MINUTES - REGULAR MEETING
BOONE TOWN COUNCIL
MARCH 15, 2007

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, March 15, 2007 in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro Tem Lynne Mason, Rennie Brantz, Janet Pepin, Bunk Spann, and Dempsey Wilcox. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kimberly Tester, Special Assistant to the Town Manager Jim Byrne, Police Chief Bill Post, Fire Captain Jimmy Isaacs, Public Services Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, and Development Services Director John Spear.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to speak during the public comment session would need to sign the public comment sign-up sheet.

Mayor Clawson announced the following events:

Boone Clean-Up Day and Spring Litter Sweep

In conjunction with the statewide "Spring Litter Sweep" campaign issued by Governor Mike Easley for April 14-April 28, 2007, and the Earth Day Celebration on April 22nd, the Town of Boone will hold it's annual "Spring Boone Clean-Up Day" on Saturday, April 21st. Interested participants may come by the Town of Boone Public Works Department located at 321 East King Street between 9:00 a.m.-2:00 p.m. to pick up cleaning supplies. For more information, contact Marsh Story at 262-4560.

Walkability Audit

The Town of Boone will be performing a walkablility audit of the Town's existing sidewalks, crosswalks, and intersections on Saturday, April 21, 2007, beginning at 8:50 a.m. We need volunteers to help with the audit. You may contact Jane Shook at Development Services at 262-4540 or Blake Brown at Public Works at 262-4560 for more information on helping. Thank you for your support of the Town of Boone and its efforts to raise awareness and safety for its citizens.

TENTATIVE AGENDA ADOPTION

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

-Addition of Item 5.A.(2). - Motion to Consider Cancellation of Special Town Meeting on March 19, 2007.

-Addition of Item 5.M. - Budget Amendment for Town Hall HVAC Repair.

-Addition of Item 5.N. - Amendment of Ordinance #05-01.

-Deletion of Item 6.B. - Requested Appearance - Laurel Ridge Housing LLC.

Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to adopt the agenda as amended.

VOTE: Aye - All
Nay - None

CONSENT AGENDA ADOPTION

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

Minutes: February 2, 2007 - Special Meeting.
February 5 ,2007 - Special Meeting.
February 8, 2007 - Quarterly Public Hearing.
February 15, 2007 - Regular Meeting.
February 23, 2007 - Special Meeting.

Tax Releases & Refunds: January 2007.

TAX RELEASES

Taxpayer	Year	Amount	Description
LIA'S COFFEE	2006	32.56	EQUIP LISTED UNDER RED ONION CAFÉ
JOHNSON, BETTY BROCK	2006	34.71	INCORRECT SITUS
BARTHEL, ROY WILLIAM	2006	9.25	INCORRECT BILL
BENNETT, NICOLE CARRIE	2006	6.17	SOLD VEHICLE
M. R. ENGLERT ENT INC.	2006	36.63	DOES NOT LIVE IN TOB
BRADSHAW, TERRELL DANE	2006	46.72	LIVES IN CALDWELL COUNTY
CHILDREN'S COUNCIL OF BOONE	2006	124.25	EXEMP
TRIVETTE, HENRY WALTER TRIVETTE, JANET GREENE	2006	6.57	TURN IN TAG
KROLL, ROBERT EDWIN II	2006	62.55	REG. VEHICLE IN FLORIDA
TEMPLETON, JEFFREY BROOKS	2006	5.65	SOLD VEHICLE
HATS OFF SALON INC.	2006	41.39	SOLD VEHICLE TURN IN TAG
ELK CREEK OUTFITTERS LLC	2006	3.27	SOLD VEHICLE
MORRISON, AMY MAY	2006	8.18	TORN DOWN IN '05
JENKINS, HELEN JOYCE	2006	19.83	TOTALED VEHICLE, INS. CO. HAS VEHICLE
		437.73	

TAX REFUNDS

Taxpayer	Year	Amount	Description
ADVANCED REALTY INC	2006	9.12	TURN IN TAG
WILSON, THOMAS CALVIN & WIFE	2006	4.14	TURN IN TAG

