC COMMENT

Irmaly Bracken appeared before the Council to explain that her birth name and business name is being used by someone else to make comments on local websites without her permission. She stated that she is seeking help in resolving this matter.

APPROVAL OF VEHICLE TAX

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to amend the agenda to consider Item 7.T. Approval of the Vehicle Tax prior to consideration of the FY2010/2011 Budget Ordinance.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to recuse Council Member Mason from consideration of the funding allocations to outside agencies because she is employed by one of the agencies, The Hospitality House.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to adopt the following funding allocations:

Children’s Playhouse	\$4,000
Hospitality House	\$17,000
Hunger & Health Coalition	\$22,000
OASIS	\$10,000
Western Youth Network	\$5,000
Children’s Council	\$5,600
App. Regional Library – Watauga County Library	\$15,000
Watauga Arts Council	\$7,000
Mountain Alliance	\$10,000
Watauga County Emergency Rescue Squad	\$12,500

VOTE: Aye - All
 Nay - None
 Excused - 1 (Mason)

Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to reseate Council Member Mason.

VOTE: Aye - All
 Nay - None

Council Member Mason stated that a vehicle tax should be carefully considered by the Council and that support for a vehicle tax was indicated by respondents during the Land Use Master Plan workshops. Furthermore, she pointed out that revenue from the tax will help make Boone a more walkable community and will be a dedicated source of funding for sidewalks. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the implementation of a vehicle tax of \$5 per registered vehicle in the town of Boone to be used for the creation and maintenance of sidewalks.

VOTE: Aye - All
 Nay - None

ADOPTION OF FY2010/2011 BUDGET ORDINANCE

Upon a motion by Council Member Brantz, seconded by Council Member Leigh, Council moved to adopt the FY2010/2011 Budget Ordinance, as amended to include revenue from a vehicle tax:

(PERMANENTLY ON FILE IN ORDINANCE BOOK 3)

(ORDINANCE TO BY TYPED IN BOOK 3, PAGES 406-412)

VOTE: Aye - All
 Nay - None

ADOPTION OF ORDINANCE - STUDIO WEST APARTMENTS LLC ANNEXATION

Case 20100121 - Studio West Apartments LLC - Michael P. Winstead Jr., manager of Studio West Apartments, LLC, submitted a petition for voluntary contiguous annexation of 3.01 acres that are contiguous to the corporate limits. The property is located off Highway 105 and is identified as Watauga County PIN 2900-82-2752-000. Development Services Director Bill Bailey stated that this annexation will be effective July 1, 2010. Upon a motion by Council Member Mason, seconded by Council Member Phillips, Council moved to adopt the following ordinance:

Ordinance #10-06

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE

TOWN OF BOONE, NORTH CAROLINA
(Studio West Apartments LLC Annexation)

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Council Chamber at 1500 Blowing Rock Road at 6:30 p.m on June 17, 2010, after due notice by Watauga Democrat on June 4, 2010; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone, North Carolina, that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Boone as of June 30, 2010: A parcel of land lying and being in New River Township, Watauga County, North Carolina, being more particularly described as follows: Commence at the Northwestern corner of the Boonevest, A Limited Partnership parcel as described in Book of Records 1495, at page 815, Watauga County Registry; thence S.07°33'41"W. along the Western boundary line of said Boonevest, A Limited Partnership parcel, 134.41'; thence S.13°39'26"W. along said Western boundary line, 154.08' to intersect the existing Town of Boone Limits Line for the Point of Beginning; thence S.13°39'26"E., along said western boundary line, 147.12' to the Northwestern corner of the Elizabeth Kalnen parcel as described in Book of Records 107, at Page 268, Watauga County Registry; thence S.21°34'12"W. along a portion of the Western boundary line of said Elizabeth Kalnen parcel, 181.46' to the Northeastern corner of The HCI Associates parcel as described in Book of Records 902, at Page 70, Watauga County Registry; thence Westerly and Northerly along the HCI Associated boundary line the following two courses and distances, (1) N.68°02'56"W., 367.06', and (2) N.08°04'47"E., 335.84' to intersect the aforementioned Town of Boone Limits Line; thence S.68°11'05"E. along said Town of Boone Limits Line, 425.14' to the Point of Beginning and containing 3.01 acres as computed by coordinate geometry according to a survey performed by Municipal Engineering Services Company, P.A. d/b/a Skyline Surveyors, in March 2010 under the direct supervision of Walter R. McCracken, III, PLS, L-3832, Drawing Dated 15 March 2010, Job No.S10004.2, Description Dated 15 March 2010.

Section 2. Upon and after June 30, 2010, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Watauga County Board of Elections, as required by G.S. 163-288.1.

ATTEST:	
	Mayor
Town Clerk	

(ORDINANCE TO BE TYPED IN BOOK 3, PAGE(S)413-414)

VOTE: Aye - All
 Nay - None

**ADOPTION OF RESOLUTION - SETTING DATE OF PUBLIC HEARING -
ECOLOGIC DEVELOPMENT (SALDINO) ANNEXATION**

Case 20100206 - Ecologic Development Corporation - Andrew Saldino and Victoria Morehouse for Ecologic Development Corp. Have submitted a petition for voluntary non-contiguous annexation of property that is outside the corporate limits. The entire property contains .216 acres, is located off Junaluska Road, and is further identified as Watauga County PIN 2901-81-7919-000. Development Services Director Bill Bailey stated the annexation request is a condition of being granted water and sewer service by the Town Council in November 2009.

Council Member Leigh asked to be recused from this item since Ecologic Development Corporation and Andrew Saldino are clients of her business. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to recuse Council Member Leigh from consideration of this item.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to adopt the following resolution:

**Resolution fixing date of public hearing on question
of annexation pursuant to g.s. 160A-58.2 (Ecologic
Development annexation)**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency to the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Boone, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Council Chambers on Blowing Rock Road at 6:30 p.m. on July 19, 2010.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at a 3/4" conduit found, the Eastern corner of Lot 4, Plat Book 21, Page 495 (*said 3/4" conduit being located N 23°26'24" W a distance of 10.51 feet from a 5/8" rebar found*); thence N 43°11'19" W a distance of 104.22 feet to a 3/4" conduit found; thence N 54°48'08" E a distance of 81.60 feet to a 3/4" conduit found (*said 3/4" conduit being located S 35°16'46" E a distance of 11.88 feet from a 3/4" conduit found, the Eastern corner to Lot 3, Plat Book 21, Page 495*); thence S 57°11'19" E a distance of 103.29 feet to a point; thence S 50°46'50" W a distance of 53.05 feet to a 1/2" rebar set; thence S 50°46'50" W a distance of 53.00 feet to a 3/4" conduit found, the point of BEGINNING.

Survey was performed without the benefit of a title search which may reveal additional conveyances, easements, rights-of-ways, covenants restrictions or building set back lines.

Bearings are relative to NC Grid North NAD 83 (86). For source of title, see Record Book 1481, Page 307; Watauga County Register of Deeds Office. Area by coordinate computation. Job No. 090106A.

Section 3. Notice of public hearing shall be published once in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

ATTEST:		Mayor
Clerk		

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 141)

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to reseate Council Member Leigh.

VOTE: Aye - All
 Nay - None

UPDATE ON SUSTAINABILITY TASK FORCE - PRESENTATION OF COMMITTEE MISSION STATEMENT

Patrick Beville, chair of the Sustainability Task Force, appeared before the Council to present an update from the task force and present a mission statement for approval:

**Town Of Boone Sustainable
Development Task Force Update
6/17/10**

Task Force Members:
Town Council Members: Andy Ball and Jamie Leigh
Community Members: Patrick Beville, Kelly Jo Drey-Houck, Ged Moody, Matthew Long, Susie Winters and Rowan Cannell

Initial Meeting: Monday May 24, 2010
Present task force members appointed Patrick Beville as Chairman, Kelly Jo Drey-Houck as Vice-Chairman and Matthew Long as Secretary.
Second Meeting: Monday June 7, 2010
Mission Statement was established.
Next Meeting: Monday June 21, 2010

Mission Statement:

The Sustainable Development Task Force seeks to position Boone, North Carolina as a leader in sustainability. We identify, research, and recommend, policies, procedures and initiatives that further incorporate sustainable social, environmental, and economic values into the Town of Boone’s operations, governance, and planning.

Mr. Beville stated that he will appear before the Council on a quarterly basis to present updates on the activities of the Sustainability Task Force. Upon a motion by Council Member Phillips, seconded by Council Member Leigh, Council moved to approve the mission statement of the Sustainability Task Force as presented by Chair Patrick Beville.

VOTE: Aye - All
 Nay - None

SCHEDULE SPECIAL MEETING - DEVELOPMENT OF CAPITAL PROJECTS PLAN

Council Member Mason requested a special meeting be scheduled in order to develop a Capital Projects Plan (short term and long term) including space needs priorities to help guide future allocation decisions. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to schedule a special meeting on Monday, August 23, 2010, at 5:30 p.m. in the Council Chambers, 1500 Blowing Rock Road, in order to develop a Capital Projects Plan.

VOTE: Aye - All
 Nay - None

PARKING TASK FORCE RECOMMENDATIONS

John Cooper, chair of the Parking Task Force, appeared before the Council to present the following recommendations:

Boone Parking Task Force 2010 Report and Recommendations

Submitted for Consideration June 17, 2010

Background

The Boone Parking Task Force, consisting of members appointed by the Boone Town Council, met 4 times starting with the first meeting on March 25, 2010. The members of the task force are Jason Berry, Thomas Brigham, John Cooper, Joe Furman, Rich Jacobs, Steve McLaurin, Brian Newell, Stephen Phillips, Scotty Prevost, Barry Sauls, Bunk Spann, and Chris Turner. Bill Bailey, of Town Development Services, attended two of the meetings to provide resource information. The last meeting was held on June 3, 2010. In an attempt to expedite some of the recommendations, the Task Force thought it advisable to deliver this report to you at the earliest possible Council meeting, in order that you might move on them prior to the start of the new fiscal year and to help remedy many of the situations that are causing difficulty for downtown businesses and professionals. We have also submitted rationale for each recommendation in order to provide insight into each decision.

