

**BOONE TOWN COUNCIL
MINUTES - REGULAR MEETING
APRIL 19, 2007**

The regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, April 19, 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 present were Town Manager Greg Young, Town Clerk Freida Van Allen, Finance Director Amy Davis, Personnel Director Peri Moretz, Special Assistant to the Manager Jim Byrne, Public Services Director Blake Brown, Public Utilities Director Rick Miller, Development Services Director John Spear, Police Chief Bill Post and Fire Chief Reggie Hassler.

ANNOUNCEMENTS

Mayor Clawson asked that we remember and keep them in our prayers the Virginia Tech University community and our troops, especially the NCNG 1451st.

Police Chief Bill Post presented a resolution and service revolver to retired police officer Jeff Rucker. Mr. Rucker said it was his pleasure to have served Boone citizens over the past twenty years.

Mayor Clawson announced that the Town of Boone's Spring Litter Sweep is Saturday, April 21, 2007 at the Town's public works center. Mayor Pro-Tem Mason said the Town will be completing a walkability audit that same day.

Council member Pepin announced that the Volunteer Fest is also scheduled for Saturday, April 21, 2007 at the Boone Mall.

TENTATIVE AGENDA ADOPTION

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

- Addition of Item 4.F - Adoption of Resolution to support the Wilson Drive Alternative Transportation Grant Application.
- Addition of Item 4.I. - Adoption of Resolution supporting the 2007 Clean Water Act.
- Deletion of 7.B. - Requested Appearance - Laurel Ridge Housing, LLC.
- Addition to Closed Session - CHS/ASU Litigation and Boone Ford Sign Violation

On 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

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

Minutes: March 8, 2007, Special Meeting
 March 8, 2007, Special Meeting
 March 15, 2007, Regular Meeting.

Tax Releases: February, 2007

TAXPAYER	YEAR	AMOUNT	DESCRIPTION
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BARTHEL, ROY WILLIAM	2006	\$131.05	LIVES IN FIRE DISTRICT NOT TOB
APPALACHIAN STUDENT HOUSING CO	2006	43.77	EXEMPT
BOONE UNITED METHODIST CHURCH	2006	265.29	EXEMPT
WATAUGA OPPORTUNITIES INC MAYBEE, FREDRICK MICHAEL	2006	69.56	EXEMPT
GRIMES, WILLIAM THOMAS	2006	33.41	INCORRECT SITUS
EDMISTEN, WILLIAM STEVE	2006	35.15	BILL OF SALE ADJ.
FOUR SEASONS APARTMENTS INC	2006	94.59	TURN IN TAG
HUFF, WILLIAM TODD HUFF, PENNY WARD	2006	60.64	INCORRECT SITUS
HUDSON, ALBERT QUINN JR HUDSON, MARY JAYNE	2006	14.38	ADJ FOR BILL OF SALE
WJ OFFICE CITY INC	2006	14.69	INCORRECT SITUS
WELLS, CARRIE NICOLE	2006	6.12	SOLD VEHICLE
HIGH COUNTRY AUTO SALES	2006	95.68	INCORRECT BILL
KOLSETH, JESSICA ELIZABETH	2006	20.95	VEHICLE TOTALLED NEW OWNER
STALLINGS, ELIZABETH LEMASTER	2006	33.37	INCORRECT FIRE DISTRICTS
QUALITY INN, BOONE ADR CAPITAL MGMT INC D/B/A	2006	1507.34	DID NOT OWN
MARSHALEK, MICHAEL ANN	2005	92.32	INCORRECT OWNER
TOTAL		\$2,518.31	

Tax Refunds: February, 2007

TAXPAYER	YEAR	AMOUNT	DESCRIPTION
PALMER, RANDALL PALMER, JANET G	2006	\$7.45	TURN IN TAG
HAYES, JEAN GREENE	2006	12.75	TURN IN TAG
THREE GRAPES CORP INC PARSONS, GREGG DUDLEY	2006	36.08	SOLD VEHICLE
TOTAL		\$56.28	

Adoption of Resolution: Rucker Retirement

RESOLUTION

The members of the Boone Town Council, meeting in regular session on April 19, 2007, do hereby adopt and pass the following resolution:

WHEREAS, Jeffrey E. Rucker served the Town of Boone as a Police Officer since February 6, 1984; and

WHEREAS, Jeffrey E. Rucker served as a Police Officer in the State of North Carolina for twenty-two years; and

WHEREAS, Jeffrey E. Rucker served as a leader in the Boone Police Department in an exemplary fashion; and

WHEREAS, his contribution in the service of Boone and it’s citizens will always be appreciated; and

WHEREAS, on December 1, 2006, Officer Rucker retired as a Patrol Sargent from the Town of Boone Police Department;

NOW, THEREFORE, BE IT RESOLVED, that one Brigadier Beretta 40-Caliber Pistol (serial number BER338954) and his Police badge be awarded to Patrol Sargent Rucker. A copy of this Resolution is to be directed to Jeffrey E. Rucker.

Adopted this the 19th day of April, 2007.

Loretta Clawson, Mayor

ATTEST:

Freida Van Allen, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 18.)

Adoption of Resolution: Surplus Property Auction

RESOLUTION

Whereas the Council of the Town of Boone desires to dispose of certain surplus property of the Town;

Now, Therefore Be It Resolved by the Council that:

- 1. The following described property is hereby declared to be surplus to the needs of the Town:

Asset #Description

544	BOREING MACHINE W/TRAILER
664	CHEVROLET LUMINA
1676	FORD 555 BACKHOE
2702	1991 S-10 BLAZER
2787	1997 FORD CREW CAB
2839	1997 F-350
2907	1995 GMC SLS TRUCK
3067	1994 CHEVROLET CAPRICE
3434	#3434 1995 MITSUBISHI DIAMANTE
3925	#3925 2002 CHEVROLET IMPALA
1503	#1503 PIPE LOCATOR
1565	#1565 TRANSIT
1572	#1572 PIPE LOCATOR
1666	#1666 PIPE LOCATOR
1667	#1667 PIPE LOCATOR
1724	#172H PIPE LOCATOR
1827	#1827 WACKER 3" WATER PUMP
2419	#2419 HP LASER JET PRINTER
2647	#2647 DELL DIMENSION
2655	#2655 DELL
3241	#3241 DELL DIMENSION
3347	#3347 MONITOR & KEYBOARDS
3620	#3620 3 SECTION FILE
3621	#3621 3 SECTION FILE
3772	#3772 #3772 DELL DIMENSION
	12" X 1" TAPPING SADDLES
	DEVILBISS AIR COMPRESSOR 24 HP
	MONROE DUMP/CONVEYOR BED
	PVC PIPE FITTINGS
	TWO 2' FLUORESCENT LIGHT FIXTURES
	TWO PANASONIC PHONES
	20 HP WATER PUMP
	20 HP WATER PUMP