MOTION TO RECONSIDER CONDITIONAL USE ZONING ISSUE

Council member Spann stated he feels the Council should wait until the Smart Growth audit is performed before changes concerning conditional zoning districts are made. Furthermore, he stated that Council should carefully evaluate the impact of conditional zoning within the town. Council member Mason stated she agrees with Council member Spann in that the results of the Smart Growth audit should be reviewed before any changes are made to the town's zoning regulations. Council member Wilcox stated that delaying the decision about conditional zoning implies a lack of trust in the Council's ability to make decisions about projects within a proposed conditional zoning district and limits Council's ability to compromise when considering different projects. Council member Brantz stated that there are town boards in place with the expertise to make decisions about projects and agreed that a decision about conditional zoning should be postponed until the Council receives more information. Council member Pepin agreed that the issue needs further study, but advised against postponing the matter for a lengthy amount of time. Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to refrain from making a decision concerning conditional zoning districts until the results of the Smart Growth audit are received and further study of the impact of conditional zoning is undertaken and moved to cancel the Special Public Hearing scheduled on Monday, March 19, 2007, at 6:00 p.m. in the Council Chambers.

VOTE: Aye - 4 (Spann, Mason, Pepin, Brantz)
Nay - 1 (Wilcox)

Upon a motion by Council member Mason, seconded by Council member Pepin, Council moved to cancel the Special Town Council meeting scheduled for Monday, March 19, 2007, at 8:00 p.m. in the Council Chambers.

VOTE: Aye - All
Nay - None

ADOPTION OF RESOLUTION - DECLARING THE INTENT TO CLOSE A 60' ABANDONED RIGHT-OF-WAY OFF HUNTING HILLS LANE

Public Works Director Blake Brown stated that the street-closing process was started at the last meeting, but due to an error with the survey, the process has to be redone. He noted that the survey stated the abandoned right-of-way to be off Hunting Lane, instead of Hunting Hills Lane. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to adopt the following resolution:

RESOLUTION OF INTENT

A Resolution Declaring the Intention of the Town Council to Consider the
Closing of an abandoned 60' Right-of-Way off Hunting Hills Lane

Whereas, G. S. 160A-299 authorizes the Town Council to close public streets and alleys; and

Whereas, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an abandoned 60' Right-of-Way off Hunting Hills Lane;

Now, Therefore, Be It Resolved by the Town Council that:

1. A meeting will be held at 6:30 p.m. on the 19th day of April, 2007 in the Council Chambers to consider a resolution closing an abandoned 60' Right-of-Way off Hunting Hills Lane.

2. The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Watauga Democrat, or other newspaper of general circulation in the area.

3. The Town Clerk is further directed to transmit by registered or certified mail each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

4. The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G. S. 160A-299.

Upon a motion duly made by Council member Brantz, seconded by Council member Mason, the above resolution was duly adopted by the Town Council at the meeting held on March 15, 2007, in the Town Council Chambers.

VOTE: Aye - All
Nay - None

ATTEST: Mayor

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE 17)

VOTE: Aye - All
Nay - None

ADOPTION OF ORDINANCE - CREATING THE HISTORIC PRESERVATION COMMISSION OF BOONE

Council member Brantz began by thanking the Town Attorney for the work performed on the revised ordinance. He stated that by creating this commission, the Council is ensuring the preservation of the unique identity of Boone. Upon a motion by Council member Brantz, seconded by Council member Pepin, Council moved to adopt the following ordinance:

ORDINANCE #07-03

AN ORDINANCE CREATING THE
HISTORIC PRESERVATION COMMISSION OF BOONE

WHEREAS, the historic heritage of the State of North Carolina is one of our most valued and important assets; and

WHEREAS, the North Carolina General Assembly General Statutes authorize towns to safeguard the heritage of the town by establishing Historic Preservation Commissions to help preserve any districts or landmarks therein that embody important elements of its culture, history, architectural history, or prehistory and to promote the use and conservation of such district or landmark for the education, pleasure, and enrichment of the residents of the town and the State as a whole; and

WHEREAS, the Town Council of Boone desires to safeguard the heritage of the Town by determining what steps may be taken to preserve and regulate and preserve historic landmarks and historic districts; and

WHEREAS, the Town Council of Boone does therefore desire to create a commission to be known as "The Historic Preservation Commission of Boone" to perform certain duties pursuant to North Carolina General Statute Chapter 160A, Article 19, Part 3C and the provisions of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOONE AS FOLLOWS:

5. There is hereby established "The Boone Historic Preservation Commission" ("Commission") pursuant to the authority of Chapter 160 A, Article 19, Part 3C of the North Carolina General Statutes.