At the first meeting, Officers elected are John Cooper, Chair, Bunk Spann, Vice Chair and Steve McLaurin, Secretary. The attendance was exceptional and the input was very helpful. Resources were provided by Steve McLaurin, Joe Furman, Bill Bailey, Stephen Phillips, Kim Brown, Scotty Prevost and others. A walking tour was conducted by three of the members with a report provided to task force members.

The task force adjourned on June 3, but there is a willingness to reconvene if additional work is needed. We did not make recommendations for UDO changes, but will be happy to consider those if it is the Council's desire. It was generally expressed that there is not the inclination to lower parking requirements for future downtown developments, unless money is paid into a fund to provide structured parking. All of the recommendations, with the exception of abstentions on a few occasions, were unanimously passed. We urge the Council to take action for the good of this community.

Recommendation:

Saturday Parking enforcement with 2 hour parking limits for Saturdays only in most areas

Rationale:

Many problems have arisen from, not only Appalachian game day parking, but also individuals leaving their cars parked on the streets of Boone starting Friday evening after parking enforcement ceases for the weekend. It has been reported that this abuse of parking spaces is done by downtown residents and in many cases employees of some of the businesses. It is the feeling that this will create improvement in availability throughout the year, but especially on

game days, which have been disastrous for downtown businesses. Saturday parking enforcement is necessary to retain the vibrancy created by a diverse business mix. Sunday parking would remain free and without enforcement.

Recommendation:

Signage would need to reflect the change in enforcement, either with revised wording or a flip over sign for Saturday. Additional parking signage is needed to direct visitors to our longer term parking on Queen Street.

Rationale:

It will be necessary to have signage that adequately informs and educates the public. There was discussion but no decision about how that should be accomplished. Some felt that it should be on one sign, while others felt that a flip over sign would be more useful. Since neither alternative received consensus, it would be best if the decision could be reached by the Downtown Boone Development Association in consultation with Steve McLaurin.

Recommendation:

Parking violations increase from \$10 to \$20. This includes, exceeding time, wrong side, to close to corner, parking into crosswalk, across parking line, blocking driveway, across traffic lane, blocking intersection. No recommendations for changing other higher priced fines. Those include \$20 for parking without parking permit and on sidewalk. \$30 fines for loading zone and no parking area. \$50 fines for fire lane violation or removing chalk mark. \$100 fine for handicap violation.

Rationale:

The current \$10 parking fine is not considered much of a penalty and is considerably less than the general parking fine of \$30 for people illegally parking on campus. There was a feeling that some students have considered these tickets a part of the cost of going to school. There certainly is concern that this increase will negatively impact visitors to the downtown, but we are hopeful that improved signage, education, and the ticket validation program will remedy public dissatisfaction.

Recommendation:

Pay stations or metered parking on Depot lot, King Street, Depot Street, Howard Street, and Linney Street.

Rationale:

Meters have been in place for some time (Queen St.) for some of the more distant spaces from the core of the downtown. People are used to paying for parking when they visit other towns and cities, and It makes sense to receive parking revenue from the most convenient spaces.

Recommendation:

It is imperative that the increased fines and parking fees be administered with the public understanding that the additional revenue generated from new parking fees and fines over and above the purchase and installation costs, maintenance costs and insurance, be used for Downtown Boone improvement projects, including: Sidewalk improvements, according to CAC standards, waste bins, enhanced street lighting following Community Appearance Commission specifications for the teardrop lighting units (over and above the 13 lighting units scheduled to be installed), and other streetscape improvements. Additionally, it was suggested that these lighting units would be directed downward so as not to add to night sky lighting.

We realize that the approximately \$105,000 revenue, over and above what is paid to McLaurin Parking, is used to offset the costs of oversight of operation, snow removal and maintenance of Town owned parking equipment, etc., and are not suggesting a diversion of these funds (hold

harmless).

Rationale:

Scotty Prevost provided us with the article entitled “Using Parking Meters to Save Downtown” found on the website: www.walkablestreets.com/meter.htm.

The article detailed Pasadena, CA’s amazing comeback when they used parking meters to fund downtown improvements. Being sure that downtown patrons know that paying for parking is helping to improve the aesthetics of downtown is key to maintaining public goodwill. The same principal applies to increased parking fines. It is the belief that parking meters will generate some significant revenue, particularly those closest to the campus. It was discussed that it would be advisable to start east and work to the west in an implementation schedule.

Recommendation:

Maintain the one hour parking limit for weekdays and that parking charge for these additional areas be \$1.00 per hour, incrementally at \$.25 per fifteen minutes

Rationale:

This is twice the rate on Queen Street but this is much more important and prime space. Since there is an hour time limit on weekdays and a two hour limit on Saturday, the cost would be minimal. The committee did not feel that this rate would be out of line and would encourage some businesses to pay for employee parking as opposed to trying to “work the system”.

Recommendation:

Retain the 30 minute parking limit in front of the Post Office and on Linney Street with charge being \$.25 per 15 minutes

Rationale:

We want to continue to provide a space that will allow for convenience and turnover for the postal customer.

Recommendation:

A pay station be placed in the Depot Street lot as soon as possible. Further it is recommended that most areas of King, Howard and Depot Street be accommodated by pay stations (with an average of 7-8 spaces per station) in order to limit the clutter and create more options for streetscape enhancement. The approximate cost of pay stations installed is \$1200 per space. It is recommended that the option be left, where practical, to place single meters as recommended by Blake Brown and Steve McLaurin.

Rationale:

The pay stations will cost more per space (about \$1200) than individual meters (about \$700) but will limit the street clutter and help with aesthetics of the downtown. Additionally, it will take less time to collect the money, recalibrate and maintain the stations. This is the recommended solution from Steve McLaurin, who has had considerable experience with them.

Recommendation:

Clarify the current on-street parking ordinance. While the on-street parking ordinance addresses the need to move a vehicle to avoid receiving a citation, the Task Force concern is related to motorists moving their vehicle a mere centimeter and meeting the language but not the intent of the ordinance. The need is for the motorist to move the vehicle from the parking space and block face for two consecutive posted timeframes to prevent being subject to an overtime citation being issued. The specifics of the language to be sought for the proper insertion in the code is recommended to be included after Steve McLaurin and the Town Attorney meet to structure the correct language for code inclusion.

Rationale:

The ordinance improvement is necessary to make enforcement easier and less complicated.

Recommendation:

Game Day and other special designated events only, using Watauga County Parking Spaces for paid parking in the Ginn lot (47 spaces) off Queen Street, the new 32 space parking lot on Water Street, 50 spaces around the Courthouse, the 30 bagged spaces and the nearly 300 parking spaces at the Human Resources Lot west of Downtown. An agreement will need to be reached between McLaurin and the County independently of the Town's agreement. It is believed this space inventory will help meet parking demand for game days and events beyond the inventory of the Queen Street Parking Lot. The Horn in the West Parking Lot was recommended to remain as a parking alternative after 1:00 p.m. on these Game Day Saturdays. This time restriction in this use is due to the Farmers Market located at this site and their use until 1:00 p.m. on Fall Saturdays.

Rationale:

It was felt that providing an alternative that did not include using regular customer downtown parking, will help the downtown businesses have better game day business. The last few years have been disastrous, and it important to get this in place as soon as possible before the first home game on Sept. 11, 2010. Additionally, game attendees parking in the County lots or the Queen Street lot will likely need to walk by some of the businesses in downtown Boone. Good communications from the DBDA, ASU, and media sources will be essential to turn the problem around.

Recommendation:

Use parking ambassadors (2) for game days positioning, as in the 2009gameday plan, with signs assisting arriving motorists into Downtown Boone was endorsed for the 2010 Football Saturdays. The plan endorsed by the committee was for these ambassadors to offer handouts to motorists advising of the Game Day Parking in the Queen Street Lot and the County Lots and advising of the two-hour enforcement on the street with citations issued every two hours. The parking fee charged in the Game Day parking lots is recommended to be \$ 20.00 for all-day parking, with no charge for Watauga County Residents in the County Properties. The committee also recommends the Town Hall Lot be maintained for hourly parking implementing the normal pay structure and not be for game parking on Game Days. Additionally, it is recommended that only warnings be issued on the first game day, September 11th and that this be in the form of a friendly letter from the DBDA.

Rationale

Having ambassadors was probably the best idea from last year's game day parking. The more information we can disseminate the better the results will be. As with every plan, it will be helpful to re-evaluate and adjust after the first game. We want to issue a warning on the first day so in order to maintain as much good will with this change in policy as possible.

Mr. Cooper pointed out the differences contained in the report compared to the current parking provided in the downtown area. It was suggested that a partnership between the Town and ASU be developed in order to deal with game day parking issues. Upon a motion by Council Member Mason, seconded by Council Member Phillips, Council moved to direct Town Manager Greg Young, Town Attorney Sam Furguele and Steve McLaurin, in consultation with the Parking Task Force, if needed, to develop a cost analysis and action plan for the parking recommendations to present to the Council.