2 DRAWER LETTER-SIZE FILE
4 BOXES OF COMPUTER PAPER
4 DRAWER LETTER SIZE FILE
5 CHAIRS TO JUNK
5 HP AIR COMPRESSOR
8920 ONE-TOUCH SCANNER
9320 ONE-TOUCH SCANNER
90 LB JACK HAMMER
90 LB JACK HAMMER
AIR POWERED JACK HAMMER
AMMONIA ION SELECTIVE ELECTRODE
ARTIFICIAL TREE
ARTIFICIAL TREE
AURORA AS602X SHREDDER
BARREL DOLLEY
BLUE PRINT CABINET
BROTHER FAX MACHINE
BOX OF FLASHLIGHTS
BOX OF MISC COMPUTER ACCESSORIES
BOX OF PITNEY BOWES TONER
BOX OF RADIOS
BOX OF RADIOS
BOX OF TRUCK MOUNT RADIOS
BOX OF SPEAKERS (2)
BROTHER FAX MACHINE
BURGUNDY OFFICE CHAIR
CAUTION LIGHT
COMPUTER MONITORS (17)
DELL DIMENSION
DELL DIMENSION
DELL DIMENSION PC W/KEYBOARD
DELL MONITOR
DELL MONITOR
DESICCATOR
DRAFTING TABLE
ENVISION MONITOR
EPSON C-82 PRINTER
EVERCO R-12 FREON RECYCLER
GRADE ROD
HAMMER DRILL
HP DESKJET 5550 PRINTER
HP DESKJET 710C PRINTER
LEGAL SIZE FILING CABINET 4-DRAWER
LEGAL SIZE FILING CABINET 4-DRAWER
METAL TYPEWRITER TABLE
METAL TYPEWRITER TABLE
MINI LIGHT BAR
MISC BOX OF HP TONER CARTRIDGES
NEC VCR
NETWORK CARD
ORECK AIR CLEANER
PAPER SHREDDER
PIONEX COMPUTERS (8)
PIPE THREADING MACHINE
PITNEY BOWES POSTAGE MACHINE
PORTA POWER
POWER PANEL
POWER PANEL
POWER PANEL
PRINCETON MONITOR
PRINCETON MONITOR
SEROLOGICAL PIPETS

SMALL DESK
SMALL WOODEN CABINETS
SMALL WOODEN SHELVES
SMOKE MACHINE
STAINLESS STEEL BOX W/LID
TIME CLOCK W/CARD HOLDER
TRANSIT
WIRELESS CARD
WOODEN CONFERENCE TABLE
WOODEN KEY CABINET
WOODEN PODIUM
WOODEN PODIUM
WOODEN SHELVES
MISC STEEP PIPE COUPLINGS
BOTTLE JACK

2. The Finance Director is authorized to receive in behalf of the Council bids at public auction for the purchase of the described property.
3. The public auction will be held on Saturday, May 19, 2007 at 8:00 a.m. at the Public Works Center, 321 East King Street. The terms of the sale shall be cash, certified or cashiers check.
4. The Town Clerk shall cause a notice of the public auction to be published in accordance with G. S. 160A-270(b).
5. The highest bid, if it complies with the terms of sale, may be accepted by the Finance Director and the sale consummated.

Adopted this the 19th day of April, 2007.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGES 19-21)

Adoption of Resolution: Support of NCDOT Stream Bank Stabilization Project.

RESOLUTION

WHEREAS, the Boone Town Council is continually concerned about the adequacy of road improvements within and around the Town of Boone; and

WHEREAS, the North Carolina Department of Transportation is expending \$300,000.00 in funds to stabilize the stream bank adjacent to Rivers Street behind Appalachian State University Varsity Gymnasium.

WHEREAS, the stream bank stabilization project is to be in conjunction with a proposed stream restoration project funded by Appalachian State University;

NOW THEREFORE, BE IT RESOLVED, that the Boone Town Council fully supports the stabilization of the stream bank along Rivers Street by the North Carolina Department of Transportation.

Adopted this the 19th day of April, 2007.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 22)

Adoption of Resolution: Support for Wilson drive Alternative Transportation
Improvements Grant Application.

**Resolution by the Town Council
Of the Town of Boone, North Carolina**

WHEREAS, the *Boone/Blowing Rock Alternative Transportation Plan* was adopted by the Boone Town Council on November 20, 1995 to enhance non-vehicular travel; and

WHEREAS, the Town of Boone has performed a Feasibility Study that determines the constructability, cost, and potential impacts as well as the related maintenance and safety issues of the proposed bikeway project; and

WHEREAS, the Boone Town Council unanimously endorses the improvements to enhance the accessibility and mobility for bicyclist and pedestrians along Wilson Drive from the intersection of Wilson Drive and NC 105 to the intersection of Wilson Drive and Winkler's Creek Road; and

WHEREAS, the Boone Town Council recognizes the need to and is submitting a Supplemental Funding Application in the amount of \$ 95,800 to cover costs increased since the original DOT Transportation Enhancement Application; and

WHEREAS, the Boone Town Council recognizes that the Enhancement Program for Bicycle and Pedestrian Facilities requires a 20% local match or \$23,950; and

NOW, THEREFORE BE IT RESOLVED, that on April 19, 2007 the Town of Boone, North Carolina resolves to support a supplemental application and commits \$23,950 in matching funds.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 23)

Approval of GIS Fees: 8½ x11 map - .25¢
11x17 map-.50¢
Large Formatted Plotted Map - \$25.00
Data Compilation - \$30 per hour (one hour
minimum, billed in one-hour increments beyond first hour.

Approval of Grant Application - To purchase body armor for police department. The federal grant will pay one-half of the \$600 per vest cost.

Adoption of Resolution: Support of 2007 Clean Water Act.

RESOLUTION OF SUPPORT FOR THE CLEAN WATER ACT OF 2007

WHEREAS, North Carolina's continued prosperity depends on protecting the State's

water resources for current use and future generations; and

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the State's water resources and local water providers; and

WHEREAS, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs, well-maintained water infrastructure, and an attractive natural environment; and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

\$	Helped create or retain 42,000 jobs
\$	Corrected major regulatory violations in 97 counties
\$	Addressed failing septic systems and contaminated wells in 59 counties
\$	Resulted in 50 communities receiving sewer service for the first time
\$	Encouraged regional efficiencies, sound planning, and conservation practices; and

WHEREAS, North Carolina's public water, sewer, and storm water utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW, THEREFORE, BE IT RESOLVED, that the Boone Town Council urges the North Carolina General Assembly to enact the "Clean Water Act of 2007", which provides for a \$500 million bond issue to be expanded over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

Adopted this the 19th day of April, 2007.

