

**MINUTES – REGULAR MEETING  
BOONE TOWN COUNCIL  
AUGUST 20, 2015**

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, Aug. 20, 2015, in the Council Chambers, 1500 Blowing Rock Road. Mayor Pro Tem Rennie Brantz presided. Council members present were Lynne Mason, Quint David and Loretta Clawson. Town Attorney Allison Meade was also present. Staff members present were Town Manager John Ward, Town Clerk Christine Pope, Assistant to the Manager Jim Byrne, Finance Director Amy Davis, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Human Resources Director Peri Moretz, Planning Director Bill Bailey, Planning Supervisor Jane Shook, Public Works Director Rick Miller and Cultural Resources Director Pilar Fotta.

**CALL TO ORDER**

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

Mayor Pro Tem Brantz announced the upcoming Bike Rodeo, a Watch for Me NC campaign kick-off event, scheduled for Saturday, Aug. 22, 2015. He also announced that, in conjunction with the statewide “Fall Litter Sweep 2015” campaign issued by Governor Pat McCrory, the Town will hold a “Fall Boone Clean-Up Day” on Saturday, Sept. 19, 2015.

**TENTATIVE AGENDA ADOPTION**

Town Manager John Ward noted there were no changes to the agenda, but clarification was distributed to Council regarding Item 5.G. – Approval of Encroachment Agreement for Watauga Medical Center.

**PUBLIC COMMENT**

Mike Budka, of 748 Roby Greene Road, stated that following the last Council meeting, he was contacted by Steven Taylor representing one of the home owners’ associations in the area. He stated they were willing to come to a compromise with mufflers and turndowns, but are now finding out that the neighbors are going behind their backs and they are the ones not willing to compromise.

Kevin Roberts, of Fleetwood, stated several sponsors have put a lot of money into the speedway. He added that if anyone were to pull property records, most people purchased their homes around

the same time or after the track was built. Mr. Roberts provided a video of his child sleeping next to the track, stating the noise is not as bad as others are saying, in his opinion.

Phyllis Harmon, of Butler, Tenn., thanked everyone in attendance supporting Mountain View Speedway. She spoke regarding the small children who attend and the great entertainment provided for anyone who wants to go.

Annette Reeves, of 420 Locust Hill Road, spoke in opposition of the track. She stated she is part of a group called Watauga Citizens for Local Control, representing neighborhoods in the area. She stated there is a petition against the speedway, and considered the Mountain View Speedway to be a nuisance. She stated the group will be conducting their own investigation into the speedway and will formally request this issue be placed on Town Council's agenda at a more appropriate time **(Petition permanently on file in Town Hall)**.

Jeff Templeton, of 864 Deck Hill Road, presented the Town Council with a map **(map permanently on file in August 2015 Town Council Meeting File)** showing the area around Meadowview, Leola and Greenway Drive. He requested that Council puts these streets to the top of the sidewalk priority list.

Cathy LaMarre, of Boone, NC, spoke regarding Item 6.E. for Conditional District Planning Development. She asked that the notification period be extended from 14 to 21 days and wondered what provisions are in place should a property be rezoned but the developer files bankruptcy.

Jill Hoekstra, of Boone, NC, stated her neighborhood was unaware of any conversations for a compromise regarding Mountain View Speedway. She added that she was misquoted at the County Commissioners' meeting. Ms. Hoekstra stated she did not understand how this business has been permitted to open, emitting 85 to 95 dB every night for four hours, disrupting the comfort of the neighbors living there.

Phyllis Harmon stated the event is one night a week, not every night, and they are out of the race track by 10:45 p.m.

Jill Hoekstra clarified that it is every Saturday night and multiple nights a week.

Mike Budka stated there are no restrictions at the fairgrounds, but they are doing whatever it takes to appease a handful of neighbors.

### **CONSENT AGENDA ADOPTION**

A. Minutes: June 8, 2015 – Special Public Hearing.

July 23, 2015 – Regular Meeting.

