Quarterly Public Hearing
WINTER
February 6, 2006
Meeting Minutes

Town Council in attendance: Mayor Clawson, Bunk Spann, Rennie Brantz, Dempsey Wilcox, Lynne Mason, Janet Pepin,

Planning Commission in attendance: Stephen Phillips, Pat Vines, Gayle Turner, Stacy Yates, Mary Ruth McRae, Charlie Walker, Matt Robinson, Gregory Reck

Staff in attendance: John Spear-Development Services Director, Marlene Crosby-Board Secretary

Others in attendance: Greg Young-Town Manager, Rick Miller-Public Utilities Director, Sam Furgiuele- Town Attorney

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Mayor Clawson welcomed everyone to the Winter Quarter Public Hearing. She called the meeting to order at 7:00 pm and invited John Spear to present the first case.

Case 20060040
The Boone Town Council has proposed an ordinance extending the twelve-month moratorium (Ordinance 2005-5) on the issuance of building, zoning or special use permits for multi-family developments exceeding 24 units from February 18, 2006 to May 29th, 2006.

Mr. Spear reviewed the staff analysis specific to this case and reviewed the purpose for the ordinance to be extended. The proposed ordinance was prepared by the Town attorney. Mr. Spear outlined the requirements subsequent to the planning board meeting. The floor was opened for questions regarding the extension of the moratorium. Mayor Clawson announced that all public speakers must sign in on the sign-in sheets provided at the podium.

The first speaker approached the podium:

Julia Heinlein
She is a full-time resident of Watauga County and is in full support of extending the moratorium. She moved to Boone from Fort Lauderdale, Florida to avoid overcrowding, traffic, and overbuilding of homes. She is concerned about protecting of the environment and controlling growth in Watauga County.

Jay Fleming
He is a full-time resident of Watauga County and lives near Banner Elk. He is concerned about the growth of multi-family units in the county and the destruction of natural resources, and he doesn't feel that the Town or County has adequate infrastructure to handle future growth. He stated that a developer putting in 40-ft. retaining walls in town is no different from building on Sugar Mountain because these walls detract from the natural beauty.

Sarah Williams
She has been a resident of Watauga County since 1979. She originally lived in Sugar Grove in a non-populated area, but she and her husband now live at Seven Devils. She is concerned about water supply and supports the continuation of the moratorium until the writers of the document have time to complete the necessary.

Jasmine ShoShanna
As a member of a newly formed group called Friends of the Blue Ridge Mountains, she

wants zero development in this area, citing her grandfather's philosophy on spending money: If her grandfather could not afford something, he didn't buy it. She read in the paper that the County and Town are looking for new raw water sources; following her grandfather's philosophy, if the Town does not have the water for more development, then the Town should not allow more development.

Mayor Clawson asked the council and planning board members if they had any questions or comments regarding this case. Council Member Bunk Spann is in support of the extension of the moratorium because he would like to see the task force have enough time to do its job well.

Mayor Clawson closed the public hearing for this case.

Case 20060041

The Boone Town Council has proposed a text amendment to the Unified Development Ordinance providing location and performance standards for indoor shooting ranges.

Mr. Spear reviewed the staff analysis specific to this case and outlined the amended section numbers and the proposed language in the report. On Page Two of the report, the existing UDO text has been re-numbered. Beginning on Page Four, additional text has been proposed dealing with performance and construction standards for shooting ranges. The floor was opened for questions regarding this case.

Commissioner Phillips asked if there are any other indoor shooting ranges in this area. Mr. Spear stated that there once was an indoor range at ASU which has been closed for several years. Commissioner Brantz indicated his concern for property owners adjacent to shooting ranges and mentioned the proximity of Watauga High School to a range proposed on Highway 105. Council Member Lynne Mason asked about the misuse of an indoor shooting range. Town Attorney Sam Furgiuele addressed the question of misuse and how safety rules would control the use of the weapons. Discussion ensued regarding outdoor vs. indoor shooting ranges, the research that has been conducted on indoor shooting ranges by the Board of Adjustment and safety rules given by the Chief of Police. Council Member Wilcox asked if there is any type of licensing required. Mr. Spear replied that he is not aware of any specific licensing requirements to operate indoor ranges. Commissioner Turner sought clarification regarding the direction the Town is going which is towards making it legal to shoot a gun within the Town's jurisdiction. Sam Furgiuele, Town Attorney, confirmed this is correct. Commissioner Reck asked if there is a way to control the locations of this type of indoor shooting ranges. The Town Attorney replied that the way to control the location of indoor ranges is through the Special Use Permit (SUP) process where, in every instance, the BOA can review and approve specific sites. Commissioner McRae asked for clarification on the safety rules regarding the operation of the facility and asked about the building construction and ability to withstand the firepower from the weapons. The Town Attorney said that the proprietor of the facility must adhere to the provisions of the Municipal Code concerning safety and operation of the facility. The proposed UDO standards set forth provisions for building construction and performance. Council Member Brantz asked what recourse neighboring property owners have if their property value is lowered as a result of a shooting range being next door. The Town Attorney replied that the BOA would have the power to deny an SUP based on a demonstrated diminution of property values. Council Member Spann asked whether or not guns would be rented or patrons would be able to bring their own weapons. The Town Attorney said that, as a part of the Municipal Code, the Chief of Police is involved in the review range operational procedures. Council Member Spann asked a question about prohibiting private guns brought to an indoor facility by patrons. The Town Attorney noted that this may be a problem due to constitutional rights to keep and bear arms and that there must be a rational, legitimate basis to ban personal weapons from indoor range use. Commissioner Robinson strongly urged the Town Council and the Planning Commission to carefully read the research that has been conducted on the subject of guns before making a decision.