ATTEST:

Mayor

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 24)

VOTE:Aye-All

Nay-None

PUBLIC HEARING ON RIGHT-OF-WAY VACATION FOR BOB DISNEY

Mayor Clawson opened the public hearing on the proposed 60' right-of-way vacation for Bob Disney at 6:41 p.m. Town Manager Greg Young said the Town Clerk had followed all the procedures as required by the NC General Statutes. Reverend Gordon Noble, who lives on Hunting Hills Lane, spoke in opposition to the right-of-way vacation and said he was unaware that there was a right-of-way in the area. Randall Honeycutt, an adjacent property owner, also spoke in opposition to the vacation and said he was aware of the right-of-way and always felt it was an asset to his property. Jean Borman, also from the neighborhood, opposed the removal of the 60' right-of-way. There being no further comments, the public hearing closed at 6:45 p.m.

ADOPTION OF RESOLUTION - DECLARING THE INTENT TO CLOSE A PORTION OF DANIEL BOONE DRIVE EXTENSION

Town Manager Greg Young reminded Council that County Manager Rocky Nelson appeared before Council last year to ask permission to begin the street closing procedures for the Watauga High School project. Town Manager Young said this is the first step in that process. County Manager Rocky Nelson presented Council with a site map depicting the two streets to be closed. Mr. Nelson said that a portion of Daniel Boone Drive Extension and a portion of Hill Top Drive will be closed. Mr. Nelson said a new connector road will be constructed that will link Cecil Miller Road and New River Heights Drive, and that the new high school entrance will be off that new road. Mr. Nelson further explained that a new signalized intersection will be constructed

near Clyde Jones Auto Parts to help the neighborhood access Hwy. 421. Mr. Nelson pointed out that all houses should be removed by July with hopes to begin site preparation by early September. County Commissioner Chairman Jimmy Deal said the County Commissioners and the School Board are planning an informational session about the project sometime in May. Council discussed at length the proposed location of the tennis courts and recent concerns from citizens located on Delmar Street. Jennifer Sisak, architect for the project, said everyone involved feels that tennis courts, rather than a parking lot, is a more appropriate use of the property located next to Delmar Street. Council member Mason requested that both the County Commissioners and the School Board attend the public hearing in order to answer questions about the project. Council member Spann applauded the County's efforts to work with the neighborhood and asked that the County consider placing a fence around the perimeter of the entire high school property to prevent student drop-offs in the neighborhood. Mr. Deal said the property will be fenced for security purposes. On a motion by Council member Mason, seconded by Council member Pepin, Council moved to adopt the following resolution:

RESOLUTION OF INTENT

A Resolution Declaring the Intention of the Town Council to Consider the Closing of a Portion of Daniel Boone Drive Extension

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 a portion of Daniel Boone Drive Extension;

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

1. A meeting will be held at 7:00 p.m. on the 31st day of May, 2007 in the Watauga High School Auditorium to conduct a public hearing on the proposed street closing. A meeting will be held at 6:30 p.m. on the 21st day of June, 2007 to consider a resolution closing a portion of Daniel Boone Drive Extension.
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 Mason, and duly seconded by Council member Pepin, the above resolution was duly adopted by the Town Council at the meeting held on April 19, 2007, in the Town Council Chambers.

VOTE:Aye-All
Nay-None

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 25)

VOTE:Aye-All
Nay-None

ADOPTION OF RESOLUTION - DECLARING THE INTENT TO CLOSE A PORTION OF HILL TOP DRIVE

Town Manager Greg Young said this is the second street closing associated with the high school project. Town Manager Young said a portion of Hill Top Drive is being proposed for closure. After little discussion on a motion by Council member Mason, seconded by Council member Spann, Council moved to adopt the following resolution:

RESOLUTION OF INTENT

A Resolution Declaring the Intention of the Town Council to Consider the Closing of a Portion of Hill Top Drive

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 a portion of Hill Top Drive;

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

1. A meeting will be held at 7:00 p.m. on the 31st day of May, 2007 in the Watauga High School Auditorium to conduct a public hearing on the proposed street closing. A meeting will be held at 6:30 p.m. on the 21st day of June, 2007 in the Council Chambers to consider a resolution closing a portion of Hill Top Drive.
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 Mason, and duly seconded by Council member Spann, the above resolution was duly adopted by the Town Council at the meeting held on April 19, 2007, in the Town Council Chambers.

VOTE:Aye-All
Nay-None

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 26)

VOTE:Aye-All
Nay-None

REQUEST FOR PUBLIC HEARING - WATAUGA COUNTY CONDITIONAL ZONING REQUEST

County Commissioner Chairman Jimmy Deal requested that the Town schedule a special public hearing for Watauga County's request for conditional use zoning. Mr. Deal said the conditional use zoning request is for the new high school project. Mr. Deal requested that the hearing be in conjunction with the street closing public hearings. After little discussion, on a motion by Council member Mason, seconded by Council member Brantz, Council moved to schedule a special public hearing to hear Watauga County's conditional use zoning request for the high school project. The hearing will be held on May 31, 2007 at 7:00 p.m. in the Watauga High School auditorium.

VOTE:Aye-All
Nay-None

ADOPTION OF RESOLUTION - IN SUPPORT OF ACCELERATION OF THE NCDOT PROJECT TO WIDEN US HWY 421 (KING STREET)

County Manager Rocky Nelson presented this resolution and said the County Commissioners adopted the same, hoping that the Department of Transportation would accelerate or phase the project. Mr. Nelson said the County felt it would be beneficial if the project could be completed about the same time as the high school project. After very little discussion, on a motion by council member Mason, seconded by Council member Spann, Council moved to adopt the following resolution:

**Resolution In Support of Acceleration of the
NCDOT Project to Widen US 421 (King Street)
TIP Project # U-4020**

WHEREAS, the North Carolina Department of Transportation (NCDOT) in conjunction with the Federal Highway Administration (FHWA) is proposing to widen approximately one mile of US Hwy 421 (King Street) to a multi-lane facility from Hardin Street (US Hwy 321) to Jefferson Road (NC Hwy 194); and

WHEREAS NCDOT has announced a tentative project schedule of construction beginning in April, 2010; and

WHEREAS, Watauga County is constructing the new Watauga High School on a site accessed by US Hwy 421 east of the TIP Project #U-4020; and

WHEREAS, the new Watauga High School is scheduled to open in August, 2010; and

WHEREAS, US Hwy 421 (King Street) is the primary travel route to the high school site for residents of Boone, Blowing Rock, and the western half of Watauga County; and

WHEREAS, Average Daily Traffic on King Street ranges from 19,600 to 39,700 vehicles (already above the design capacity), and is projected to increase to 28,900 to 67,800 vehicles per day by 2030; and

WHEREAS, the accident rate for 2002-2005 within the project area of U-4020 was two- times the statewide rate for similar highway facilities; and

WHEREAS, adding significant new traffic from the new Watauga High School to an already dangerous, traffic-choked road that would be impeded by the U-4020 construction in August, 2010 would create an even more congested and hazardous situation.