- B. Approval of Special Event Permit and Accompanying Budget Amendment – Spooky Duke:

| <b>Description:</b>                      | <b>Account Number:</b> | <b>To:</b> | <b>From:</b> |
|------------------------------------------|------------------------|------------|--------------|
| Overtime-Police Department               | 010-500-300-501201     | \$125      |              |
| Overtime-Street Department               | 010-600-401-501201     | \$125      |              |
| Appropriated Fund Balance – General Fund | 010-000-000-499900     |            | (\$250)      |

- C. Historic Preservation Commission Request – Approval of an Education and Outreach Program for the Downtown Survey Process.
- D. Transportation Committee Recommendation – Updated Sidewalk Priority List for FY 2015/2016.
- E. Transportation Committee Recommendation – Scope of Duties for Alternate Transportation Subcommittee.
- F. Approval of Encroachment Agreement – Clement Blowing Rock Road, LLC **(Agreement permanently on file in Town Hall).**
- G. Approval of Encroachment Agreement – Watauga Medical Center **(Agreement permanently on file in Town Hall).**
- H. Approval of Encroachment Agreement – Soul Shine Family Glass **(Agreement permanently on file in Town Hall).**
- I. Approval of Budget Amendments – Reimbursement of Funds for Installation of Concrete Driveway and Removal of Street Lights:

| <b>Description:</b>   | <b>Account Number:</b> | <b>To:</b> | <b>From:</b> |
|-----------------------|------------------------|------------|--------------|
| STREET LIGHT MAINT    | 010-600-401-525210     | \$1,685.33 |              |
| SIDEWALK CONSTRUCTION | 010-600-405-514303     | \$1,392.31 |              |
| REVENUE               | 010-000-000-125300     |            | (\$1,685.33) |
| REVENUE               | 010-000-000-125300     |            | (\$1,392.31) |

- J. Approval of Budget Amendments – Funding for Sidewalk Construction Supplies and Reimbursement from an Insurance Claim for a 2006 Ford Truck:

| <b>Description:</b>                     | <b>Account Number:</b> | <b>To:</b> | <b>From:</b> |
|-----------------------------------------|------------------------|------------|--------------|
| STREET/SIDEWALK CONSTRUCTION – SUPPLIES | 010-600-405-514303     | \$100,000  |              |

|                                             |                    |         |             |
|---------------------------------------------|--------------------|---------|-------------|
| TRANSFER FROM SIDEWALK CAPITAL RESERVE FUND | 010-000-000-498019 |         | (\$100,000) |
| WATER OPERATIONS VEHICLE MAINTENANCE        | 030-700-802-525301 | \$2,988 |             |
| APPROPRIATED FUND BALANCE – W/S FUND        | 030-000-000-499900 |         | (\$2,988)   |