6. The Commission shall consist of five members appointed by the Town Council, and by appointment by the Town Council and without the necessity of an amendment of this ordinance, that number may be increased to a maximum of seven. All members shall reside within the planning jurisdiction of Boone. A majority of the members of the Commission shall have a demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

7. Each member of the Commission shall serve a term of four years, except initial terms will be for two, three, and fours years, so that turnover on the Commission is staggered. Each member may be appointed and reappointed for two full consecutive four-year terms, but thereafter, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of the termination of his or her second full four-year term.

8. The powers of the Historic Preservation Commission are as follows:

A. As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with resources available to it, undertake an inventory of properties of historical, architectural, prehistorical, and cultural significance within the Town of Boone's Planning Jurisdiction;

B. Report to the Town Council areas, if any, suitable for designation as "historic districts," describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries or such district; and report to the Town Council individual structures, buildings, sites, areas, or objects, if any, suitable for designation as "Landmarks" reporting on the historic, architectural, prehistorical, educational, or cultural significance of each structure, building, site, area, or object proposed to be designated as a "Landmark;"

C. Prepare for submission to the North Carolina Department of Cultural Resources Division of Archives and History, and submit, upon the action of the Town Council authorizing it to do so, an inventory of properties of historical, architectural, prehistorical, and cultural significance within the Town's planning jurisdiction;

D. Develop and recommend to the Town Council an ordinance incorporating those features and actions allowable under N. C. General Statute Chapter 160A, Article 19, Part 3C, which the Commission believes will best accomplish the goals of the Town of the conservation and preservation of historic districts and landmarks, including what further powers it believes should be conferred upon the Commission itself pursuant to North Carolina law and in order to accomplish those goals;

E. Create and conduct an education program with respect to possible historic districts and landmarks within the Town's jurisdiction;

F. Prepare and recommend the official adoption of a preservation element as part of the Town of Boone Comprehensive Plan; and

G. Negotiate at any time with the owner of a building, structure, site, area, or object for its preservation, when such action is appropriate.

5. Prior to any official action or undertaking the above-described duties, the Commission shall adopt rules of procedure governing its meetings and the conduct of official business, and bylaws governing terms of office, the election of officers, and related matters. A public record shall be kept of the Commissions's resolutions, proceedings, and actions.

Adopted this 15th day of March, 2007.

ATTEST: Mayor

Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 3, PAGES 319-320)

VOTE: Aye - All
Nay - None

Council members Brantz and Pepin volunteered to serve on the Historic Preservation Commission of Boone. Mayor Clawson asked Council to bring any nominations for service on this board for consideration at the April meeting.

SMART GROWTH AUDIT COMMITTEE APPOINTMENTS

Development Services Director John Spear stated that this committee would be a selection committee tasked with considering proposals from firms to perform the Smart Growth audit. He stated that four members of the Planning Commission have voiced a desire to serve on this committee. The members are Greg Reck, Stephen Phillips, Gayle Turner, and Eric Woolridge. Council members Spann and Mason volunteered to serve on the committee. Upon a motion by Council member Brantz, seconded by Council member Pepin, Council moved to create the Smart Growth Audit Committee and appoint the following persons to serve: Council members Spann and Mason, and Planning Commission members Greg Reck, Stephen Phillips, Gayle Turner, and Eric Woolridge.

VOTE: Aye - All
Nay - None

AFFORDABLE HOUSING COMMITTEE APPOINTMENTS

Council member Mason stated that the issue of affordable housing had been discussed at the annual town council retreat in February. She explained that the result was the need for a task force to be appointed to study this issue and make recommendations to the Council as to how to energize affordable housing initiatives. Council member Mason suggested that the task force be a small, time-limited task force and that the Town Attorney consult with the task force regarding compliance with the North Carolina General Statues. Council members Mason and Brantz volunteered to serve on an affordable housing task force. Mayor Clawson asked Council to be prepared to present nominees at the April meeting.