NOW THEREFORE BE IT RESOLVED that the Boone Town Council requests the NCDOT to accelerate TIP Project U-4020 so that it can be complete before or shortly after the scheduled opening of the new Watauga High School in August, 2010.

BE IT FURTHER RESOLVED that the Boone Town Council alternatively requests the NCDOT to divide U-4020 into two phases, with phase 1 consisting of the section from NC Hwy 105 to NC Hwy 194 and being complete before August, 2010.

AS ADOPTED by the Boone Town Council on this the 19th day of April, 2007.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 27)

VOTE:Aye-All
Nay-None

ADOPTION OF STREET CLOSING ORDER - 60' RIGHT-OF-WAY VACATION FOR BOB DISNEY

Town Manager Greg Young said the Town has met all the statutory requirements for the street closing; however, since the surveyor can not prepare a metes and bound description, quit claim deeds must be issued instead of general warranty deeds. Town Manager Young said he is unsure if the Town actually does own the right-of-way or knows the exact location of the closure. Town Manager Young also said if the Town does grant the right-of-way vacation, a 25' utility easement will need to be reserved. After very little discussion, on a motion by Council member Pepin, seconded by Council member Brantz, Council moved to deny the request for right-of-way vacation as requested by Bob Disney.

VOTE:Aye-All
Nay-None

ADOPTION OF ZONING AMENDMENTS

Case 20070072 - Central Business District - Street Level Commercial - The Boone Town Council initiated text amendment to UDO Article X, Section 197 which would require all new multi-family projects in the Central Business District to provide street level commercial uses. Development Services Director John Spear said the Planning Commission had recommended approval of the text amendment as written. Council discussed at length requiring mixed-use development to have parking that can not be viewed from the street level and suggested that the text amendment be modified to incorporate that requirement and be discussed at the May Quarterly Public Hearing. On a motion by Council member Mason, seconded by Council member Spann, Council moved to table action on this text amendment.

VOTE:Aye-All
Nay-None

Case 20070088 - Table of Permissible Uses - The Boone Town Council initiated text amendment to UDO Article X, Section 165 which would prohibit Use 5.130: Colleges, Universities, and community colleges in the Town's B-1, B-2 and B-3 zoning districts and prohibit Use 7.100: Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet in the Town's R-1 and R-1A zoning districts. Development Services Director John Spear said the Planning Commission had recommended approval of the text amendments. Council member Spann questioned if prohibiting colleges and universities from the Town's B-1, B-2 and B-3 zones would eliminate the possibility of future expansion. Development Services Director Spear said no, that ASU could ask for rezoning of property to U-1 or develop using the conditional use zoning route. Council member Wilcox asked if the two uses could be voted on separately. Town Attorney Sam Furgiuele said no, since the zoning text amendment was written and advertised as one case. Council member Wilcox felt prohibiting hospitals and medical clinics from R-1 was a smart move; however, prohibiting universities from B-1, B-2 and B-3 will be cumbersome for future development, basically limiting ASU to the campus footprint now in place. Council member Wilcox also pointed out by removing universities and community colleges from B-1, B-2 and B-3 zones limits the possibility of renting/leasing property in those zones. Council member Wilcox said by renting or

leasing, instead of purchasing, property will remain taxable. Council member Wilcox felt that having colleges and universities located in B-zones is more appropriate than R-zones. Council member Mason argued that by prohibiting universities and colleges from B-zones and hospitals and medical clinics from R-zone the Town is designating business areas for business and residential areas for residences. Council discussed at length whether a sub-category, which would allow for rental or leasing of property by colleges and universities in B-zones, could be established without re-advertising After determining that the sub-category could not be established at this time, Council member Spann urged Council to consider adopting a sub-category in the future that would allow the university to rent or lease property in the B-zones. On a motion by Council member Mason, seconded by Council member Spann, Council moved that the application is consistent with all objectives and policies for growth and development of the 2006 Boone Comprehensive Plan.

VOTE:Aye-3 (Mason, Pepin, Spann)
Nay-2 (Brantz, Wilcox)

On a motion by Council member Mason, seconded by Council member Spann, Council moved that this application is both reasonable and in the public interest for the following reasons: 1. Page 33 of the Comp Plan recognized Boone resident’s strong desire to retain the traditional rural character and high country atmosphere of the downtown area. The plan promotes a variety of activities but warns “if the University were to expend its educational facilities into the downtown proper, thereby eroding the present critical mass of business there, the downtown would cease to function as a viable commercial district.” 2. Reference to sections 2.1.2 f; 2.1.2h and 2.1.2i of the Comp Plan.

VOTE:Aye-3 (Mason, Pepin, Spann)
Nay-2 (Brantz, Wilcox)

On a motion by Council member Mason, seconded by Council member Spann, Council moved to adopt the following zoning text amendment:

EXISTING TEXT (5.130)														
Uses Description	R-1	R-1A	R R	R-2	R-3	R-4	R-A	M	O I	B-1	B-2	B-3	U 1	M 1
5.0 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES														
5.100 Schools														
5.110 Elementary or secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S		S		S	S	Z	
5.120 Trade or vocational schools											S	S		S

5.130 Colleges, universities, community colleges, (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	S	S		S	S	S	S		S	Z	Z	Z	Z	
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PROPOSED TEXT (5.130)

Uses Description	R-1	R-1A	R R	R-2	R-3	R-4	R-A	M H	O / I	B-1	B-2	B-3	U - 1	M - 1
5.0 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES														
5.100 Schools														
5.110 Elementary or secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S		S		S	S	Z	
5.120 Trade or vocational schools											S	S		S
5.130 Colleges, universities, community colleges, (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	S	S		S	S	S	S		S	Z	Z	Z	Z	

EXISTING TEXT (7.100)

Uses Description	R-1	R-1A	R R	R-2	R-3	R-4	R-A	M H	O / I	B-1	B-2	B-3	U - 1	M - 1
7.0 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES														
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area	S	S		S	S	S	S		Z	Z	Z	Z	Z	
7.200 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions				S	S	S	S		Z		Z	Z	Z	

PROPOSED TEXT (7.100)

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	M-H	O-I	B-1	B-2	B-3	U-1	M-1
7.0 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES														
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area	S	S		S	S	S	S		Z	Z	Z	Z	Z	
7.200 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions				S	S	S	S		Z		Z	Z	Z	

VOTE:Aye-3 (Mason, Pepin, Spann)
Nay-2 (Brantz, Wilcox)

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to have Staff investigate options which would allow the University to pursue rental or leasing of property in a business district.