K. Approval of Budget Amendments – Fiscal Year End Re-encumbrance:

***Re-encumbrance of Funds from FY 2014/2015 to 2015/2016***

***8/20/15***

| <b><i>Account #</i></b> | <b><i>Vendor</i></b>                | <b><i>Description</i></b>           | <b><i>Department</i></b> | <b><i>Amount</i></b> |
|-------------------------|-------------------------------------|-------------------------------------|--------------------------|----------------------|
| 010-402-000-545998      | Temple Consulting Group             | Software Programming                | Finance                  | \$4,570              |
| 010-400-000-539907      |                                     | Grant Match Funding                 | Governing Body           | \$31,390             |
| 010-406-000-525101      |                                     | Station Repair                      | Fire Station #1          | \$742                |
| 010-407-000-574001      | Capital Outlay – Other Improvements | Blowing Rock Road Property          | BR Road                  | \$235,586            |
| 010-409-000-525101      | Volunteer Floor Covering            | Jones House Flooring                | Jones House              | \$722                |
| 010-409-000-525101      | Enterline & Russell Builders        | Paint & Repairs                     | Jones House              | \$14,535             |
| 010-409-000-525111      | Watauga Bldg Supply                 | Fencing materials & concrete        | Jones House              | \$2,213              |
| 010-410-000-525101      | Creekside Electronics               | Upgrade access control & panel      | Town Hall                | \$5,260              |
| 010-410-000-525101      |                                     | Town Hall remodeling                | Town Hall                | \$10,000             |
| 010-411-000-549102      | Stalwart                            | Wireless controller & line of sight | Wide Area Network        | \$6,295              |
| 010-411-000-549102      | Clark Powell                        | Streaming equipment/services        | Wide Area Network        | \$7,862              |
| 010-411-000-549102      |                                     | Switch replacement                  | Wide Area Network        | \$59,170             |
| 010-411-000-549124      | Glave & Holmes Architecture         | Howard Street improvements          | Special Projects         | \$3,835              |
| 010-411-000-549124      |                                     | Howard Street improvements          | Special Projects         | \$247,030            |
| 010-411-000-549128      |                                     | Tree Planting Project               | Special Projects         | \$10,427             |
| 010-411-000-549130      | CED-Boone                           | Poles & Fixtures                    | Special Projects         | \$36,500             |
| 010-411-000-549130      |                                     | Town Council priority projects      | Special Projects         | \$99,500             |
| 010-500-300-511201      | Designlab, Inc.                     | Jackets/shirts                      | Police Department        | \$1,790              |
| 010-500-300-519200      | Lawmen's Safety Supply              | 2,500 rounds ammunition             | Police Department        | \$2,313              |
| 010-500-350-514110      | MES                                 | Fire equipment/hose                 | Fire Department          | \$3,570              |
| 010-500-350-509802      | Dr. Marshall Murrey                 | Physicals                           | Fire Department          | \$3,200              |
| 010-500-350-515200      | Goodyear Commercial Tire            | Goodyear tires                      | Fire Department          | \$4,700              |

|                           |                                                           |                                      |                  |                    |
|---------------------------|-----------------------------------------------------------|--------------------------------------|------------------|--------------------|
| 010-500-350-525101        | Netwon's Fire & Safety                                    | 24" fan                              | Fire Department  | \$3,000            |
| 010-500-360-571000        | Web QA                                                    | Software license/implementation      | P&I              | \$12,300           |
| 010-600-400-516100        | Gov QA                                                    | Work order software                  | Public Works     | \$4,000            |
| 010-600-400-577000        | Brushy Fork Wood Products                                 | 60x45 signs for Greenway             | Public Works     | \$3,938            |
| 010-600-401-516100        | Gov QA                                                    | Work order software                  | Street           | \$2,100            |
| 010-600-401-519900        | Loven Ready Mix                                           | Concrete block                       | Street           | \$3,000            |
| 010-600-401-525201        | CED-Boone                                                 | Street lamps & poles                 | Street           | \$18,750           |
| 010-600-401-574900        | IPS Group, Inc.                                           | Meters                               | Street           | \$25,000           |
| 010-600-401-574900        | IPS Group, Inc.                                           | Pay & play display                   | Street           | \$21,850           |
| 010-600-401-577000        | AT&T                                                      |                                      | Street           | \$1,200            |
| 010-600-405-514303        | Vulcan Materials                                          | Sidewalk supplies                    | Facilities       | \$5,830            |
| 010-600-405-514303        | Wood Masonry Supply                                       | Sidewalk supplies                    | Facilities       | \$1,085            |
| 010-600-405-514303        | WGS Contractors                                           | Curb & gutter                        | Facilities       | \$865              |
| 010-600-405-514303        | Loven Ready Mix                                           | Concrete                             | Facilities       | \$2,280            |
| 010-600-405-514303        | Chandler Concrete                                         | Concrete                             | Facilities       | \$17,130           |
|                           |                                                           |                                      |                  |                    |
| <b>010-000-000-499900</b> | <b>Appropriated Fund Balance – General Fund</b>           |                                      |                  | <b>(\$913,538)</b> |
|                           |                                                           |                                      |                  |                    |
| 030-700-801-575021        | Capital Outlay – Land                                     | Right of way acquisition             | Public Utilities | \$8,330            |
| 030-700-801-577000        | Engineering/Legal                                         | Contracted Services                  | Public Utilities | \$83,320           |
| 030-700-802-575100        | McGill & Associates                                       | Tank condition evaluation/update     | Water Ops        | \$161,310          |
| 030-700-803-519900        | McGill & Associates                                       | Clement Street sewer improvements    | Sewer Ops        | \$9,750            |
| 030-700-803-575000        | McGill & Associates                                       | Hardin Street sewer improvements     | Sewer Ops        | \$4,440            |
| 030-700-803-575000        | Iron Mountain Construction                                | Clement & Hardin Street improvements | Sewer Ops        | \$134,750          |
|                           |                                                           |                                      |                  |                    |
| <b>030-000-000-499900</b> | <b>Appropriated Fund Balance – Water &amp; Sewer Fund</b> |                                      |                  | <b>(\$401,900)</b> |
|                           |                                                           |                                      |                  |                    |
| 050-450-000-553104        | Wood Masonry Supply                                       | Paver edge                           | MSD              | 2,370              |
|                           |                                                           |                                      |                  |                    |
| <b>050-450-000-499900</b> | <b>Appropriated Fund Balance - MSD</b>                    |                                      |                  | <b>(\$2,370)</b>   |
|                           |                                                           |                                      |                  |                    |
| 051-451-000-514110        | MES                                                       | Fire Hose                            | Rural Fire       | \$3,154            |
|                           |                                                           |                                      |                  |                    |
| <b>051-451-000-499900</b> | <b>Appropriated Fund Balance – Rural Fire</b>             |                                      |                  | <b>(\$3,154)</b>   |