VOTE: Aye - All
 Nay - None

APPROVAL OF INSURANCE BID - PROPERTY, LIABILITY, & WORKERS' COMPENSATION FOR FY2010/2011

Town Manager Greg Young presented the insurance bids submitted for property, liability, and workers' compensation for the Town of Boone. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to accept the bid from Travelers Insurance in the amount of \$264,685.00 for property, liability, and workers' compensation for the Town of Boone.

VOTE: Aye - All
 Nay - None

GREENWAY, PARKS, & GARDENS RECOMMENDATIONS - GREENWAY EXTENSION PROJECT

At the May 25, 2010 meeting, the Greenway, Parks & Gardens Committee discussed the Alternative Transportation Plan for the Greenway Trail system extension along Greenway Road. It was the consensus of the committee to recommend to Council that the project to extend the Greenway from Wilson Drive to Pride Drive be expedited. Town Manager Greg Young stated that there are right-of-way and utility issues that need to be resolved regarding this extension. He stated that he would be able to offer more information after the bids for the Wilson Drive project are received. Upon a motion by Council Member Phillips, seconded by Council Member Mason, Council moved to place this item for discussion on the agenda of the August 23, 2010 special meeting.

VOTE: Aye - All
 Nay - None

APPROVAL OF ENCROACHMENT AGREEMENT - STUDIO WEST APARTMENTS LLC

Public Works Director Blake Brown appeared before Council to request approval of an encroachment agreement for the Studio West Apartments, LLC location on NC Highway 105. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to approve the encroachment agreement between the Town of Boone, the Studio West Apartments, and the NC DOT (**copy of agreement permanently on file in the Clerk's office**).

VOTE: Aye - All
 Nay - None

Mayor Clawson declared a break at 8:14 p.m. Council reconvened at 8:24 p.m.

TRANSPORTATION COMMITTEE RECOMMENDATION - PAINTED PEDESTRIAN CROSSWALKS PROJECT

Public Works Director Blake Brown presented a recommendation from the Transportation Committee to install painted pedestrian crosswalks on Queen Street at the following locations:

- \$ From the Queen Street median to the Water Street sidewalk
- \$ From the Queen Street median to the public stairway access to King Street
- \$ From the Queen Street median to the Linney Street sidewalk
- \$ From the Queen Street median to the Depot Street sidewalk.

He stated that the recommendation also included the realignment of the parking meters in the Queen Street median to make a safer pedestrian walkway. Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to approve the Transportation Committee recommendation for a painted pedestrian crosswalk project.

VOTE: Aye - All
 Nay - None

TRANSPORTATION COMMITTEE RECOMMENDATION - UDO AMENDMENT FOR “FEE IN LIEU” OPTION FOR SIDEWALKS

Public Works Director Blake Brown presented a recommendation from the Transportation Committee to amend the UDO to allow a “Fee in Lieu” option for developing on primary streets where there is no existing sidewalk infrastructure in place. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to direct Public Works Director Blake Brown and Town Attorney Sam Furguele to draft an amendment regarding the “Fee in Lieu” option to be presented to the Council in July for consideration to be placed on the August Quarterly Public Hearing agenda.

VOTE: Aye - All
 Nay - None

ANNOUNCEMENT OF BOARD VACANCY

Mayor Clawson announced the following vacancies:

Affordable Housing Task Force - Planning Commission representative, community member who qualifies for affordable housing, community member (neighborhood advocate).

Outside Agency Funding Committee - One resident position.

Transportation Committee - One resident position.

Downtown Parking Task Force - Planning Commission representative.

Planning Commission - Resident position.

Greenway, Parks & Gardens Committee - Two positions which expire on July 31, 2010.

BOARD APPOINTMENT - AFFORDABLE HOUSING TASK FORCE

There were no applications for consideration for this appointment. The Clerk is directed to continue advertising for the open positions as announced by Mayor Clawson.

BOARD APPOINTMENT - BOARD OF ADJUSTMENT

Mayor Clawson announced that the following positions were open on the Board of Adjustment:

- \$ two resident positions (Terms expiring June 30, 2013)
- \$ one alternate positions (Term expiring June 30, 2013)
- \$ one ETJ position (Term expiring June 30, 2013)
- \$ one ETJ alternate position (Term expiring June 30, 2012).

She stated that applications have been submitted from James Buchanon, James Milner, and Chris Winsor, who each qualify for resident or alternate resident positions.

Beginning with nominations for the two resident positions, Council Member Leigh nominated James Buchanon. Council Member Mason nominated Chris Winsor. James Milner was nominated by Stephen Phillips. With no other nominations, Mayor Clawson called for a vote on each nomination:

James Buchanon: Aye - All
Nay - None

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

James Milner: Aye - 1 (Phillips)
Nay - 4 (Leigh, Mason, Ball, Brantz).

By majority vote, James Buchanon and Chris Winsor were appointed to fill the resident positions on the Board of Adjustment with terms expiring June 30, 2013.

For the position of alternate resident, Council Member Phillips nominated James Milner. With no other nominations, Mayor Clawson called for a vote on the nomination:

James Milner: Aye - All
Nay - None

By unanimous vote, James Milner was appointed to serve as the alternate resident on the Board of Adjustment with the term expiring June 30, 2013.

Since only one application was received from a resident of the ETJ and since the Watauga County Board of Commissioners has requested that the Town Council send at least two nominations for each open position for consideration, it was the consensus of the Council to defer action on ETJ appointments until two nominees can be forwarded to the County for consideration. It was also the consensus of the Council for ETJ member Jim Marsh to continue service until the position is appointed. The Clerk is directed to continue advertising for applications for the ETJ position and ETJ alternate position.

BOARD APPOINTMENT - CABLE TV ADVISORY COMMITTEE

There were no applications for consideration for this appointment. Town Attorney Sam Furgiuele stated that an amendment repealing the section of the Town Code regarding the Cable TV franchise and advisory committee will be presented at the July meeting.

BOARD APPOINTMENT - COMMUNITY APPEARANCE COMMISSION

Mayor Clawson announced that there are two resident positions open on the Community Appearance Commission and that an application from Adrian Tait has been received. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to appoint Adrian Tait to fill the a resident position on the Community Appearance Commission with the term expiring June 30, 2013. The Clerk is directed to continue advertising for the open resident position.

VOTE: Aye - All
Nay - None

BOARD APPOINTMENT - HISTORIC PRESERVATION COMMISSION

Mayor Clawson announced that there are two vacant ETJ positions and one open resident position on the Historic Preservation Commission. She noted that an application has been received from Trent Margrif. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to appoint Trent Margrif to fill the a resident position on the Historic Preservation Commission with a term expiring June 30, 2014. The Clerk is directed to continue advertising for the two open ETJ positions.

VOTE: Aye - All
 Nay - None

BOARD APPOINTMENT - OUTSIDE AGENCY FUNDING COMMITTEE

There were no applications for consideration for this appointment. The Clerk is directed to continue advertising for the open positions as announced by Mayor Clawson.

BOARD APPOINTMENT - PLANNING COMMISSION

Mayor Clawson announced that the following positions were open on the Planning Commission:

- \$ Two resident positions (Terms expiring June 30, 2014), one resident position (Term expiring June 30, 2012)
- \$ One ASU student position (Term expiring June 30, 2011)
- \$ One ETJ position (Term expiring June 30, 2014).

She stated that applications have been received from Cliff Baldwin, Robert Cherry, Kimberly Marland, and Bunk Spann, all of whom qualify to serve in resident positions. An application from Kayla Malsbury has been received for consideration for the ASU position. Beginning with nominations for resident positions, Council Member Ball nominated Kimberly Marland. Council Member Phillips nominated Bunk Spann. Robert Cherry was nominated by Council Member Brantz. Council Member Mason nominated Cliff Baldwin. With no other nominations, Mayor Clawson called for a vote on each nomination:

Cliff Baldwin: Aye - 2 (Phillips, Mason)
 Nay - 3 (Leigh, Ball, Brantz)

Robert Cherry: Aye - 3 (Leigh, Ball, Brantz)
 Nay - 2 (Mason, Phillips)

Kimberly Marland: Aye - All
 Nay - None

Bunk Spann: Aye - All
 Nay - None

By majority vote, Robert Cherry, Kimberly Marland, and Bunk Spann were appointed to fill the resident positions on the Planning Commission.

Council Member Ball nominated Kayla Malsbury to serve as the ASU student representative on the Planning Commission. With no other nominations, Mayor Clawson called for a vote on the nomination:

Kayla Malsbury: Aye - All

Nay - None

By unanimous vote, Kayla Malsbury was appointed to serve as the ASU student representative on the Planning Commission with the term expiring June 30, 2011.

No applications were received for consideration for the open ETJ position. The Clerk is directed to continue advertising for the open positions as announced by Mayor Clawson.

AWARDING OF CONTRACT - WINKLER'S CREEK RESTORATION PROJECT

Public Utilities Director Rick Miller appeared before the Council to request approval of a bid for the replacement of the Winkler's Creek Intake Restoration project. He stated that the lowest bid was submitted by Wilkie Construction in the amount of \$613,000.00 and that the engineer has recommended awarding the bid to Wilkie Construction. Upon a motion by Council Member Leigh, seconded by Council Member Brantz, Council moved to award the bid for the replacement of the Winkler's Creek Restoration project to Wilkie Construction in the amount of \$613,000.00.

VOTE: Aye - All
 Nay - None

MONTHLY WATER STATUS REPORT

Public Utilities Director Rick Miller presented the monthly water-use status report **(copy permanently on file in the June 2010 Town Council meeting packet.)**

PLANNING COMMISSION APPOINTMENTS

Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to reconsider the Planning Commission appointments for the three resident positions since no term expiration was set for the appointments.