ADOPTION OF APPLICATION FORM AND OUTSIDE AGENCY FUNDING REVIEW COMMITTEE APPOINTMENTS

Council member Pepin presented a brief history of the process by which this new booklet, containing a new application and updated criteria, was created. Council member Mason added that the changes recommended by the committee, consisting of herself, Council member Pepin, Town Manager Greg Young, Finance Director Amy Davis, and Town Attorney Sam Furgiuele, lend objectivity to the process and holds groups accountable for funds received. Council member Pepin explained that to participate on the review committee, one could not be a current board member for any non-profit organization. She further noted that the committee should consist of two council members, a financial expert, a person who has been a former board member for a non-profit organization, and two citizens and/or taxpayers. Council members Wilcox and Spann agreed to serve on this committee. Mayor Clawson suggested Dana Roten as a person who might be willing to serve on this committee. Upon a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adopt the following revised application and criteria for outside agency funding:

Town of Boone
Outside Agency Funding Application 2007/2008

2007/2008 Outside Agency Application for Funding

Agency Name:

Street Address:

City:
State:Zip:
Phone:Email:

Contact Name and Title:

Brief Description of Organization/Agency Mission (50 words or less):

Has anyone associated with the agency/organization within the last five years been accused of malfeasance misuse of agency funds? **Yes or No**. *If yes, please add a letter of explanation to this application.*

Type of Application:

Category 1 (Your proposal meets a public need of the residents of Boone that is not addressed by Town of Boone services.)

~~Category 2 (Your proposal supplements an existing service provided for by the Town of Boone or implements an identified~~ goal established by the Town Council.)

Amount of all funds in 2006/2007 allocated from all Town of Boone sources $_____________

stimated value of all in-kind* Town of Boone 2006/2007 contributions received: $

**Please provide a list of all in-kind contributions and the estimated value of each. (e.g. use of copier - $3.00 per day x 400 days = $1,200.00.")*

2007/2008 Outside Agency Application for Funding (continued)

The following is a checklist of additional materials required. When submitting your application to the Town of Boone, please assemble the completed application and requested materials in the following order:

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☠⑥☟⌘❶ ⑥
⑧ ⑥⓿❷☺⑥①☹❶ ☟④😐 🏱①⑦⌘☹①☹④❷☟❷🏱⑥④ ⑦⌘☟④ 🏱④☺⌘⓿😐🏱④☠ ❷🏱①☹💣⑧☟①☹❶ 💣⑥
⑧ ❷🏳☹ ⓿❶☹ ⑥💣 ❷🏳☹ 💣⓿④😐❶

If any of the above items are not included in your application, please provide an explanation.

I have the authority and hereby certify that the information contained in this application and the accompanying documents are true, that all financial documents have been reviewed for accuracy, and that the application is made with the knowledge and proper authorization of the organization.

Name (printed): ____
Title (printed): ____
Signature: ____
Date Signed: ____

Evaluation Criteria Form

Town of Boone Outside Agency **Funding Evaluation Criteria Form**

Directions: Each committee member will please read the submitted funding proposals and use one copy of this form to evaluate each proposal. Attach the completed evaluation form to each proposal and organize the proposals in order of highest to lowest total scores. Be prepared to discuss your evaluation findings with other committee members to determine final results.

Agency/Organization Name: ________________________

Total score for this application is _______

Organization and Purpose of Funds Criteria	High Low
$ The proposal meets a public need of the residents of Boone that is not addressed by Town of Boone services or supplements an existing service provided for by the Town of Boone or implements an identified goal established by the Town Council. *(Source: Summary page attachment.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:

$ The percentage of Town of Boone residents served by the funds is high or the service provided to the population directly benefits the Town of Boone.	10 9 8 7 6 5 4 3 2 1 0 Comments:

(Source: Summary page attachment.)	
$ The listed goals or outcomes and plan for the funds are clearly defined and quantifiable. *(Source: Summary page attachment.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:
$ The goals and outcomes for the funds match the mission of the organization. *(Source: Application and summary page attachment.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:
$ The goals and outcomes and plan for the funds are achievable within the fiscal year timeframe or timeframe included in the plan. *(Source: Summary page attachment.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:

Organization and Purpose of Funds Criteria (continued)	
	High Low
$ The organization has a high level of coordination and collaboration with other relevant agencies/organizations serving similar populations. *(Source: Summary page attachment.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:
$ The goals and outcomes for the funding serve basic needs of a vulnerable population. *(Source: Summary Sheets.)*	10 9 8 7 6 5 4 3 2 1 0 Comments:
Financial and Legal Criteria	
$ Financial statements for this organization demonstrate effective accounting of funds. *(Source: Balance Sheet, Budget, P & L, Tax Forms and Audit/Sworn Statement attachments.)*	Yes No If no, does it warrant a disqualification from consideration? Please explain.
$ Financial records indicate fiscal accountability. *(Source: Balance Sheet, Budget, P & L and Tax Forms.)*	Yes No If no, does it warrant a disqualification from consideration? Please explain.

$ If balance indicates reserve funds, an explanation is provided. *(Source: Balance Sheet, Tax Forms)*	Yes No If no, does it warrant a disqualification from consideration? Please explain.

Financial and Legal Criteria (continued)	
	High Low
$ Majority of income of this organization/agency is spent on programs vs. administration costs. *(Source: Budget, P & L statement, Tax Return)*	5 4 3 2 1 0 Comments:
$ The ratio between funds expended and numbers served demonstrate efficient use of funding. *(Source: Application, Summary sheet, P&L, and Tax Forms)*	5 4 3 2 1 0 Comments:
$ Salaries are appropriate for similar positions and size of organization. *(Source: List of Paid Staff and Salaries)*	5 4 3 2 1 0 Comments:
$ Organization demonstrates a clear financial need for the requested funds. *(Source: Application, Budget, P & L attachments, Tax Returns)*	5 4 3 2 1 0 Comments:
$ Governance requirements (Board of Directors status, solicitation license, certifications) are current. (See Attachment E in handbook for explanation of requirements.) *(Source: Attachments)*	5 4 3 2 1 0 Comments:
Application Presentation	
High Low	
$ Proposal submission is well-presented. *(Source: Complete application packet.)*	5 4 3 2 1 0 Comments:
$ All requested information is included in application packet or an explanation is provided for missing materials.	5 4 3 2 1 0 Comments:

(Source: Complete application packet.)	

VOTE: Aye - All
Nay - None

Upon a motion by Council member Pepin, seconded by Council member Brantz, Council moved to appoint an Outside Agency Funding Review Committee consisting of the following description:

1. *The committee be comprised of a financial expert, a person who once served on a non-profit board of directors but is not currently serving on a board; two members of the Town Council (council person and Mayor or two council members); and two people from the general public and/or taxpayers. All committee members will need to be residents of Boone and 2 members will serve a two-year term with the remainder serving a one-year term.*
2. *In addition to the above committee members, Greg Young and Amy Davis will also attend committee meetings to answer any questions needed by the committee.*
3. *Committee members are to be guided in their recommendations by the applications received and the criteria established for the review of the applications.*
4. *Committee members will make their recommendations for funding of outside agencies within the boundaries of the established total funds for outside agency funding and may elect to award all of these funds or less than the total amount of these funds.*
5. *Committee recommendations will need to be completed by May 31st in time for scheduled budget meetings.*
6. *Town Council will make the final decision based on the recommendations submitted by the committee.*

VOTE: Aye - All
Nay - None

Mayor Clawson asked Council to be prepared to list nominees for this committee at the April meeting.

BOARD OF ADJUSTMENT NOMINATIONS

Development Services Director John Spear stated that an application from Robert de Camara has been received for the vacant position for an ETJ Alternate position on the Board of Adjustment. He stated that the term for this position is due to expire on June 30, 2008. Furthermore, he noted that two resident members of the Board of Adjustment, Ron Darbo and Louise Miller, have resigned their positions. Mr. Darbo's term is due to expire on June 30, 2008; Louise Miller's term is due to expire on June 30, 2007. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to forward Robert de Camara's nomination as an ETJ member of the Boone Board of Adjustment to the Watauga County Board of Commissioers for appointment.

VOTE: Aye - All
Nay None

JONES HOUSE BOARD APPOINTMENTS

Cherry Johnson, Director of the Jones House, stated that Randy Fiemster has resigned his position on the Jones House Advisory Board. She stated that an application has been received from Ms. Sharon Sharp. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to appoint Sharon Sharp to the Jones House Advisory Board for a three-year term ending on February 28, 2010.