L. Approval of Contract for Deck Hill Water Tank Repairs (**Agreement permanently on file in Town Hall**).

Upon a motion by Council Member Clawson, seconded by Council Member David, Council moved to adopt the consent agenda as presented.

VOTE:       Aye – All  
               Nay – None  
               Absent – 1 (Hay)

## **DISCUSSION REGARDING REORGANIZATION OF AFFORDABLE HOUSING TASK FORCE**

Council Member Mason advised they have had difficulty achieving a quorum in order to hold meetings for the Affordable Housing Task Force. She added that there are still many things to work on since Council approved the task force's short-, medium- and long-term goals. Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to reconstitute the Affordable Housing Task Force to have six members—two Council members, two Planning Commission members and two community members. Town Manager John Ward confirmed that by doing so, the Town would simply be removing the two current vacancies and maintaining all current members on the task force. He added that he would be suggesting a realignment and consolidation of some of the committees in the near future in order to increase participation and quorums.

VOTE:           Aye – All  
                  Nay – None  
                  Absent – 1 (Hay)

## **ADOPTION OF RESOLUTION – SUPPORT FOR REDISTRICTING REFORM**

Council Member Mason presented a draft resolution to support redistricting reform, noting that this is a bipartisan state initiative. Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the following resolution:

### **Resolution to Support Redistricting Reform**

**WHEREAS**, the current redistricting process creates a conflict of interest—as State legislators are effectively choosing their own constituents; and,

**WHEREAS**, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and,

**WHEREAS**, legislative incumbents often draw districts that are not compact and split communities of interest; and,

**WHEREAS**, important principles such as the protections of the Federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by; and,

**WHEREAS**, voters are more likely to participate when they feel that their vote will count and that they have a reasonable chance of electing candidates who represent their interests; and,

**WHEREAS**, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters of North Carolina.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Boone, North Carolina, urges the State of North Carolina to establish an independent redistricting process that ensures diversity, partisan balance and geography, for all future redistricting.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to State Senator Dan Soucek and State Representative Jonathan Jordan.

Adopted this 20<sup>th</sup> day of August, 2015.

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 245)**

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

**SCHEDULING OF SPECIAL MEETING – BIKE AND PEDESTRIAN PLAN ANNUAL STAKEHOLDERS MEETING**

Public Works Director Rick Miller advised Council that, in accordance with the Bike and Pedestrian Plan, there is to be an annual stakeholders meeting scheduled before the end of the year. Council came to the consensus to have staff submit proposed dates for this and bring them back to Council for consideration.