VOTE: Aye - All
 Nay - None

Beginning with the nominations for the two resident positions with terms expiring June 30, 2014, Mayor Clawson called for nominations. Council Member Ball nominated Kimberly Marland. Council Member Mason nominated Cliff Baldwin. Council Member Brantz nominated Robert Cherry. Council Member Phillips nominated Bunk Spann. With no other nominations, Mayor Clawson called for a vote on each nomination:

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

Robert Cherry: Aye - 3 (Leigh, Ball, Brantz)
 Nay - 2 (Phillips, Mason)

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

Bunk Spann: Aye - 2 (Phillips, Leigh)
 Nay - 3 (Mason, Ball, Brantz)

By majority vote, Robert Cherry and Kimberly Marland were appointed to fill the resident positions on the Planning Commission with terms expiring June 30, 2014.

For the position of resident with a term expiring June 30, 2012, Council Member Phillips nominated Bunk Spann. With no other nominations, Mayor Clawson called for a vote on the nomination:

Bunk Spann: Aye - All
 Nay - None

By unanimous vote, Bunk Spann was appointed to fill the resident position on the Planning Commission with a term expiring June 30, 2012.

APPROVAL OF BUDGET AMENDMENTS

Upon a motion by Council Member Ball, seconded by Council Member Leigh, Council moved to approve the following budget amendments:

DESCRIPTION	ACCOUNT #	TO:	FROM:
WATA CO.-COLLECTION OF TAXES (GENERAL FUND)	010-403-000-577110	\$10,000	
WATA CO.-COLLECTION OF TAXES (MSD)	050-450-000-577110	\$500	
CURRENT YEAR TAXES-GENERAL FUND	010-000-000-411080		(\$10,000)
CURRENT YEAR TAXES-MSD	050-450-000-411080		(\$500)
PROFESSIONAL SERVICES-LEGAL	010-404-000-509100	\$20,000	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$20,000)
CAPITAL OUTLAY-OTHER IMPROVEMENTS (JONES HOUSE)	010-409-000-574001	\$4,000	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$4,000)
BOONE HOUSING AUTHORITY	010-411-000-549101	\$24,025	
FEMA REIMBURSEMENT	010-000-000-448030		(\$24,025)
NCDOT PROJECT U-4020	010-411-000-549121	\$28,300	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$28,300)
MAINTENANCE & REPAIR-VEHICLES (POLICE DEPT)	010-500-300-525301	\$6,732	
MISCELLANEOUS REVENUE-GENERAL FUND	010-000-000-489900		(\$6,732)
REGULAR SALARIES-STREET DEPT.	010-600-401-501101	\$8,800	

OVERTIME-STREET DEPT.	010-600-401-501201	\$4,800	
FEMA REIMBURSEMENT	010-000-000-448030		(\$13,600)
REGULAR SALARIES-FLEET MAINTENANCE	010-600-404-501101	\$3,400	
OVERTIME-FLEET MAINTENANCE	010-600-405-501201	\$6,325	
FEMA REIMBURSEMENT	010-000-000-448030		(\$9,725)
REGULAR SALARIES- FACILITIES MAINTENANCE	010-600-405-501101	\$14,000	
OVERTIME-FACILITIES MAINTENANCE	010-600-405-501201	\$17,000	
FEMA REIMBURSEMENT	010-000-000-448030		(\$31,000)
SANITATION CONTRACT	010-600-406-551001	\$300	
RECYCLING CONTRACT	010-600-407-551000	\$1,500	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$1,800)
CAPITAL OUTLAY- LAND(PUBLIC UTILITIES)	030-700-801-575021	\$25,440	
APPROPRIATED FUND BALANCE- W&S FUND	030-000-000-499900		(\$25,440)
SLUDGE DRYER HEAT-WWTP	030-700-805-523122	\$20,000	
APPROPRIATED FUND BALANCE- W&S FUND	030-000-000-499900		(\$20,000)
TRANSFER TO WATER CAPITAL RESERVE	030-700-890-598031	\$227,739	
TRANSFER TO SEWER CAPITAL RESERVE	030-700-890-598032	\$346,716	
IMPACT/AVAILABILITY FEE- WATER	030-000-000-467301		(\$227,739)
IMPACT/AVAILABILITY FEE- SEWER	030-000-000-467302		(\$346,716)
GROUP MEDICAL INSURANCE-CLAIMS	035-430-000-535611	\$301,750	
GROUP MEDICAL INSURANCE-ADMIN.	035-430-000-535610	\$2,000	
INSURANCE REVENUE- COBRA	035-430-000-450001		(\$5,000)
INSURANCE REVENUE- GENERAL FUND TRANSFER	035-430-000-450003		(\$195,500)

INSURANCE REVENUE- W&S FUND	035-430-000-450004		(\$25,750)
APPROPRIATED FUND BALANCE-HEALTH INSURANCE FUND	035-430-000-499900		(\$75,000)
MISC. REVENUE-HEALTH INSURANCE FUND	035-430-000-489900		(\$2,500)
PEDESTRIAN PLANNING GRANT	010-411-000-545101	\$45,000	
NC DOT PEDESTRIAN PLANNING GRANT FUNDS	010-000-000-448031		(\$31,500)
FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$13,500)

VOTE: Aye - All
 Nay - None

APPROVAL OF MATCHING FUNDS - NC DOT PEDESTRIAN PLANNING GRANT

Public Works Director Blake Brown appeared before the Council to announce that the Town of Boone has been awarded the NC DOT Pedestrian Planning Grant in the amount of \$31,500.00 and will require a local match of \$13,500 from the Town, as was approved by the Council prior to the submission of the grant application. He explained that the funds will be used to hire an NC DOT-approved consultant to develop a Comprehensive Pedestrian Plan for the Town of Boone. With required involvement of staff and members of the public, Mr. Brown stated that he will request appointments by Council to a Steering Committee in the near future. He stated that the Town is currently advertising for Requests for Qualifications to hire a planning consultant from the NC DOT-approved list of eligible consultants. Upon a motion by Council Member Ball, seconded by Council Member Phillips, Council moved to approve \$13,500 in matching funds for the NC DOT Pedestrian Planning Grant.

VOTE: Aye - All
 Nay - None

RECESS

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to recess the meeting at 9:04 p.m. until Monday, June 21, 2010 at 6:30 p.m. in the Council Chambers, 1500 Blowing Rock Road.

VOTE: Aye - All
 Nay - None

CALL TO ORDER

A recessed meeting from Thursday, June 17, 2010 was called to order at 6:30 p.m., Monday, June 21, 2010, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro Tem Lynne Mason, Andy Ball, Jamie Leigh, Rennie Brantz, and Stephen Phillips. Town Attorney Sam Furguele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Dana Crawford, Interim Fire Chief

Jimmy Isaacs, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, Development Services Director Bill Bailey, and Planner Jane Shook.

Mayor Clawson stated that any persons wishing to address the Council should sign in to speak during the Public Comment period. She also invited the public to attend a reception honoring the 75th Anniversary of the Blue Ridge Parkway to be held on Tuesday, June 22, 2010, from 4:00 p.m. until 6:00 p.m at the Jones House Community Center.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young stated that there were no changes to the agenda. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adopt the agenda, as presented.

VOTE: Aye - All
 Nay - None

PUBLIC COMMENT

James Milner stated that he wished to speak to the Town's water situation. Town Attorney Sam Furgiuele advised that it may be more appropriate for Mr. Milner to make his comments during the water and sewer requests later in the meeting.

CONSIDERATION OF ZONING AMENDMENT - CASE 20100276 OPEN HOUSE REAL ESTATE SIGNS

Case 20100276 Open House Real Estate Signs - UDO Modification on open house real estate signs. Development Services Planner Jane Shook presented the following information regarding the Planning Commission action on this request:

§ *The Planning Commission recommended, by unanimous vote, the following changes to the proposed text:*

1. Section 338 [a][3][B]2: "*Off-premise*" (add dash)
2. Section 338 [a][3][B]3: "*Off-premise*" (add dash)
3. Section 338 [a][3][B]4: "*Only one on-site sign*" (add "*on-site*").

First Motion and Vote:

Commission Member Purpur made a motion, seconded by Commission Member Woolridge, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the revision to Open House Real Estate Signs is necessary and desirable to support real estate sales.

VOTE: Aye - 7
 Nay - 1 (Vincent)

Second Motion and Vote:

Commission Member Simmons made a motion, seconded by Commission Member Woolridge, that the Planning Commission recommend approval, incorporating changes made by staff, because Section 2.3.1(D) of the 2006 Comprehensive Plan specifically allows for sign policies and standards to be periodically updated, and the proposed changes in UDO language related to

temporary real estate sign regulations will serve to support, and hopefully expand, the local real estate market during our nation's current financial downturn.

VOTE: Aye - All
 Nay - None

In regard to the maximum height, Council Member Mason pointed out that the word “square” should be removed from the table in Section [3][A]. Ms. Shook confirmed the change. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to approve the following changes to the proposed text:

1. Section 338 [3][A][3] Area and Height Requirements (table) - delete the word “square” in the Maximum Height heading
2. Section 338 [a][3][B]2: “Off-premise” (add dash)
3. Section 338 [a][3][B]3: “Off-premise” (add dash)
4. Section 338 [a][3][B]4: “Only one **on-site** sign” (add “on-site”).

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application as cited in the staff report referencing Economic Development Section 2.1.1., paragraphs A & E, and Community Appearance Section 2.3.1., paragraphs C & D.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the following proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest as it supports real estates sales while maintaining community appearance standards relating to signs:

Article 18 – Signs

Section 322. Definitions

Real Estate/for Sale/Open House/or Lease Sign: a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, **open house** or sale.