VOTE: Aye - All
Nay - None

Ms. Johnson also stated that terms for members Tuesdae Rice and Carolyn Travis expired on February 28, 2007. She indicated that both Ms. Rice and Ms. Travis have agreed to serve another term if reappointed. Upon a motion by Council member Brantz, seconded by Council Member Mason, Council moved to reappoint Tuesdae Rice and Carolyn Travis each for three-year terms ending on February 28, 2010.

VOTE: Aye - All
Nay - None

APPROVAL OF RECOMMENDATION - INCREASE IN USAGE FEE FOR JONES HOUSE

Jones House Director Cherry Johnson stated at the January meeting, Council had asked that an increase in the usage fees for the Jones House be studied. Ms. Johnson stated at the last meeting of the Jones House Advisory Board, the Board voted unanimously to a 60% increase in the usage fees across the board for the Jones House **(see chart - Exhibit A)**. Upon a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adopt a usage fee increase as represented in Exhibit A.

VOTE: Aye - All
Nay - None

SCHEDULING OF SPECIAL MEETING

Town Manager Greg Young stated that Council needed to schedule a special meeting to receive the stormwater analysis report from Watershed Concepts. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to hold a special meeting on Monday, April 23, 2007, at 7:00 p.m. in the Town Council Chambers to hear a presentation on stormwater analysis from Watershed Concepts.

VOTE: Aye - All
Nay - None

SCHEDULING OF INTER GOVERNMENTAL RETREAT

Mayor Clawson stated that a new meeting date needs to be determined for the intergovernmental retreat since representatives from several entities are not available to meet on May 4, 2007. It was the consensus of Council to try to reschedule the intergovernmental retreat on either Tuesday, May 15th or Wednesday, May 16th, from 4:00 p.m. until 8:00 p.m. Mayor Clawson stated that the Town Clerk would continue to work on trying to schedule this meeting between the various government agencies.

MONTHLY WATER USE STATUS REPORT

Public Utilities Director Rick Miller presented the following status report:

			Approved Water Connections			
			2007			
Staff Approved	**Date**	**Projected Usage**	**Council Approved**	**Date**	**Projected Usage**	**Remaining Gallons**
						25000
			Watauga County	Nov-06	4800	20200
			2006 Balance Carry Over	**Jan-07**	**6788**	**26988**
Park Street Subdivision	Jan-07	850				26138
Steven Airey	Jan-07	195				25943
Boone Mall	Jan-07	439				25504
Sarvos Properties	**Feb-06**	**2100**				**27604**
			Jamus FLP	Feb-06	4209	23395
Mauldin Chiropratic	Feb-07	69				23326
Ross	Feb-	60				23266

Chrysler	07					
A-Z Enterprises	Feb-07	900				**22366**
			Approved Water Connections			
			2008			
Staff Approved	**Date**	**Projected Usage**	**Council Approved**	**Date**	**Projected Usage**	**Remaining Gallons**
						25000
			Watauga County	Nov-06	4800	20200
			Jamus FLP	Feb-07	4209	**15991**

ADOPTION OF BUDGET AMENDMENTS

Finance Director Amy Davis presented the budget amendments. Upon a motion by Council member
Brantz, seconded by Council member Spann, Council moved to approve the following budget amendments:

DESCRIPTION	ACCOUNT #	TO:	FROM:
Travel & Training - Governing Body	010-400-000-521101	$3,000.00	
Appropriated Fund Balance	010-000-000-499900		($3,000.00)
NC League of Municipalities	010-413-000-549213	$514.00	
National League of Cities	010-413-000-549214	$51.00	
NC Institute of Government	010-413-000-549215	$71.00	
Appropriated Fund Balance	010-000-000-499900		($636.00)
Maintenance & Repair Vehicles - Police	010-500-300-525301	$2,431.00	
Miscellaneous Revenue	010-000-000-489900		($2,431.00)
Communications Equipment - Fire	010-500-350-516300	$2,878.00	
Miscellaneous Revenue	010-000-000-489900		($2,878.00)
Miscellaneous Supplies - Public Works	010-600-400-519900	$500.00	
Appropriated Fund Balance	010-000-000-499900		($500.00)
Transfer to Sewer Capital Reserve	030-400-890-598032	$15,000.00	
Impact/Availability Fees - Sewer	030-000-000-467302		($15,000.00)
Maintenance & Repair-Building & Grounds	010-410-000-525101	$7,200.00	
Appropriated Fund Balance	010-000-000-499900		($7,200.00)