**APPROVAL OF MEMORANDUM OF UNDERSTANDING AND REVIEW OF DRAFT SOLAR LEASE AGREEMENT**

Town Manager John Ward presented a Memorandum of Understanding between the Town of Boone and Climate Voices US for their consideration with respect to the installation of a community solar project and EV charging station on Depot Street in downtown Boone. Mr. Ward also advised Council that, in accordance with N.C. Gen. Stat. §160A-272, the Town is required to publish notice regarding approval of the draft solar lease agreement at least 10 days prior to execution and must adopt a resolution authorizing execution of the agreement should Council choose to do so due to the length of the term of the lease. Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to approve the Memorandum of Understanding between the Town of Boone and Climate Voices US and to move forward with the proposed solar lease agreement and the project (**Memorandum of Understanding permanently on file in Town Hall**).

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

**CONSIDERATION OF ZONING CASES – CASE 20150021 WELLNESS DISTRICT SMALL AREA PLAN AND CASE 20150028 CONDITIONAL DISTRICT PLANNED DEVELOPMENT**

**Case 20150021 Wellness District Small Area Plan:**

Planning Director Bill Bailey advised Council that there have been several public meetings, and several meetings of which each individual property owner have been notified, adding that they have made several modifications to accommodate the needs and desires of the affected property owners. He added that the recommendations of the Planning Commission are not part of the proposal being presented, but Council could adopt the plan with those recommended modifications, which staff would then incorporate. Brief discussion ensued regarding incentives and a 50% versus 75% maximum footprint.

**Vote #1**

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to adopt the Wellness District Small Area Plan because it is consistent with a number of the Town's adopted plans including the 2030 Plan, which there is a focus area for a hospital district for infill and redevelopment, and it creates a cohesive mixed-use district with emphasis on medical facilities and other related uses, and it is also consistent with the Comprehensive Plan for economic development, community appearance and community character, environmental quality, and infrastructure, focusing concentration of intense urban type development with the Urban Growth Area and addressing transportation needs.

VOTE:           Aye – All  
                    Nay – None  
                    Absent – 1 (Hay)

**Vote #2**

Upon a motion by Council Member David, seconded by Council Member Mason, Council moved to direct staff to incorporate the recommendations of the Planning Commission including the 50% footprint to become a maximum of 75% and include incentives for landowners to implement the plan.

VOTE:           Aye – All  
                    Nay – None  
                    Absent – 1 (Hay)

**Case 20150028 Conditional District Planned Development:**

Planning Director Bill Bailey advised that this process allows the Town to not have to use underlying zoning districts, but to create one that is personalized to a specific project with negotiations between the Town and the developer. Discussion ensued regarding the notification

period and including language in the text to include the 3-day mail delivery timeframe to the actual notification period. Council Member Mason requested that the notification period be increased to 21 days. Council came to the consensus to have staff make this revision to the text and bring back to Council in September for consideration. Mr. Bailey also clarified that if a property is rezoned for a site specific project through this process, it would then need to go back through meetings to rezone the property back to its original zone. He added that the rezoning is also only valid for the life of the existing project and would not carry over to another development for that property.

### **DISCUSSION OF POLICE DEPARTMENT RENOVATIONS AND HIRING**

Town Manager John Ward advised Council that, in 2014, Council budgeted \$285,000 to renovate an area within the existing Police Department building for use by Boone 911 Communications. He noted that in 2015, a bill was introduced at the state legislature that would require counties to provide the services to municipalities free of charge, and in early 2015, the director of communications for the Town retired. He noted that due to these events, the decision was made to delay both the construction project and hiring of a new staff member until it was determined if the bill would pass. Mr. Ward advised that the bill was passed after multiple negotiated changes, one of which was the elimination of the provision requiring counties to provide 911 services to municipalities free of charge. He requested that Council direct staff to move forward with the renovations and hiring process. He noted that the equipment could also be moved to a new facility at some point. Upon a motion by Council Member Clawson, seconded by Council Member David, Council moved to direct staff to move forward with the expenditure of previously budgeted funds for renovations to the Boone Police Department to accommodate new updated 911 equipment and to begin the process of hiring for the vacant director of communications position.