Section 338. Temporary Sign Regulations

[a] Temporary signs must conform to all regulations of this section not otherwise superseded by this Article. No type of temporary sign, other than an agricultural sign whose placement is approved by the North Carolina Department of Transportation, may be placed in the public right-of-way. Temporary signs, other than agricultural signs, inflatable signs and community event signs, shall not be required to obtain a sign permit.

~~[3] Real Estate, For Sale, or Open House signs are permitted as temporary signs. These signs may be displayed provided that the following conditions are adhered to:~~

~~_____a. One sign per premise~~

- ~~b. Sign shall not be illuminated~~
- ~~c. Sizes shall not exceed:~~
 - ~~1. In the R-1, R-1-A, R-A, R-2, R-3, R-4 and MH Districts: four (4) feet in area and five (5) feet in height.~~
 - ~~2. In the B-1 District: four (4) square feet in area.~~
 - ~~3. In the B-2, B-3, M-1, and O/I Districts: twenty (20) square feet in area and eight (8) feet in height.~~
- ~~d. Signs are required to be removed from the site within forty-eight (48) hours after property closing or open house.~~

[3] **Real Estate Sign:** A real estate sign is a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:

- [A] Real estate signs advertising property for sale, lease or rent shall adhere to the following regulations:
 - 1. Only one (1) sign per lot is allowed.
 - 2. The sign shall not be illuminated.
 - 3. Area and Height Requirements:

Zoning District	Maximum Area (square feet)	Maximum Height (feet)
Residential Zoning Districts	4	5
B-1 Central Business	4	
Remaining Zoning Districts	20	8

- 4. The real estate sign shall be removed within forty-eight (48) hours after the property closing.

[B] Open House Residential Real Estate Sign: Open house residential real estate signs shall be subject to the following requirements:

- a. There shall be no more than one on-premise and two (2) total off-premise open house residential real estate signs for any open house event. These signs must include the realtor’s phone number or the homeowner’s address and the street address where the event is taking place.
 - 2. Off-premise signs may be in place only from 8 a.m. on Saturday to 8 p.m. on Sunday.
 - 3. Off-premise signs shall not exceed three (3) square feet in area and two (2) feet in height.
 - 4. Such signs shall not be illuminated.
 - 5. Only one on-site sign per lot is allowed with the permission of the property owner, registered agent or tenant.

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - PETER CURNIN

Peter Curnin appeared before the Council to request permission to start a shuttle business in the town of Boone. He presented his proposal (**copy of proposal permanently on file in the Clerk's office**) to offer an efficient, eco-friendly, shuttle service, "Green Light Shuttle Service," to the community which will provide safe and easy access to downtown attractions. Mr. Curnin explained that one of the main goals of this service is to help decrease the number of drivers that are under the influence of alcohol on our roadways. He further explained that the shuttle bus will run off WVO (waste vegetable oil) from local restaurants with the exception of the diesel fuel needed to start the engine and has a maximum capacity of 45 to 72 passengers. Mr. Curnin stated that the shuttle will operate every Tuesday, Thursday, Friday, and Saturday night from 8:00 p.m. until 3:00 a.m. Council Member Brantz asked about the time frame for beginning the business. Mr. Curnin responded that he anticipates making the first shuttle run on August 29, 2010, coinciding with the Music on the Mountain event. In response to a question from Council Member Mason, Mr. Curnin stated that the fee for service is \$2 each way or possibly a membership fee of \$30-40 a semester for students. As for special licensing, Mr. Curnin stated that the shuttle drivers must possess a CDL (commercial driver's license). Council Member Leigh asked about any concerns from the Boone Police Department. Mr. Curnin stated that he has talked numerous times with Officer David Osborne about this proposal and that Officer Osborne is in support of the idea. He further stated that the business will have the proper liability insurance required to operate a shuttle service. Council Member Mason asked about any conflicts with the Appalcart bus system. Town Attorney Sam Furguele stated that he would have to review the contract between the Town and Appalcart to determine if any conflicts exist. Mr. Curnin informed the Council that he has talked with Chris Turner of Appalcart and that no conflicts are expected in that his business will operate later than the Appalcart system. Town Manager Greg Young stated that this business does not fall within the provisions of the Taxi ordinance contained in the Town Code. Town Attorney Sam Furguele advised that the Council amend the Town Code to include this type of business to ensure the safety of the public. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to approve the issuance of a permit for the "Green Light Shuttle Service" as presented by Mr. Curnin and to direct the Town Attorney to draft an amendment to the Town Code to include provisions for shuttle services.

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - PHIL TREW

Phil Trew, of the High Country Council of Governments, appeared before the Council to present information on the Watauga County Comprehensive Transportation plan and to request an appointment of a Council Member to serve on the Steering Committee. Mr. Trew stated that this issue was discussed at the March 22, 2010 Intergovernmental Retreat and that it was agreed upon at that meeting to create a committee consisting of an elected official and a planning staff member from each jurisdiction, a representative from Appalachian State University, and representation from the Boone Area Chamber of Commerce. He explained that the process to develop a comprehensive transportation plan will require at least two years and that he anticipates beginning the process in late August or early September of this year. Mr. Trew stated that he expects the committee will meet at least monthly and will request input from the public concerning transportation issues. Council Member Ball nominated Council Member Mason to serve as the Boone Town Council representative to the Steering Committee. With no other nominations, Mayor Clawson called for a vote on the nomination:

VOTE: Aye - All
 Nay - None

Council Member Brantz nominated Council Member Phillips to serve as an alternate to the Steering Committee. With no other nominations, Mayor Clawson called for a vote on the nomination:

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - JOHN WEAVER

John Weaver appeared before the Council to request approval for the 2010 Grandfather Mountain Marathon Special Event permit. He stated that the event is scheduled for Saturday, July 10, 2010, from 6:30-7:00 a.m. beginning at Kidd-Brewer Stadium. Mr. Weaver requested that a patrol car lead the race from the stadium to Russ Cornett Road and requested assistance from the Police Department at the following intersections: Rivers St./Highway 321, Highway 321/Highway 105, and Wilson Drive/Winkler's Creek Rd. (Boone Mall location). He stated that he will provide the required Certificate of Liability Insurance for the event. Upon a motion by Council Member Leigh, seconded by Council Member Brantz, Council moved to approve the Special Event Permit for the 2010 Grandfather Mountain Marathon.

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - MARY BAKER/DBDA

Mayor Clawson noted that there were several people to sign up on the public comment sheet who wanted to address the Council regarding the discussion of the DBDA contract. Upon a motion by Council Member Ball, seconded by Council Member Phillips, Council moved to accept public comment on the issue of the DBDA contract renewal.

VOTE: Aye - All
 Nay - None

Dempsey Wilcox, president of the Downtown Boone Development Association, presented the following statement:

DBDA President's Statement

"The officers and board of directors of the DBDA would like to thank the town council for the opportunity to have the council reconsider its decision of May 2010 not to renew the contract with the DBDA to direct the main street program for Downtown Boone.

At the May meeting Mary Baker made a presentation of the progress the DBDA has made in the last year and the plan of action for the 2010-2011 fiscal year. We would like to add some additional information we feel needs to be added to the discussion.

Mary has put together the preliminary number on the annual statistical tracking form for this fiscal year and we have found a continuing investment by the private sector in our downtown. In spite of being the height of the deepest economic downturn since the great depression over 2,000,000 dollars were invested in downtown Boone by the private sector. We had a large increase in the number of facades and building renovations. While the overall number of large projects was down we had a great increase of the number of small projects. 37 respondents as compared to 11 in the previous year; invested in improved facades and 49 respondents as opposed to 15 in the previous year; invested in building improvements. Obviously, many small business owners have decided that Downtown Boone is a value. We have an occupancy rate in excess of 95% with solid demand for retail and service space. As you will hear from John Cooper our downtown main street program is considered one of the state leaders in private investment and job creation in the NC main street program.

We had a net gain of 11 new businesses open and a gain of 47 new jobs. New business on both Howard Street and King Street were responsible for this growth. While the rest of the country and state are struggling to create jobs; Downtown Boone is leading the charge in our community.

Over the last year, from statistics collected from our retailers and event participants; we have brought over 37,000 customers into downtown businesses in DBDA facilitated events. We have recorded \$633,400 in direct retail sales from those events. Over the last five years we have given out 11 sign incentive grants, 9 community development grants and 7 façade improvement grants. We have advertized in local newspapers, television shows, on the internet. We have created a new website with the ability to be updated daily by our staff.

We have put up pedestrian signs, created a public art master art plan, put up public art structures. We created a new downtown gateway with benches, helped with the town to create

new pocket parks. We have raised over \$168,000 in private funding and in kind donations. We have been featured in such magazines as WNC Magazine, Charleston Magazine, NC Living and more. We have been designated as a Blue Ridge Gateway Community by the Appalachian Regional Commission. I have a four page summary of all the work over the last few years if you are interested. And we have done this on a smaller budget and a smaller staff than virtually any town our size.

Over the last year we have accelerated our efforts to improve our organization. Our volunteer hours have doubled. We created and distributed a new member's service packet. Created a real estate clearing house. We have created or reformed our key committees. We have streamlined our budget and staff even more for 2010/11 to make sure we are getting more for the MSD money we are receiving.

We are coming into the new year more focused than ever before. We have created a new plan of action. We also have a new annual statistic tracking methodology in place to measure our success and failure. We want to thank the town council for the survey they just completed. Quoting from the survey summary "Fourteen statements were used to measure respondents' level of agreement with various aspects of the Main Street program and the DBDA. Overall, there were general levels of agreement with all of the statements but three. One statement generated a neutral score, while two statements generated marginally negative responses." There was general agreement on the goals we all have in common. But there is room for improvement. Looking at the statistics you can see we have more agreement from retailer than from service industries members like attorneys, accountants and architects. We need to work on that.