VOTE:Aye-All
Nay-None

Mayor Clawson declared a break at 8:19 p.m. Council reconvened at 8:30 p.m.

REQUEST TO PROCEED WITH ZONING AMENDMENT FOR THE INSTALLATION OF SIDEWALKS

Development Services Director John Spear presented a draft text amendment that would require all new commercial, multi-family and subdivision developments in Town to provide sidewalks along Town and State maintained road frontage. On a motion by Council member Brantz, seconded by Council member Wilcox, Council moved to send the draft text amendment to the May Quarterly Public Hearing.

VOTE:Aye-All
Nay-None

REQUEST TO PROCEED WITH ZONING AMENDMENT ABOUT LAND USE CLASSIFICATIONS FOR TOWN PARKS

Development Services Director John Spear presented a draft text amendment that would create a separate land use classification for town-owned parks. This classification would include neighborhood parks, “pocket” parks and playgrounds which would be permitted by right in residential and commercial zoning districts. Mayor Clawson discussed her concern about the text amendment in that it does not allow for public comment. Council member Mason agreed that there should be some avenue for public comment. Council member Wilcox argued that Council can conduct a public hearing on a park project at any time. After a lengthy discussion, Council member Wilcox made a motion to send the draft text amendment to the May Quarterly Public hearing. Council member Pepin seconded and said the text amendment should say “town-owned” parks, instead of publicly-owned parks. Council agreed.

VOTE:Aye-All
Nay-None

ADOPTION OF RESOLUTION DIRECTING CLERK TO INVESTIGATE

SUFFICIENCY FOR THE WHS PROPERTY ANNEXATION

Development Services Director John Spear said this is the first step in the contiguous annexation request made by Watauga County for the Watauga High School property. Mr. Spear said the property is located south of Daniel Boone Drive extension and contains 58.649 acres. On a motion by Council member Pepin, seconded by Council member Mason, Council moved to adopt the following resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (Watauga County High School Voluntary Contiguous Annexation)

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 19, 2007 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 28)

VOTE:Aye-All
Nay-None

APPROVAL OF HISTORICAL DAM SITE MARKER FOR GREENWAY TRAIL

Public Services Director Blake Brown said the Greenway Committee recommended that a historical marker be placed at the old dam site along the Greenway Trail. Mr. Brown said a slab of rock, which can be used as a bench, will be installed showing the dam's date of operations. Council member Brantz suggested providing a short historical overview. Council member Mason suggested approaching New River Light & Power about part of the cost, since that company operated the dam. Council member Brantz agreed to work with Mr. Brown on the historical narrative and the request for funds from New River Light & Power. On a motion by Council member Brantz, seconded by Council member Mason, Council moved to approve the \$2,989 cost for the historical marker.

VOTE:Aye-All
Nay-None

ABC BOARD APPOINTMENT

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to appoint Candy Winebarger to another three-year term on the ABC Board. Her term will now expire April 30, 2010.

VOTE:Aye-All

Nay-None

OUTSIDE AGENCY FUNDING COMMITTEE APPOINTMENTS

On a motion by Council member Pepin, seconded by Council member Brantz, Council moved to appoint Dana Roten and Kellie Ashcraft to the outside agency funding committee and to authorize Mayor Clawson to appoint one more citizen. Council members Wilcox and Spann will serve on the committee also.

VOTE:Aye-All

Nay-None

AFFORDABLE HOUSING COMMITTEE APPOINTMENTS

On a motion by Council member Spann, seconded by Council member Pepin, Council moved to appoint Liz Aycock and Mary Ruth McRae as the Planning Commission representatives on the Affordable Housing Committee.

VOTE:Aye-All

Nay-None

BOARD OF ADJUSTMENT APPOINTMENTS

On a motion by Council member Mason, seconded by Council member Wilcox, Council moved to appoint Morgan Murray and Ivan Roten to two alternate resident positions on the Board of Adjustment. Mr. Murray's term will expire 6/30/07 and Mr. Roten's term will expire 6/30/08.

VOTE:Aye-All

Nay-None

SCHEDULING OF INTER-GOVERNMENTAL RETREAT

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to schedule an inter-governmental retreat for Thursday, May 24, 2007 at 4:00 p.m. at the Appalachian/Blue Ridge Room at the Chetola Resort.

VOTE:Aye-All

Nay-None

SCHEDULING OF BUDGET WORKSHOPS

On a motion by Council member Brantz, seconded by Council member Pepin, Council moved to schedule a budget workshop and public hearing on the following dates:

Wednesday, June 13th - 8:00 a.m. - all day budget workshop

Thursday, June 14th - 6:30 p.m. - budget public hearing

VOTE:Aye-All

Nay-None

APPROVAL OF CHANGE ORDER - OLD BRISTOL ROAD SEWER MAIN PROJECT

Public Utilities Director Rick Miller presented change order #1 to the Old Bristol Road sewer main project in the amount of \$2,000. Mr. Miller said two additional taps were made and 27 days were lost due to inclement weather. On a motion by Council member Brantz, seconded by Council member Pepin, Council moved to approve change order #1 in the amount of \$2,000.

VOTE:Aye-All

Nay-None

WATER USE COMMITTEE APPOINTMENT

On a motion by Council member Mason, seconded by Council member Spann, Council moved to appoint Patrick Beville to the Water Use Committee.

VOTE:Aye-All
Nay-None

MONTHLY WATER USE REPORT

Public Utilities Director Rick Miller presented the following monthly water use status report:

As requested by Town Council, staff and I have compiled the following information concerning water use for the month of March. The Water Treatment Plant recorded a maximum daily demand of 2.111 million gallons on Tuesday, March 27, 2007, and the average daily demand was 1.865 million gallons for the entire month.

Attached you will find a chart that depicts a comparison of the maximum daily demands for the month of March since 1995. Included is an average trend line that illustrates the extent the maximum daily demand has increased during the last thirteen years.