VOTE:           Aye – All  
                    Nay – None  
                    Absent – 1 (Hay)

### **TOWN MANAGER UPDATE:**

- The financial audit for the previous fiscal year is currently underway.
- Requests for Qualifications for the Howard Street project have been received with four interviewed.
- The DBDA has agreed to allocate \$300,000 to accompany the Town's \$75,000 for downtown streetscape improvements.
- The new meeting management system for Town Council meetings will be implemented next month.
- *Outside* magazine named Boone as one of the Top 10 Best Places to Live in America for 2015.
- The County approved the third easement for the water intake project. It was considered a new era of cooperation between Boone and Watauga County.

### **ANNOUNCEMENT OF BOARD VACANCIES**

Mayor Pro Tem Brantz announced the following vacancies:

- Jessica Smith's hotel seat on the TDA board is set to expire Sept. 30, 2015.
- Michael Kirk's position on the Tree Board is set to expire Oct. 31, 2015.
- Caroline Catoe resigned from her resident position on the Planning Commission due to relocating to the ETJ area. Her resident position will expire June 30, 2018.

## **BOARD APPOINTMENTS**

### **Community Appearance Commission:**

Council Member Mason nominated Yogi Collins for reappointment to this commission. With no further nominations, Mayor Pro Tem Brantz called for a vote:

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

Ms. Collins term will expire June 30, 2018.

### **Cultural Resources Advisory Board:**

Council Member David nominated Andrea Capua to serve on this board. With no further nominations, Mayor Pro Tem Brantz called for a vote:

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

Ms. Capua's term will expire June 30, 2018.

### **Historic Preservation Commission:**

Mayor Pro Tem Brantz nominated Charles "Chuck" Watkins to serve on this commission. With no further nominations, Mayor Pro Tem Brantz called for a vote:

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

Mr. Watkins' term will expire June 30, 2018.

### **Planning Commission:**

Council Member David nominated Caroline Catoe to serve in an ETJ position on this commission. With no further nominations, Mayor Pro Tem Brantz called for a vote:

VOTE:           Aye – All  
                  Nay – None  
                  Absent – 1 (Hay)

Ms. Catoe's term will expire June 30, 2019.

Town Manager John Ward noted another announcement, indicating that the rededication of the mural located in the downtown Boone post office will be held Oct. 26, 2015, from 4:30 to 6 p.m.

Before deliberating on the quasi-judicial requests, Town Attorney Allison Meade questioned the members of Council on whether or not they had contact with any of the applicants regarding the requests. All Council members stated that they had not had any significant contact with any of the applicants for any of the requests.

#### **WATER & SEWER REQUEST – RANDY DIXON**

Town Attorney Allison Meade opened a public hearing at 7:17 p.m. to hear sworn testimony on a request for water and sewer service to property located on/near Marich Lane. Mr. Randy Dixon, being duly sworn, stated this would be for a new and exciting community called Skyline Terrace with one- and two-bedroom apartments providing quality living for young adults in a traditional apartment setting. He added that the units would be rented by the apartment, not the room like most student housing, and the tenants would pay their own utilities. Mr. Dixon stated they felt this would create a community with positive impacts for the Town and residents, geared more toward young adult professionals and young families. He noted that the design team has been successful in incorporating UDO Section 15.10 without any variations in design, including no more than 50% of units of one size, second bedrooms are 25% smaller than the master, and 25% of units have carports or garages and 50 square feet of storage. Mr. Dixon stated they received positive feedback from the Community Appearance Commission as well as Board of Adjustment approval on July 9, 2015, as long as they coordinate with Town staff regarding the traffic impact study prior to obtaining a permit for development. He felt that they would also be using significantly less water and sewer than what is allocated based on historic data of actual usage for three other properties either owned by them or reviewed during their analysis. He requested that their water and sewer usage be reviewed after the initial two years and any additional usage be returned to the allocation pool. An analysis of the three other properties was distributed to Town Council (**analysis permanently on file in August 2015 meeting file**).