VOTE: Aye - All
Nay - None

AMENDMENT OF ORDINANCE #05-01

Public Utilities Director Rick Miller stated that as a result of recommendations made by the Water Study Committee at their March 8th committee meeting, there are two amendments before Council to approve regarding Ordinance #05-01. He noted that the amendments presented to the Council in the information packets are notated in bold type. Mr. Miller noted the change to item #4 of Ordinance #05-01 as follows:

"During the term of the Resolution, no service extensions into the secondary pressure zone shall be ***considered for approval unless the requesting property was located inside the Boone corporate limits on or before March 8, 2007, and the applicant is willing to adhere to Town of Boone secondary pressure zone specifications and also meets all other relevant requirements of the Town of Boone's Water and Sewer Code, as it may be amended. These specifications include but are not limited to, eight-inch minimum pipe diameter; booster pumping stations of EFI design with fire pumping capabilities; minimum 100,000 gallon welded joint steel storage tank; pressure protection provided for each individual water service, and telemetry systems with Dataflow Systems radio telemetry, compatible with the existing Town of Boone system. No proposed extension shall be approved which extends above 3,620 feet in elevation.****...."*

Mr. Miller further noted the additional sentence in item #5 of Ordinance #05-01 as follows:

*"....****Likewise, should any applicant whose development project only requires a building permit, or whose vested rights pursuant to a special use permit or conditional zoning decision have been extended by the issuance of a building permit, allow the building permit to expire, the applicant's water rights will also immediately expire.****"*

Upon a motion by Council member Pepin, seconded by Council member Mason, Council moved to adopt the amendments to Ordinance #05-01 as listed above.

VOTE: Aye - All
Nay - None

Mayor Clawson declared a break at 7:55 p.m. Council reconvened at 8:05p.m.

REQUESTED APPEARANCES - MS. NANCY F. REIGEL/MOUNTAIN KEEPERS

Ms. Nancy Reigel, of the Mountain Keepers group, presented a power-point presentation on "Green Boone." **(Power-Point presentation permanently on file at Town Hall.)** During this presentation she listed serveral steps being made by the town to enlist "green" actions within the Public Works department. Ms. Reigel thanked the Council for their support and willingness to help make Boone a clean and beautiful place to live. Council member Spann took the opportunity to announce that staff from the town of Davidson, NC, would be presenting information about ways that Town Councils can use regulations to bring about sustainable communities at the April Lunch & Learn meeting series on Wednesday, April 18th.

REQUESTED APPEARANCES - FAT BELLIES LLC d/b/a BEEF O'BRADY'S

Town Attorney Sam Furgiuele opened a public hearing at 8:32 p.m. to hear sworn testimony from Mark Lewis and Public Utilities Director Rick Miller concerning a request for water and sewer service to property located at 276 Watauga Village Drive, Suite G. Mark Lewis explained that the request is for a 115 seat restaurant that will be a family-friendly sports pub called Beef O'Brady's. He stated that the restaurant would be very active in the community by sponsoring a variety of local sports teams and instituting a merit program with educational incentives for local students. Mr. Lewis stated he plans to employ 25-30 employees. Public Utilities Director Rick Miller verified the calculated amount of 3,750 gallons-per-day is based on a 125 seat restaurant. With no other testimony, Sam Furgiuele closed the public hearing at 8:37 p.m. Upon a motion by Council member Pepin, seconded by Council member Mason, Council moved to approve the request for water and sewer service in the amount of 3,750 gallons-per-day to property located at 276 Watauga Village Drive, Suite G.

VOTE: Aye - All
Nay - None

REQUESTED APPEARANCE – MR. DONALD C. MORRISON

Town Attorney Sam Furgiuele opened a public hearing at 8:38 p.m. to hear sworn testimony from Donald "Trey" Morrison and Development Services Director John Spear concerning the request for sewer service to property located Knowles Haven Lane. Mr. Morrison stated that he had received a memo dated February 28, 2007 from David Graham of the Development Services Department listing several comments as a result of a review of the site plan and a site visit. He addressed each of the comments:

7. *UDO Sections 361 & 362 requires a 25' Opaque landscape property line buffer between the project and the Joan Mishkin single-family residence. Existing deciduous trees on the property can be credited for the required trees in the buffer. Evergreen trees and shrubs will be required in accordance with UDO Section 363[b]. Flexability can be administered in the width of the buffer as long as the opaqueness of the buffer is met.*

Mr. Morrison stated that since these units are single-family, not duplexes, this is not a problem.