As adopted in Ordinance 05-01, the Town of Boone Council has appropriated for 25,000 gallons per day usage for year 2007 for allocation to customers. Council chose to allocate 4,800 gallons from 2007 and after adding back the 6,788 gallons carried over from 2006, a balance of 25,943 gallons remained for allocation in 2007. At the last Council meeting, Council authorized an allocation that subtracted 3,750 gallons from the 2007 allotment. Since the last Town Council meeting Public Utilities has approved three additional projects that subtracted from the allotment and two previously approved allocations expired which added back to the allotment. The total water allotment remaining for the year 2007 has not broken the sixty percent threshold. All future water service requests in excess of 3000 gallons per day usage will be forwarded to Town Council as required in Ordinance 05-01.

As you can see in the attached “Approved Water Connections” chart, the Public Utilities Department now has 18,690 gallons per day remaining for allotment in 2007 and 15,991 gallons remaining for 2008. Also, be reminded that all calculations are based on 60% of the North Carolina Discharge Rate Schedule.

			Approved Water Connectio ns			
			2007			
Staff Approved	Date	Projected Usage	Council Approved	Date	Project ed Usage	Remaining Gallons
						25000
			Watauga County	Nov- 06	4800	20200
			2006 Balance Carry Over	Jan- 07	6788	26988
Park Street Subdivisio n	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 Chiropracti c	Feb- 07	69				23326
Ross	Feb-	60				23266

Chrysler	07					
A-Z Enterprises	Feb-07	900				22366
			Fatbellies LLC	Mar-06	3750	18616
High Country Bank	Mar-06	450				18166
Enterprise Leasing	Mar-06	45				18121
James Maltba	Mar-06	31				18090
Dana Willet	Jun-05	450				18540
Dana Willet	Jul-05	150				18690
			Approved Water Connections			
			2008			
Staff Approved	Date	Projected Usage	Council Approved	Date	Project ed Usage	Remaining Gallons
						25000
			Watauga County	Nov-06	4800	20200
			Jamus FLP	Feb-07	4209	15991

APPROVAL OF BUDGET AMENDMENTS

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to adopt the following budget amendments:

DESCRIPTION	ACCOUNT #	TO:	FROM:
Miscellaneous Supplies-Gov. Body	010-400-000-519900	\$2,311.00	
Appropriated Fund Balance	010-000-000-499900		(\$2,311.00)
Contracted Services-WTP	030-700-804-577000	\$3,180.00	
Appropriated Fund Balance-W&S Fund	030-000-000-499900		(\$3,180.00)
Contracted Services-Water Operations	030-700-802-577000	\$10,596.00	
Appropriated Fund Balance-W&S Fund	030-000-000-499900		(\$10,596.00)

VOTE:Aye-All
Nay-None

REQUESTED APPEARANCE - GREG SIMMONS

Mr. Greg Simmons of 321 Delmar Street appeared before Council to present the following concerns:

On behalf of the Cole/Spruce/Delmar/Daniel Boone/Morningside Neighborhood Association, I wish to raise the following concerns:

Issue #1: The street-wide swath that was recently cleared from the end of Delmar Street all the way out to the new school property.

From my conversations with the parties involved, I have been told this clearing was not related to the upcoming school construction, but was for in ground power/cable for the home construction on Daniel Boone Dr. Ext. (Mr. Johnny Hodges—parcel 2910-78-4311-000). Mr. Blake Brown said the town crew "went a little overboard" on the clearing for these trenched lines (phone conversation, 3/27/07). As a result, a street-wide swath of the mature natural buffer that existed between the neighborhood and the new school site is now gone. What remains is essentially a cleared extension to the new school site. It has already been used for site access by surveyors and various service personnel (see Photo 1). To give you an idea of the surrounding neighborhood, see Photo 2 for a picture looking west, and Photo 3 for a picture looking north. See Figure 1 for a view of how the cleared area relates to the new school site.

This clearing has made an already dangerous public safety situation worse. Having lived on Delmar for 9 years, I often see cars speeding toward the dead end, thinking they are on Daniel Boone Dr. Extension. On three occasions, cars have run past the end of the pavement and had to be extracted from woods by a wrecker, and three cars were significantly damaged. In 2005, I requested that the "No Outlet" sign at the head of Delmar St. be changed to "Dead End .1 Mile" and this was done. Since then, we've had one car run past the street and into the (formerly) wooded area.

Now that this extension has been cleared, it actually looks like Delmar continues out, especially to those unfamiliar with the area (see Photo 1). There is no cul-de-sac, no reflective guardrail or barrier, and nothing to indicate to a speeding driver that the road dead ends, save the "Dead End .1 Mile" sign that has shown limited effectiveness since its installation.

In addition to our concerns about the public safety issue, the residents in our area are opposed to Delmar St. being extended or used for site access before, during, or after the school construction project. As of this writing, we are not aware that such a request has been made. However, as we are all aware, site plans go through numerous revisions, and we'd like to make our position clear early in the process.

Suggested Remedy #1: Install a proper reflective physical barrier at Delmar St. end-of-pavement.

The residents of our neighborhood urge the Town Council to take the steps necessary to properly "dead-end" Delmar St., and to address the public safety concerns by installing a reflective physical barrier. The many drivers who mistake Delmar for Daniel Boone Dr. Extension currently are forced to turn around in the Holman or Simmons driveways. A cul-de-sac would be welcomed, so long as physical barriers to foot traffic are in place on the western edge of the school site when it opens, so that parents aren't encouraged to use Delmar St. as a drop-off. Daniel Boone Dr. Extension residents are concerned about this cul-de-sac scenario, as well.

We also ask that the Council deal with this issue in a way that allows the Town of Boone to retain as much control over the area in question as possible (esp. in relation to rights-of-way). With the adjoining lots to the cleared area now being acquired by the County from Ray Dell Greene (see Figure 1), our residents would like to preserve as many options as possible for the Town Council to address our concerns in this area.

Suggested Remedy #2: The restoration of the mature planting buffer that was destroyed as a result of the overly aggressive clearing.

This area was planted with 15 year old pines (see Photo1), which cannot be easily replaced. We do ask that some effort is made within the Town's right-of-way to restore, as much as possible, the visual and aural screening that previously existed between our neighborhood and the school construction site.

Issue #2: The purchase by the County (or impending purchase, we are unaware of the status) of the 12 lots owned by Ray Dell Greene that wrap the end of Delmar St. to the east and north, and jut into our neighborhood between Delmar and Spruce (parcels 2910-78-1706-000, 2910-78-1774-000, 2910-78-2639-000, 2910-78-3604-000, 2910-78-3671-000, 2910-78-4548-000,

2910-78-5527-000, 2910-78-5571-000, 2910-78-5420-000, 2910-78-4443-000, 2910-78-3477-000, 2910-78-3511-000, referred to below as the “Greene property”).