Jason Gaston, being duly sworn, spoke on behalf of the design team for this project, noting that it's a multi-family development with three-story buildings at 45 feet in height and a leasing office.

Mr. Gaston advised that they will only be disturbing 7.5 of the 11.5 acres of this property with limited disturbance to the viewshed, the apartments have nine-foot ceilings and the project fits the dynamic of the Town's Unified Development Ordinance as it was modified. Mr. Dixon noted that there was a traffic study and they will be providing information to Public Works Director Rick Miller and Planning staff for those specific items, including a private street between Bojangles and Advanced Auto, of which they will participate in the maintenance cost of the road in order to utilize. He briefly discussed a traffic plan to include a four-way intersection on that private street as well as one where Watauga Green is located, and AppalCART will run to the other side of their driveway that will be usable and upgraded to a new facility. Sidewalks were discussed as part of the project, and Mr. Dixon noted it was his understanding that Perkinsville Road will eventually have sidewalks to connect to as well. Mr. Dixon provided an overview of the amenities to be included in this project, noting that they are not planning to sell this project later on.

Public Works Director Rick Miller, being duly sworn, advised that in accordance with state mandates, they are required to follow the discharge schedule for allocation purposes, and noted that the project is located within the primary pressure zone. He added that he is still concerned with the traffic impact. Mr. Miller advised Council there is 41,434 gallons per day left to allocate for 2015, and there is approximately 65,000 left to allocate for 2016. Planning Director Bill Bailey, being duly sworn, stated there is a subdivision created with this and the parcel developed has received a special use permit from the Board of Adjustment. He noted the transitional zone issue has also been satisfied, and the only concern left is the traffic impact analysis, which is being reviewed and resubmitted. Mr. Dixon advised they intend to start construction next spring, which is why they are asking for an additional vesting year due to the eight months they won't be able to work. He added that they have sent letters to neighbors that touch the property and have held two open houses. He has received no concerns or objections from those neighbors. With no further testimony, Ms. Meade closed the public hearing at 7:32 p.m.

Council Member David noted this project meets the requirements for affordable housing and what the Town is requiring, and does not include three- and four-bedroom apartments. Council Member Mason stated they still need to address transportation, but she could support the project. Mayor Pro Tem Brantz and Council Member Clawson voiced their concern with the traffic impact in that area. Town Attorney Allison Meade clarified that approval of the project by the Board of Adjustment was conditioned upon a traffic impact analysis, noting that if it was not sufficient, it would have to go back to the board. Council Member Mason added that it was one of the top priority areas for sidewalk improvements. Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to approve Randy Dixon's request for water and sewer service to property located on/near Marich Lane with the predicted usage of 41,430 gallons per day with the allocation divided between 2015 and 2016 as not to deplete all of the water for this year.

VOTE:       Aye – 2 (David, Mason)  
              Nay – 1 (Clawson)  
              Absent – 1 (Hay)

### **CLOSED SESSION**

Upon a motion by Mayor Pro Tem Brantz, seconded by Council Member David, Council moved to enter Closed Session at 7:37 p.m. pursuant to NCGS § 143-318-11(a)(3) to hear the following items:

- A.     Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning the claim involving the Town of Boone and Mountaineer Towing.
- B.     Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning potential claims involving the Town of Boone.
- C.     Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning potential claims involving the Town of Boone.
- D.     Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning the claim involving the Town of Boone and the State of North Carolina.
- E.     Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council in order to confer with the attorney regarding certain legal matters.

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to exit Closed Session at 9:17 p.m.

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

## **ADJOURNMENT**

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to adjourn the meeting at 9:18 p.m.

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Hay)

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Christine Pope, Town Clerk

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Rennie Brantz, Mayor Pro Tem