Mayor Clawson closed the public hearing on this case.

Case 20060042

The Boone Town Council has proposed a text amendment to the Unified Development Ordinance providing for tree protection on land with certain commercial zoning designations.

Mr. Spear reviewed the staff report specific to this case. He stated that there was language removed and new text added to Section 358 [c]. The floor was then opened for questions. Council Member Spann asked if there is any tree protection area not covered now with the addition of this proposed text. Mr. Spear said that the proposed text adds protection to land within specific commercial zoning designations and that single-family zoned property is still exempt from tree protection requirements.

Mayor Clawson closed the public hearing on this case.

CASE 20060043

The Boone Town Council has proposed a text amendment to the Unified Development Ordinance providing for commercial community event signs and providing for farmers market signs.

Mr. Spear reviewed the staff analysis specific to this case. He read a brief description of the proposed text amendment, providing for commercial community event signs and for farmers' market signs. The floor was opened for questions. Commissioner McRae brought up the topic of sign discussions from past meetings. One of the issues discussed by prior amendments was signs placed in, or prohibited to be placed in, DOT right-of-ways. Vice-Chairperson McRae asked if anyone had contacted the DOT to have permanent DOT-approved signage placed for the events that prompted these discussions before. Mr. Spear noted that his department had not discussed this signage issue with the DOT. Council Member Pepin asked if community event signs would still require the Council's approval with this proposed text. Mr. Spear said yes; that is the case for commercial events. Christie James, WATA News Director, told the boards that she heard at a County Commissioners' meeting, that the DOT informed the County they would not install a permanent sign for the Fairgrounds. She indicated that DOT officials did say they would place temporary signage if they get a request from the County with a two-week notice. Council Member Wilcox noted that, with summer close at hand, there would be too many requests for signage and that he believes the Town Council has passed too many revisions to the sign regulations over the past few years which have diluted our ordinance. Council Member Spann said that the Council must be careful about setting precedent for others to follow, for example the Highland Games. Council Member Mason said that precedence has all ready been set and the Highland Games signs that have been put up for many years cannot just suddenly be stopped. Commissioner McRae told the Town Council that the Highland Games is not a commercial event or business. It is a non-profit organization. Town Attorney said that the Town Council has been approving signage for commercial events without regard for the strict language in the ordinance. Mayor Clawson said that she has been an elected official for some time and the issue of signs is a never-ending process that may have to be dealt with again and again.

Mayor Clawson closed the public hearing on this case.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

Mayor Clawson read the Resolution and stated that it was Council Member Bunk Spann that brought this idea forward.

Council Member Spann stated that he thinks the community would like to see the Town Council endorse the facility to include the documents and artifacts. He believes that the museum should be a continuation and that a location should be found for it so that the citizens and tourists can enjoy it. Council Member Spann motioned to approve and Council Member Mason seconded the motion to adopt the following resolution:

RESOLUTION

WHEREAS, the Appalachian Cultural Museum was created in 1989, by

Appalachian State University, to foster an understanding of the people of the Appalachian Mountains; and

WHEREAS, the Appalachian Cultural Museum, through exhibits, publications and special events presents the rich traditions of our region; and

WHEREAS, Appalachian State University has been a major force and repository in the region for the preservation of the history and culture of the Southern Appalachian region, our state, the nation and the world at large; and

THEREFORE, BE IT RESOLVED that the Boone Town Council wishes to convey its strongest endorsement for the continuation of the Appalachian Cultural Museum by ASU in an accessible location beneficial to all the public who would appreciate and study the history and culture of the Southern Appalachian Region.

Adopted this the 6th day of February, 2006.

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Loretta Clawson, Mayor

ATTEST:

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Freida Van Allen, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 2, PAGE 308)

VOTE: Aye-All
Nay-None

ADJOURNMENT

Mayor Clawson adjourned the meeting at 8:15 pm.

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Loretta Clawson, Mayor Marlene Crosby, Board Secretary