A main street program like government is not an easy job. You have differing opinions and conflicting interests. You have limited resources and unlimited needs. One business owner wants to park in front of his store and another wants his customer to park there. One is happy to see all the traffic because it means people are coming to downtown. Another hates the traffic because his customers can't get to his store. But I know one thing that is the truth. The main street program is better run by the merchants, property owners and business owner who are downtown every day and have the most at stake.

They are what make up a main street and downtown. They create the sense of community. Our downtown community has in the last few months created momentum. We need to move forward with it and starting over would be a disaster. We are asking for you to reconsider your earlier vote and allow us to continue to move forward and not step back."

John Cooper, owner of the Mast General Store in downtown Boone and a charter member of the DBDA, presented the following statement and information:

"22 years ago, with the downtown in decline, having lost 4 major retailers many other businesses and with many vacant buildings, business and building owners came before the Town Council to ask them to levy an additional tax on our buildings and to allow us to spend our own money to pull Downtown Boone out of this decline. We began a slow but steady process to do just that. 3 years later, we stood before the Council asking the Town to apply to become a Main Street town. The town was successful in its application and now we are one of the shining stars in the Main Street Program. Over the years, we partnered with the Town of Boone to make huge progress to create a vibrant and vital downtown. We are still in the largest recession since the depression. The DBDA is an economic development engine that is working. The DBDA helps the downtown provide an incubator for entrepreneurial creativity, development and growth."

*[At this point, Mr. Cooper read into record a letter from Elizabeth H. Parham, Director of the Office of Urban Development (**copy of letter permanently on file in the Clerk's office**) and cited information from the following documents: North Carolina Main Street Statistical Summary FY08-09, NC Main Street Budget and Salary Profile-February 2010, and the NC Main Street Local Program Budgets-February 2010 (**copy of documents permanently on file in the Clerk's office**).]*

Continuation of Cooper statement: "Tonight I stand before you asking you not to take our money away from us. Last year we received a wake-up call. We were given a 13 point plan to help us with our process. We have brought in new board members; we have tried to forge new partnerships with the Town. We have worked diligently on meeting each and every one of those points. We have a new executive director that has shown that she can partner with, not only the Town, but with many other organizations to better the downtown. We want to create a master plan to continue to move us forward. We want to create a stronger partnership with the town to

further polish the gem, which we have worked in the past and with the Town's partnership to create. We need your help and our money and you need our hard work and cooperation to make that happen. It is time to put aside past animosities, to let bygones be bygones and to work together. We need to continue to administer our money, the stakeholder's money, for a better future. It is time to sit down at a table to see how we might iron out any differences and work together for a better downtown. I firmly believe that renewing the contract of the Downtown Boone Development Association is best for all of us and is the right thing to do. We have shown that we want to work together, now is the time to show that you want to work together as well."

Mary Baker, interim Executive Director of the DBDA, stated that the members of the DBDA board and staff have a desire to move forward with the Town of Boone in order to continue making improvements for the betterment of the downtown.

Dan Meyer, Executive Director of the Boone Area Chamber of Commerce, appeared before the Council to voice support of the DBDA and to request renewal of the contract between the Town of Boone and the DBDA.

B. K. Dorsey, a property owner and businessman in downtown Boone for many years, voiced his support of the DBDA.

Colton Lentz, owner of Char Restaurant, appeared before the Council to voice his support for the DBDA.

Jim Deal, who owns the property at 870 West King Street, stated that he has paid the MSD tax for the past 22 years. He stated that he felt the DBDA was initially focused only on parking issues in the downtown area but that the DBDA's focus is now the betterment of the downtown area. He encouraged the Council to support the DBDA.

Bob Meyer, a business owner in the downtown, stated that he relocated his business to the downtown area due to the King Street widening project. He stated that one of the reasons he decided upon locating in downtown Boone was because of the efforts of the DBDA. Mr. Meyer stated that he is in support of the renewal of the Town's contract with the DBDA.

Hanes Boren, who operates a retail business in downtown Boone, voiced support for the DBDA. He stated that he also voices support on behalf of ECR Software which is located in downtown Boone. Mr. Boren also stressed the importance of the monthly meetings of the DBDA, an action which provides an opportunity for property and business owners to voice their concerns and needs.

Andy Stallings, a property owner in the downtown area, stated that he feels it is appropriate for those who contribute to the MSD tax to have a voice in administering the funds. He made a request to view the plan proposed by the Town for the administration of the MSD tax.

Sheri Moretz stated that she remembers when several of the main businesses left the downtown area in the 1980's and the effect that the move had on the downtown area. She stated that she supports the efforts of the DBDA and that the organization has made many changes for the better in the past year.

Rich Jacobs, a business owner in the downtown, stated that he has been involved with the DBDA for the past five years. He indicated that the DBDA has addressed some administrative flaws over the past year. He encouraged the Town to work together with the DBDA for the benefit of the downtown area and insisted that communication is necessary in order to accomplish the goals set for the downtown area by the Lawrence Group. Mr. Jacobs asked the Council to rescind the vote regarding the renewal of the DBDA contract.

Jennele Vaquera, owner of the Lucky Penny, voiced her support of the DBDA and presented a letter (**copy of letter permanently on file in the Clerk's office**) from Kristen Hall, owner of Gladiola Girls, also voicing support for the DBDA.

Pilar Fotta, past director of the DBDA, stated that she had gained a great deal of experience as director of the DBDA. She cautioned the Council to respond to issues instead of reacting.

Roger Wright, a property owner in the downtown and a property developer, stated that he supports the DBDA.

With no other comments offered, Mayor Clawson closed the public comment period at 7:49 p.m.

Council Member Ball thanked all who spoke regarding the DBDA contract renewal. He asked that Town Manager Greg Young provide a report of the MSD Survey results and a copy of the proposed plan for the Town to administer the Main Street program. Mr. Young stated that both the survey results and the proposed plan to administer the Main Street program have been provided to the Council via email correspondence. Council Member Brantz stated that while he is impressed with the support and comments made by the citizens present, he feels that the Town needs to take a fresh look at what approach is needed to best serve the property and business owners that comprise the downtown. He offered the following resolution for consideration to the Council:

RESOLUTION

Move that the Boone Town Council establish a Special Task Force to redefine the relationship between the Town and the downtown business community.

a. Mandate:

1. ~~Develop~~ **Study** a new downtown business association that represents the entire MSD service district, considering the variety or type of business, full boundaries of the district, and mixture of new and established businesses. **Explore all options for administration of MSD funds, including all three options: “in-house” program, continuation with the DBDA, or a new organization.**
2. Define and require an organizational structure that spells out operational procedures and responsibilities, personnel policies, and accounting practices for the new association.
3. Develop standards for recruiting a permanent, full time director.
4. Develop a plan for administering the four aspects of the Main Street Program, including historic preservation responsibilities.
5. Decide which existing DBDA programs should continue.
6. Develop a list of new programs and responsibilities to be undertaken by the new MSD administrator.
7. Propose an operating budget that explains the use of MSD tax revenues and designates at least ~~25~~ **30%** of these funds on a competitive basis to physical improvement projects, **infrastructure or physical grants (design purposes)** in the downtown MSD area each year.

b. Composition of Special Task Force:

1. Six Special Task Force members will represent the diversity of MSD taxpayers. Two will represent retail business, two non-retail business, one will represent property owners living inside Boone, and one property owner living outside of town. To ensure diversity and representation from MSD taxpayers outside the “Traditional Downtown Boone,” three of the six business owners or property owners should come from the east of the King Street-Depot Street intersection, and three from the west side of this intersection. In addition, one representative should come from east of Appalachian Street and one from west of Waters Street. Finally, three of the six MSD representatives should have been business or property owners for at least five years, and three less than five years. Applications will be sought beginning July 1, 2010 through the normal town application process outlined in the Boone’s Municipal Code.
2. All five members of the Boone Town Council and the Mayor will represent the Town as voting members.
3. Town Manager Greg Young, Finance Director Amy Davis, and DBDA Interim Director Mary Baker will serve as ex officio members of the Special Task Force.

c. Time Limit:

1. Task Force Proposals must be presented to the Town Council for action by ~~Dec. 1~~ **Nov. 1, 2010.**

d. Transition period:

1. During the transition period between July 1, 2010 and Dec. 31, 2010, the DBDA organization will continue planned programs and services using the fund balance of MSD contract, which the DBDA would otherwise be required to remit to the Town per the Town's contract with the DBDA.

All votes of the Special Task Force will require a super-majority (75%) vote of the task force.

(Note: Changes to the resolution by the Council are depicted in **bold** print.) Council Member Mason agreed that the Special Task Force should decide the best direction for this issue. Council Member Ball stated that the Council should remain focused on keeping all options open for consideration. Council Member Leigh agreed that both sides should work together for the good of the downtown. She stated her concern that the appointments made to this Special Task Force be balanced and that the task force be a diverse group representing the entire MSD district. Furthermore, she agree that all options should be open for consideration and that stakeholder involvement is imperative. Council Member Ball informed the Council of the City of Lenoir which has an "in-house" program for the administration of the Main Street Program and stated that he would support a similar program for Boone. Council Member Phillips stated that the DBDA has made a good effort to address the issues from the Council. He stated his concern that this process may hinder the progress made by the DBDA. Council Member Mason stated that she supports the creation of the task force to redefine the relationship between the Town and the downtown businesses and property owners. She also stressed the importance of stakeholder involvement. Council Member Mason suggested that the DBDA continue with the programs that it has already begun and also suggested an interim agreement be considered for the DBDA until the recommendations from the task force are presented. Council Member Leigh requested that the date for submission of recommendations from the task force be changed to November 1, 2010. She also requested that all votes of the task force be by super-majority (75%) vote. Council Member Leigh voiced a concern also about the proper use of the MSD money and that the entire MSD district benefits from the funds. Council Member Ball suggested the following language to the resolution in Section a.1.: "Explore all options for the administration of the MSD funds to include an 'in-house' program, continuation with the DBDA, or the creation of a new organization." Council Member Leigh suggested a change to Section a.7. to increase the percentage of funds to at least 30% for design purposes to include infrastructure needs and competitive grants. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to approve the resolution presented by Council Member Brantz, as amended with the following stipulations:

- § The DBDA submit a proposal for budget needs for the interim period to the Town Manager two weeks prior to the Council meeting in July.
- § The current contract with the DBDA will be extended to July 20, 2010 (regularly scheduled town council meeting in July) at which point an interim contract will be submitted for consideration.
- § The Town Manager and the Interim Director of the DBDA will work together, in consultation with the Town Attorney, to develop a proposal for an interim contract to be considered at the July council meeting.