8. *The minimum 20 foot street setback in accordance with UDO Section 200 has not been met for either duplex.*

Mr. Morrison stated that since both houses have already been erected in their current location, there is no way to meet this requirement.

9. *The south eastern parking area has a slope in excess of 1.5H:1V. In accordance with UDO Section 284[d] "Site specific permanent erosion control and stablization of slopes steeper than 2H:1V must be designed by a licensed professional engineer or landscape architect competent in such practice.*

Mr. Morrison stated that the steepness of the slopes of the parking spaces have been corrected to bring them into compliance. He stated that he would have a qualified engineer to examine the other slopes on the property.

10. *According to conversations with Mr. Morrison, retaining walls may be needed. If retaining walls are proposed for the project, the following regulations shall apply:*
$ Retaining walls over 4 feet in height shall not be permitted within the required setback per UDO Section 205[a][3]c.

Mr. Morrison stated that he would have one retaining wall that would fall into this category, but that the retaining wall is needed for safety reasons for persons exiting the dwelling in case of a fire.

$ Retaining walls over 5 feet in height will require an engineer certification per UDO Section 284[h].

Mr. Morrison stated that he would have a professional engineer to examine the retaining walls on the site.

5. *Currently the duplex units are located on one lot. However, the plan submitted illustrates a "potential lot line". According to Town Council direction the project must be divided into two separate lots.*

Mr. Morrison stated that the tract is currently divided into two lots with one PIN number. He stated that he would take the steps necessary to rectify this issue.

Development Services Director John Spear responed to a question from Council member Mason as to if these items can be corrected. He stated that most of these issues can be resolved; for example, a new survey could be recorded showing each dwelling on an individual lot. He also stated the the engineering issues could be resolved by the applicant enlisting an engineer to address the issues. Also, Mr. Spear stated the buffer issue can now be addressed since winter weather should not be an issue. Mr. Morrison asserted that he could meet all of the conditions with the exception of the location of the two homes and one retaining wall within the setback. Council member Pepin inquired as to why the structures were built out of compliance in the beginning. Mr. Morrison stated that there was a communication breakdown between himself, his contractor, and both the Watauga County and Boone inspections offices. With no other testimony, Mr. Furgiuele closed the hearing at 8:50 p.m. Council member Mason stated that it is obvious that there was a lack of communication throughtout this process. She further noted that the property is consistent with the rest of the neighborhood. Upon a motion by Council member Mason, seconded by Council member Spann, Council moved to grant the request for sewer service contingent upon the applicant meeting all of the conditions as outlined in the February 28, 2007 memo from David Graham with the exception of the meeting the setback requirements for the two dwellings and the retaining wall encroaching in the setback. Council member Pepin stated that she has some misgivings about making exceptions to the rule, but in this situation, she feels the Council has to consider all of the contributing factors. Council member Mason stated that the Town should make an effort to improve policies and procedures for verification and to improve communication between town offices, developers and contractors to avoid this type of situation in the future.

VOTE: Aye - All
Nay - None

PUBLIC COMMENT

There were no public comments.

CLOSED SESSION

Upon a motion by Council member Wilcox, seconded by Council member Mason, Council moved to enter Closed Session at 8:58 p.m. pursuant to NCGS 143-318.11a)3) in order to discuss the following matters:

- Update on Templeton Lawsuit
- Update on CHS/ASU LLC Lawsuit
- Board of Adjustment Matter.

VOTE: Aye - All
Nay - None

Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to exit Closed Session at 9:44p.m.

VOTE: Aye - All
Nay - None

ADJOURNMENT

On a motion by Council member Wilcox, seconded by Council member Mason, Council moved to adjourn the meeting at 9:45 p.m.

VOTE: Aye - All
Nay - None

______________________________ ______________________________
Deputy Town Clerk Mayor