The Greene property (see shaded area on Figure 1) represents approximately 50% of the available R-1 single family home sites between Delmar and Spruce. GIS currently lists their use as “Residential Vacant” and all twelve of the parcels in question are currently zoned R-1. As is clear in Figure 1, these parcels extend as a “finger” into our neighborhood, jutting in from the new school site on our eastern side, and their loss effectively reduces the potential size of the Delmar/Spruce neighborhood by 50%. This is indeed a sad development, with residential sites and housing in the town limits already in such demand at premium prices.

If the Greene property is acquired by the County for use related to new school, the Town Council must approve a rezoning, special use, or a conditional district zoning arrangement for the parcels, since they are all currently zoned R-1. We have looked at the zoning and the listed current land use of the parcels directly adjacent to the Greene property. Of all the parcels surrounding the land in question, 100% are currently listed as “single family residential” use, and 92% of the surrounding parcels are currently zoned R-1. Only one parcel with very small frontage on the north side of Spruce St. (2910-78-4903-000) is “multizoned.” None of this is surprising given the fact that this is a long-established residential area. It is regrettable that the Greene property has never been made available for residential development, and now may be lost to that use forever. It is clear that any development that takes place on these parcels is, quite literally, in the middle of a residential area. Our residents trust that the Town Council will enforce the protections given to established neighborhoods in R-1 zoning districts by the UDO and require that any development on these parcels be in harmony with the surrounding area.

According to John Spear (phone conversation 3/27/07), the latest plan for the new school calls for tennis courts to be located on the former Greene property, which we assume will greatly reduce or completely destroy the existing natural buffers to the north and east of the remaining homes on Delmar St., and to the south and east of the remaining homes on Spruce St. If this plan is eventually adopted, and use for tennis courts is approved by the Town Council, residents in the area have two major concerns: 1) the loss of existing mature natural buffers and 2) light pollution in our neighborhood if light standards are installed for night play. As of this writing, we have not seen the latest plan with the intended usage of the Greene property mapped out.

Our neighborhood association expects the Town Council to use the special use/conditional district zoning process and the protections afforded R-1 residential areas in the UDO to protect our long-established neighborhood. We will certainly show up at any and every opportunity for public comment, but it is the Town Council's (and the County Commission's) responsibility to respect the fact that this neighborhood of single family homes has existed in this area since the 1930s, and make accommodations accordingly. We are also very concerned that the latest site plan proposes that Old E. King remain a through street – a fact that will bring an unwelcome increase in traffic to the already congested area where Spruce and Delmar Sts. connect to Old E. King/421. Members of the Town Council will recall that traffic on Old E. King was at issue when the Pine Ridge Condo project went in on Hilltop Drive. Traffic related to the school will certainly be exponentially greater. As of this writing, we have not seen the traffic study.

Regarding the inclusion of this information in your packet, we hope that the level of detail you have been provided will allow a meaningful exchange to take place during the meeting. Rather than reading this information verbatim, I hope to respond to any questions you may have and help you better understand our concerns in detail.

*As always, many thanks for allowing me to speak on behalf of the residents of our neighborhood, and for the many hours of time you donate to help make a town a better place. **(PHOTOS AND FIGURES PERMANENTLY ON FILE IN THE APRIL 19, 2007, BOONE TOWN COUNCIL PACKET.)***

Public Services Director Blake Brown said that New River Light & Power wanted to bury its transmission line in the area so the Town cleared some of the trees from the right-hand side of the old abandoned right-of-way. Mr. Brown said that property owner Johnny Hodges cleared the left-hand side of the old abandoned right-of-way in order to bring construction equipment into his property. Public Services Director Brown suggested in order to remedy the situation his department could place a guard rail at the end of Delmar Street and replace the trees that were

cut with mature trees. Council agreed. Mr. Simmons thanked Council and hoped that by using the conditional use zoning process Council would be able to protect our R-1 neighborhood.

REQUESTED APPEARANCE - FLOYD GARRISON

Town Attorney Sam Furgiuele opened the public hearing at 9:38 p.m. to hear sworn testimony from Floyd Garrison, Percy Calloway, Jim Byrne, Erica Woodward, Public Utilities Director Rick Miller and Development Services Director John Spear concerning a request for sewer service to the Elk Motel. Mr. Floyd Garrison, owner of the Elk Motel, testified that obtaining sewer service was crucial for the continued operation of the motel. Mr. Garrison also testified that he provides a service to the Town of Boone in providing affordable housing to employees who work in lower-paying jobs. Mr. Garrison reminded Council how they helped residents of the Greenway Trailer Park to find a new location, even paying \$172,000 to have water and sewer lines installed at the Mack Brown trailer park. Mr. Garrison testified that after talking with Municipal Engineering, he is 99% sure a sewer lift station will not be needed and that the Health Department said a 4" sewer line is all that is needed. Mr. Percy Calloway, a resident of the motel, said he was unsure where he would live if the hotel closed down. Public Utilities Director Rick Miller presented the following cost estimates and said the Town can own and maintain only an 8-inch line according to state law:

Water Main Extension Estimate for Elk Motel

- 12-inch DIP Water Pipe 4 to 5 ft depth @ \$65.00 per LF
1,750 ft = \$113,750.00
- Fire Hydrant @ \$2,500.00 each
4 Fire Hydrants = \$10,000.00
- Miscellaneous Valves & Fittings = \$20,000
- Trench Rock @ \$90.00 per cubic yard
300 cubic yards = \$27,000.00
- Connect to existing water main @ \$2,500.00 each
One connection = \$2,500.00
- Silt Fence @ \$3.00 per foot
1,500 feet = \$4,500.00
- Erosion Control @ \$2,500.00
Erosion Control = \$2,500.00
- Asphalt Replacement @ \$54.50 per ton + labor
6-foot patch, 12-foot overlay, & labor – 1,750 feet long = \$38,000.00
- Select fill material @ \$12.00 per cubic yard
100 Cubic Yards = \$1,200.00

Design cost for project @ 7 % of projected cost = \$15,361.50

Project Inspection @ 5% of project cost = \$10,972.50

Permitting and Advertisement for project bid = \$1,000.00

Project Total = \$246,784.00

Total for Water and Sanitary Sewer Extensions with SS Lift Station = \$636,648.00