VOTE: Aye - All
 Nay - None

Council directed the Clerk to advertise for the positions for the Special Task Force in the usual media outlets and to begin accepting applications on July 1st for consideration at the July meeting.

Mayor Clawson declared a break at 8:48 p.m. Council reconvened at 8:56 p.m.

DISCUSSION OF CAC PRIORITIES

Council Member Mason stated that Chairperson Adrian Tait had requested direction from the Council on priorities for the Community Appearance Commission. Some suggested priorities for review have been lighting standards, sign ordinances, and a review of commercial appearance standards. Council Member Leigh reminded the Council of discussion at the annual retreat

regarding receiving updates from each committee or task force in a retreat-style setting. She suggested that this may be an appropriate time to discuss priorities for each committee or task force. Upon a motion by Council Member Leigh, seconded by Council Member Brantz, Council moved to amend the agenda to schedule a special meeting to hear updates from each town committee, board, and task force.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to schedule a special meeting on Wednesday, July 14, 2010, from 6:00 p.m. until 9:00 p.m. in the Council Chambers, 1500 Blowing Rock Road, to hear updates from each town committee, board, and task force and that each presentation is limited to a 15-minute time period.

VOTE: Aye - All
 Nay - None

Before deliberating on the water and sewer requests, Town Attorney Sam Furgiuele questioned the members of the Council on whether or not they had contact with any of the applicants requesting water and sewer service. All Council members stated that they had not had any significant contact with any of the applicants submitting requests for water and sewer service.

WATER & SEWER REQUEST - AMBLING DEVELOPMENT

Town Attorney Sam Furgiuele opened a public hearing at 9:06 p.m. to hear sworn testimony from project engineer Mike Trew, Public Utilities Director Rick Miller, and Development Services Director Bill Bailey on a request for water and sewer service to property located on Shadowline Drive. Attorney Tony di Santi appeared before the Council representing the applicant. He introduced the following persons affiliated with the project: Greg Blaze, Paul Morgan, and Steven Brooks. Mr. di Santi began by explaining that this request is for 66,300 gallons per day for a 199-unit, 442-bedroom luxury apartment complex with a swimming pool. Council Member Leigh asked if the project will comply with the requirements of the recently adopted amendment for mixed-use development. Mr. di Santi responded that since the application for the Special Use Permit for this project was filed prior to the adoption of this amendment, he was not sure that it must comply with the requirements of the amended text. He further indicated that the project would comply with whatever UDO requirements are necessary. In response to a question from Council Member Brantz, Mr. di Santi stated that the project is tentatively anticipated to be completed in 2012. Council Member Leigh wanted to know if the complex will be actively marketed to students. Mr. di Santi stated that the project will be marketed to young professionals and young families as a gated-access community. He offered a brochure depicting the project as **Ambling Exhibit A1 (permanently on file in the Clerk's office)**. Council Member Leigh inquired about the location of the proposed buildings to the adjacent Appalachian Brian Estates and any methods of noise reduction employed to lessen the impact of the apartment complex. Project engineer Mike Trew presented the most recent site plan for the project as **Ambling Exhibit B (copy permanently on file in the Clerk's office)**. He pointed out the location of the closest buildings to the Appalachian Brian Estates on the site plan. Mr. Trew explained that planned community areas in a central area of the project will help mitigate noise impact. In regard to a question about a traffic study, Mr. Trew stated that a traffic study indicates that both driveways are acceptable but that a third lane is recommended from which traffic can turn into the complex. Council Member Phillips inquired about buffering requirements. Mr. Trew allowed that all buffering requirements of the UDO will be met. Mr. Trew presented as **Ambling Exhibit C (copy permanently on file in the Clerk's office)** a rendering of the elevation of the project from Shadowline Drive. In response to a question from Council Member Ball concerning the remaining water allocations for 2010 and 2011, Public Utilities Director Rick Miller stated that there are approximately 70,270 gallons remaining for 2010 and 25,438 remaining for 2011. Mr. Miller indicated that a club house and fitness center are not accounted for in the water allocation numbers. He further stated that any commercial use would also change the allocation amount. Mr. Phillips asked if the applicant has considered developing the project in phases. Mr. di Santi stated that a cost analysis indicates that phasing the project will significantly increase costs and that the applicant is not considering phasing the project at this time. Development Services Director Bill Bailey responded to a question from Council Member Mason by stating that the project, as presented, would not comply with recently

adopted UDO amendments for developing in B zones. Roger Wright, being duly sworn, stated that water allocations should be given to residents who pay Town taxes and who intend to pay Town taxes. He also voiced a concern for the safety of the elderly residents of the adjacent retirement home in trying to cross Shadowline Drive, specifically if a third lane is installed. Mr. di Santi questioned Mr. Wright as to his knowledge of the applicant's plan to pay property taxes. James Milner, being duly sworn, stated that the Town has a limited quantity of water. He advised the Council to encourage the use of rain catchment systems for water for flushing toilets and to continue with water conservation incentives. Mr. di Santi stated that the economy has not demanded the property under consideration for commercial or manufacturing purposes. He quoted verbatim comments made by Council Members Mason, Leigh, Brantz, and Ball at the January meeting regarding this request. Mr. di Santi stated that the Town now has the water available in order to grant this request. With no other testimony offered, Mr. Furgiuele closed the public hearing at 9:48 p.m. Council Member Leigh listed her concerns for this request:

- \$ The request is for a large amount of water considering the remaining amount that the Town has for allocation.
- \$ The request does not include the water usage for a clubhouse and fitness center.
- \$ There is uncertainty about how the recent UDO amendments for B-3 zones will affect the project and the requested amount of water usage.
- \$ There is concern about how the noise and traffic changes will affect the residents of Appalachian Brian Estates, which is adjacent to the property.

Based on these concerns, Council Member Leigh moved to deny the request from Ambling Development for water and sewer service to property located off Shadowline Drive. The motion was seconded by Council Member Ball who stated that the Council must be conservative with the remaining amount of water left for allocation. Council Member Mason stated she stands by her earlier comments about the redevelopment of vacant properties and the need for additional housing sources; however, she stated that she has concerns with how the recent UDO amendments for B-3 zones might change the request. Council Member Leigh stated that Ordinance #05-01 advises the Council to consider smaller projects instead of larger projects to avoid the possibility of allocating all of the water to one project. Mr. Furgiuele advised that the request is based on a site-specific plan and that the Council must base its decision on the information presented. Council Member Leigh stated that her motion to deny the request is based on concern for the effect of increased noise and traffic on adjacent property owners.

VOTE: Aye - All
 Nay - None

Mayor Clawson declared a break at 9:59 p.m. Council reconvened at 10:03 p.m.

WATER & SEWER REQUEST - APPALACHIAN RESIDENCES II LLC

Town Attorney Sam Furgiuele opened a public hearing at 10:03 p.m. to hear sworn testimony from Ron Sayles, Hollis Borgman, Brent Davis, Public Utilities Director Rick Miller, and Development Services Director Bill Bailey on a request for water and sewer service to property located on Fieldstream Drive. Tony di Santi, attorney for the applicant, began by explaining that the request is for 37 multi-family units totaling 117 bedrooms in the amount of 17,550 gallons per day. Hollis Borgman submitted a site plan into evidence as **Appalachian Residences II Exhibit A (copy permanently on file in the Clerk's office)**. He briefly explained the layout of the project as depicted on the site plan. Mr. Borgman stated that the project will include one-, two- and three-bedroom units and 37-40 storage units on the lower level. He indicated that the portion of the property that is zoned R-1 will be used as recreation area and for auxiliary parking. Furthermore, Mr. Borgman stated that the R-1 zoned section will be used as a buffer to a single-family house and that road right-of-way will be granted for access to the house. Elevations of the front and back of the project were submitted into evidence as **Appalachian Residences II Exhibit B (copy permanently on file in the Clerk's office)**. Brent Davis explained that the recreation area will include picnic tables, a horse-shoe pit, and greenspace. In response to a question about a traffic study, Mr. Davis indicated that a traffic study has not been performed at this time. Council Member Mason asked how the apartments are to be marketed. Ron Sayles stated that the apartments will be marketed to the general public including students. He specified the number of bedrooms per unit as 2 one-bedroom units, 2 two-bedroom units, 21 three-bedroom units, and 12 four-bedroom units ranging in price from \$500 to \$700 per bedroom. Council Member Leigh asked about the entrances to the complex. Mr. Sayles stated that the

project access will be from Fieldstream Drive and that the nearest Appalcart stop is two-tenths of a mile from the project. In regard to the possibility of installing sidewalks, Mr. Sayles indicated that the issue can be discussed with the planning staff. Public Utilities Director Rick Miller stated that there were no issues he could foresee for this project and that the project is located in the main pressure zone. Development Services Director Bill Bailey stated that there were no steep slope issues regarding this project. Dr. Loren Raymond, being duly sworn, stated that he lives on Perkins Street and had several concerns in regard to this project. He began by voicing a concern with an increase in traffic due to the project, especially to Perkins Street which is a dead-end road. He also stated that an increase in traffic would cause an increase in litter and noise. Dr. Raymond stated that the Town's comprehensive plan discourages multi-family development adjacent to R-1 residential neighborhoods. He asked the Council to help preserve the R-1 neighborhood that includes Perkins Street. Dr. Raymond submitted a letter from Bob Cherry, a resident of Perkins Street (**Appalachian Residences II Exhibit C, copy permanently on file in the Clerk's office**). In regard to the recreation area, Dr. Raymond maintained that students would likely use that area to hold parties, thereby causing noise and litter. Mr. Borgman stated that a site manager for the complex will live on-site and that there will be no alcohol allowed on the complex premises. Mr. di Santi stated that this property is zoned to allow this type of development and that the applicant will follow the requirements of the UDO for this project. He pointed out that there is demand for student housing which is the only aspect of the economy that is thriving. With no other testimony offered, Mr. Furguele closed the public hearing at 10:42 p.m. Council Member Leigh referenced Ordinance #05-01 Section 5.e. which allows the Council to consider other factors in its deliberations on water and sewer requests "which either suggest that a particular project promotes or undermines the public health or safety, or the general welfare of the Town." She stated that the Council must consider how the proposed project fits into the Town's comprehensive plan and Land Use Master Plan. Council Member Mason advised that development of R-3 zoned properties does not have to be high-density. She questioned the need for more student housing and suggested this type of multi-family project does not address housing needs for families. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to deny the request for water and sewer service by Appalachian Residences II LLC.

VOTE: Aye - All
 Nay - None

WATER & SEWER REQUEST - MULTICOM DEVELOPMENT COMPANY

Town Attorney Sam Furguele recognized Jim Deal, attorney representing the applicant. Mr. Deal asked that the request for water and sewer service to property located on the corner of Highway 421 and Perkinsville Drive be tabled until the July meeting. Upon a motion by Council Member Ball, seconded by Council Member Leigh, Council moved to table the request for water and sewer made by Multicom Development Company to the July 22, 2010 council meeting.

VOTE: Aye - All
 Nay - None

WATER & SEWER REQUEST - JOHN WINKLER

Town Attorney Sam Furguele opened a public hearing at 10:48 p.m. to hear sworn testimony from John Winkler, Roger Wright, Jason Gaston, and Public Utilities Director Rick Miller on a request for water and sewer service to property located on the corner of US Highway 321 and Clement Street. Jason Gaston, of Valor Engineering, began by stating that the project is a mixed-use development consisting of 150 student-housing units located in the corridor district. He stated that the project is a green, urban development that is also located in the G-3 corridor. He indicated that the project is located on an Appalcart route. Mr. Gaston stated that a site plan for the project has not been created but explained that parking will be to the side and rear of the building. Roger Wright, co-property owner, stated that an allocation of 6,600 gallons per day had been granted to the property through a request made by Matt Langdon. Council Member Ball asked for a verbal description of the project since no site plan exists. Mr. Gaston explained that the project will be accessed off Clement Street and that no traffic study has been required. He also explained that the location of the building is still being decided. He stated that the first floor of the four-floor building will contain commercial uses including a large restaurant and smaller commercial units. The remaining three floors will include 150 residential units

consisting of two and three bedrooms per unit. John Winkler, co-owner of the property, stated that he is not sure how to proceed with this project since he does not know how recommendations from the Density Subcommittee may affect the project. Town Attorney Sam Furguele stated that a proposal from the Density Subcommittee has not yet been presented to the Council and that he cannot predict what future regulations may be adopted by the Council. He advised that the requirements in Ordinance #05-01 state that if the project plans change to reflect a 10% difference in the amount of water usage calculated for the project, then the applicant forfeits the availability fee paid, and the water allocation is returned to the allocation pool. Public Utilities Director Rick Miller stated that the water usage calculated for this request does not include predicted usage for a restaurant since that is based on the number of available seats. Mr. Gason stated that at the time the water application was made, the applicant did not know what tenants would be included in the project. He stated that at this point, there are still too many unknown factors in regard to the project and asked to table the request until the next meeting. With no other testimony, Mr. Furguele closed the public hearing at 11:23 p.m. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to table the request for water and sewer service made by John Winkler until the July 22, 2010 council meeting.

VOTE: Aye - All
 Nay - None

Mayor Clawson declared a break at 11:23 p.m. Council reconvened at 11:27 p.m.

WATER & SEWER REQUEST - DOUGLAS MCGUIRE

Town Attorney Sam Furguele opened a public hearing at 11:28 p.m. to hear sworn testimony from Jason Gaston, Doug McGuire, and Public Utilities Director Rick Miller on a request for water and sewer service to property located at 1173 Highland Hall Drive. Jason Gaston, of Valor Engineering, presented a site plan for the project as **McGuire Exhibit 1 (permanently on file in the Clerk's office)**. He described the project as having 36 units with 72 bedrooms. He stated that an application for conditional zoning R-3 for the property is forthcoming. Mr. Gaston explained that the structure is an abandoned nursing home that is to be converted to student housing. He stated that the property is in the gateway district and will help to improve the appearance of the Highway 421 corridor into Boone. He further stated that a request for water and sewer for the property was denied by the Council in January but that the project has been approved for an on-site water system. Doug McGuire, applicant, stated that at the January meeting, the Council had indicated that it would consider granting sewer service to the property if an on-site water system were approved. He stated that the property is located 35 feet above Highway 421 and is not practical for commercial use. He stated that as many trees as possible on the property will be preserved and that the R-1 portion of the property will remain undeveloped and used as a buffer. Council Member Brantz asked if the project can be served by the Appalcart system. Mr. McGuire stated that is on the Green Route of the Appalcart system. Council Member Mason asked if the applicant is agreeable to connecting to the Town water system if it becomes available and willing to voluntarily annex the property. Mr. McGuire indicated that he is agreeable to connecting to Town water in the future and willing to annex the property if granted sewer service. Public Utilities Director Rick Miller verified the amount of water requested as 10,800 gallons per day. He also pointed out that the property is located in the secondary pressure zone. With no other testimony, Mr. Furguele closed the public hearing at 11:42 p.m. Council Member Mason stated that she supports the redevelopment of the property in the corridor overlay district especially in this case where there is such disconnect in the zoning designations. She commented that a better sidewalk system is needed in this area. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to deny the request for water service to this property.

VOTE: Aye - All
 Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to grant sewer service to this property on the conditions that the applicant connect to Town water service when it becomes available and that the applicant agrees to voluntary annexation of the property.

Beginning at the upper end of the large parking lot commonly known as the Horn in the West parking lot and including the shed area constructed by the WCFM, left around the parking lot in front of, but not including, the Powder Horn Theatre and continuing down the new shed area constructed by the WCFM as far as needed in the grass to Horn in the West Drive. The Property shall also include the

first full section of marked spaces in front of the aforementioned shed, not to

During the Saturday Market Times, the Horn in the West parking lot and the Daniel Boone Gardens parking lot shall be fully available to the Farmers' Market from 6:00 a.m. until 1:00 p.m. and for the full days of its two holiday operations, the dates of which shall provided to SAHA as soon a practicable after they are known by the WCFM, subject to reasonable concurrent use by the Town of Boone, the Daniel Boone Native Gardens and SAHA for the limited purposes of security, rehearsals, museum tours, garden tours, maintenance, monitoring and repair of the premises. Concurrent use by SAHA may also include use the premises for special activities including, but not limited to, the annual APPLE FESTIVAL provided the dates for such activities are provided to the WCFM and the Town of Boone in a timely manner. The Town of Boone may also use the Horn in the West parking lot in an emergency beyond the limited use described herein.

Beginning in the new shed area constructed by the WCFM to the left side of the Powder Horn Theater (“New Shed Area”) as far as needed in the grass to Horn in the West Drive. SAHA may revoke the WCFM’s right to use the Property during the Wednesday Market times if SAHA determines that parking for the Wednesday Market times is interfering with parking for performances of the *Horn in the West* outdoor drama. SAHA shall notify the WCFM in writing delivered by email or facsimile to the President of the WCFM. The WCFM shall have five (5) days to deliver in writing by email or facsimile to the President of the SAHA board a proposed solution to remedy the interference. If the proposed solution is not acceptable, SAHA may invoke mediation with a mediator selected by the Town of Boone.

If the WCFM fails to pay any Rent within ten days after the same becomes due and payable, the WCFM shall pay a late charge equal to 5% of the past due Rent. In addition, any Rent which is not paid by the WCFM within ten days after the same becomes due and payable shall bear interest of 5% accruing from the date such Rent became due and payable to the date of payment thereof.



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Any damage to the Property caused by the WCFM, or by any of its employees, members, volunteers, agents or invitees, shall be promptly reported to SAHA and repaired by the WCFM, at its cost; provided, however, that if the WCFM fails to make necessary repairs within a reasonable time period, SAHA may repair any such damage in which case the WCFM shall reimburse SAHA for all costs thereof within 15 days after the WCFM receives SAHA's notice of such costs.

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By: _____
William Ralph Winkler, Chair, Board of Directors Date

VOTE: Aye - All
 Nay - None

ADJOURNMENT

On a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adjourn the meeting at 12:14 a.m.

VOTE: Aye - All
 Nay - None

Deputy Town Clerk

Mayor