Total without SS Lift Station = \$524,648.00

Sanitary Sewer Extension Estimate for Elk Motel

- 8-inch DIP SS Pipe 6 to 8 ft depth @ \$50.00 per LF
2,400 ft = \$120,000.00
- Pre-Cast Concrete SS Manholes 6 to 8 ft deep @ \$2,700.00 each
7 MH = \$18,900.00
- Select fill material @ \$12.00 per cubic yard
150 Cubic Yards = \$1,800.00
- Trench Rock @ \$90.00 per cubic yard
500 cubic yards = \$45,000.00
- Tie-In to existing SS Manhole @ \$3,000.00 each
One Tie-in = \$3,000.00
- Silt Fence @ \$3.00 per foot
2,000 feet = \$6,000.00
- Erosion Control @ \$2,500.00
Erosion Control = \$2,500.00
- Asphalt Replacement @ \$54.50 per ton + labor
6-foot patch, 12-foot overlay, & labor – 2,400 feet long = \$50,000.00
- Sanitary Sewer Lift Station @ \$100,000.00
One Lift Station = \$100,000.00

Design cost for project @ 7 % of projected cost = \$24,304.00 with lift station, \$17,304 without
Project Inspection @ 5% of project cost = \$17,360.00 with lift station, \$12,360 without
Permitting and Advertisement for project bid = \$1,000.00

Project Total with Lift Station = \$389,864.00

Project Total without Lift Station = \$277,864.00

Council member Spann asked if Mr. Garrison could own and maintain a private line. Public Utilities Director Rick Miller said it would be difficult for Mr. Garrison to obtain a private easement from the Department of Transportation. Mayor Clawson asked if the Elk Motel could pump to a private package plant. Public Utilities Director Miller said yes, but that Mr. Garrison must obtain an NPDES permit from the State. Council member Brantz asked if the Town has plans to expand in this area. Public Utilities Director Miller said even though it is a main corridor, he does not foresee much development in the area because of the rock face across the road from the motel and the drop-off behind. Council member Spann asked what the options are at this time. Public Utilities Director Miller said the motel can reduce its sewer flow, connect to the Town's utility or construct a package plant. Council member Spann then asked Mr. Garrison if he has a cost-estimate on the package plant yet. Mr. Garrison said no, but that he is supposed to meet with an engineer next week. Council member Mason asked Mr. Garrison what kind of

grants he has applied for. Mr. Garrison said since, the Elk Motel is not a non-profit agency, it is difficult to apply for grants. Council member Mason then asked Special Assistant to the Town Manager Jim Byrne if there are grants available to the Town that would help in this situation. Mr. Byrne responded that there are grants that could be applied for in this situation; however, the application deadline has passed and the funding cycle for this year is complete. Council member Wilcox asked if the County could apply for funds. Mr. Byrne said yes, that the County can apply for rural development funds, where the Town would not be eligible to apply since we are not considered rural. Ms. Erica Woodward told Council this is their opportunity to help the poor and that it is amazing that a recent fund raiser collected over \$43,000 with money still coming in. Council member Mason asked Public Utilities Director Miller how long it would take to complete this sewer project. Mr. Miller said it take over a year. Council member Mason asked Mr. Garrison if the Health Department would work with him on the septic system failure. Mr. Garrison said he hopes the Health Department will work with him and that the laundry facilities have already been eliminated. Mr. Garrison said he has asked his residents to reduce their useage to help with the situation. Council member Pepin asked what the area would be zoned if the property is annexed. Development Services Director John Spear said the property is already zoned B-3 and it would be considered as apartments. Council member Mason asked if there is limitation on using public funds on projects outside town limits. Town Attorney Sam Furguele said there were certainly limits and the limits in using Town funds, in any instance, is going to be whether it serves a public purpose to the Town of Boone. Town Manager Greg Young pointed out that water and sewer funds can be used to install utilities outside of the town limits since the Town does have utilities outside of town limits. Council member Mason asked if the Town could require that the use remain as it is now. Town Attorney Furguele said yes, but that the condition must be made very clear. There being no further testimony, Town Attorney Furguele closed the public hearing at 10:33 p.m. Council member Mason said she was very aware of the lack of affordable housing in our community and that is a crisis. Council member Mason suggested that Mr. Garrison approach County representatives to investigate if they would offer assistance in obtaining the sewer line and if the Health Department would work with the Elk Motel on the septic violations. Council member Mason also requested that fund-raising efforts continue on behalf of the Elk Motel. As a procedural matter, Council member Mason made a motion to deny the water request. Council member Spann seconded.

VOTE:Aye-All

Nay-None

On a motion by Council member Mason, seconded by Council member Spann, Council moved to work with Mr. Garrison and the Elk Motel to provide the sewer extension as long as the following conditions are met:

1. Funding sources for the sewer extension will be provided by three separate sources: the Town of Boone, Watauga County and private funding (1/3 each).
2. The property will remain as an affordable housing option for the community for at least 10 years.

Council member Mason said this extension is being considered because of the affordable housing crisis and the public health crisis caused by the septic system failure.

VOTE:Aye-All

Nay-None

REQUESTED APPEARANCE - CLAUDE STAPLETON

Town Attorney Sam Furguele opened the public hearing at 10:49 p.m. to hear sworn testimony from Mike Stapleton and Public Utilities Director Rick Miller concerning a request for water service to property located at 554 Daniel Boone Drive Extension. Mr. Stapleton said both the house at 554 Daniel Boone Drive Extension and his father's home are on the same water meter. Mr. Stapleton said he recently purchased the home and would like to have his own water meter. Public Utilities Director Rick Miller said the ordinance did not allow him to make the new tap since the property is located in the Town's ETJ. Mr. Miller said there will be no increase in the water allocation since both homes receive town water currently. Council member Brantz asked if Mr. Stapleton will pay the tap costs. Public Utilities Director Miller said yes, that it will cost

about \$1,500. There being no further testimony, the public hearing closed at 10:50 p.m. On a motion by Council member Pepin, seconded by Council member Spann, Council moved to grant the water tap to the property at 554 Daniel Boone Drive Extension.

VOTE:Aye-All
Nay-None

CLOSED SESSION

On a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to enter Closed Session at 10:52 p.m., pursuant to NCGS 143-318.11a)5), to discuss the Howard Street project, CHS/ASU litigation and Boone Ford sign violations.

VOTE:Aye-All
Nay-None

On a motion by Council member Wilcox, seconded by Council member Mason, Council moved to exit closed session at 11:59 p.m.

VOTE:Aye-All
Nay-None

ADJOURNMENT

On a motion by Council member Pepin, seconded by Council member Mason, Council moved to adjourn at 12:00 p.m.

VOTE:Aye-All
Nay-None

Town Clerk

Mayor