**MINUTES - SPECIAL MEETING**
**BOONE TOWN COUNCIL**
**FEBRUARY 23, 2007**

A special meeting of the Boone Town Council was called to order at 8:30 a.m., in the Burris Room at the Broyhill Inn and Conference Center. 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; Human Resources Director Peri Moretz, Assistant to the Manager Jim Byrne; Finance Director Amy Davis; Public Utilities Director Rick Miller; Police Chief Bill Post; Development Services Director John Spear; Fire Chief Reggie Hassler; Public Services Director Blake Brown and Deputy Town Clerk Kim Tester.

The purpose of the meeting was the Council's annual retreat.

## TENTATIVE AGENDA ADOPTION

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to add a Requested Appearance by Lynne White to the agenda.

VOTE: Aye-All
Nay-None

On a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to add a Requested Appearance by Trey Morrison to the agenda.

VOTE: Aye-All
Nay-None

## REQUESTED APPEARANCE - LYNN WHITE

Ms. Lynne White appeared before Council to express her concerns about the hotel development proposed by Ashok Patel on the Catacorner Investments property located off Highway 105. Ms. White said she lives on Wintergreen Lane, which overlooks the Highway 105 property. Ms. White presented a packet of information which outlines her concerns, specifically asking the following questions:

1. *Was the recently approved water rights properly issued to Mr. Patel as a LESSEE of the tract of land in question, or is the LESSOR, Catacorner Investments, legally required to apply for such rights?* Town Attorney Sam Furgiuele responded that Mr. Patel had a right to apply for water and sewer services.

2. *Were the water rights granted specifically for the construction of a hotel?* Town Attorney Furgiuele said the water allocation was granted for a 101-room hotel, which includes a swimming pool and 35-seat restaurant. Mr. Furgiuele commented that, at this point, no particular design has been authorized.
3. *Are the application and approval of new grading, zoning and building permits, as well as site plans not required prior to the allocation of water rights, being requested by the LESSEE?* Town Attorney Furgiuele explained that water allocation can be obtained without development plans; however, Mr. Patel must obtain development permits within one-year of the water allocation. Otherwise, Mr. Patel must pay the availability fees for one additional year of water rights.

4. *Why is Mr. Patel proceeding with the grading of the land he has leased using the old 1996 grading permit which was approved and issued for a parking lot?* Development Services Director John Spear said a new grading permit must be obtained for development of a hotel on the property, but until then grading can continue with the old permit.

Town Attorney Furgiuele explained that if Mr. Patel proceeds with his plan for a hotel, the neighborhood residentswill have an opportunity to comment on the project during the rezoning process.

**REVIEW OF STATED GOALS FROM 2006 RETREAT**

Council reviewed the following chart:

| RETREAT TOPIC | STATUS |
|---|---|
| Space Needs Analysis | **Completed** - a report will be distribute |
| Additional Personnel in Police Department | Still under review. |
| Pay Study | **Completed** and implemented by Coun |
| Personnel Policy | **Completed** and adopted by Council. |
| Stormwater Proposals | **Completed** - Draft reports will be distr soon. |
| Steep Slope Text Amendments | **Completed** - text amendments adopted |
| Open Space, Parks & Greenways | **Completed** - funded $50,000 in FY 06 |
| Hire a consulting firm to develop smart-based codes. | Still under review. |
| Require a performance bond for large multi-family developments. | **Completed** - determined not to be feas |
| Funding considerations for Howard Street project. | Still under review. |
| Water Conservation Rate Structure | Still under review. |
| Fare-Free funding for AppalCART | **Completed** - funded in FY 06/07 budg |
| Participation in a bio-diesel program. | **Completed** - plans to start using fuel i Spring. |
| Abandoned Big-Box Store regulations. | **Completed** and adopted by Council. |
| Visit to Davidson, NC | **Completed** |
| Sidewalk Priorities | Still under review. |
| ASU Cultural Museum | Still under review. |
| Historic preservation | Still under review. |
| Establishment of vision statement | Still under review. |
| WHS rezoning | **Completed**. |
| Town Website updates. | Still under review. |
| Development Services Fee Schedule updates | **Completed.** |

**QUESTIONS REGARDING DEPARTMENTAL REPORTS**

**Finance Department** - Finance Director Amy Davis requested permission to begin the process to upgrade the Town's phone system. Ms. Davis said the new technology, Voice over IP, will initially cost about $35,000, but will save the Town money in the long run and should remain functional for the next 10 years. Council agreed and also suggested working with Watauga County to integrate both the County and Town GIS systems.

**Fire Department** - Fire Chief Reggie Hassler requested permission to begin the process to replace a squad truck and to begin the remodeling of Stations #1 and #2. Fire Chief Hassler estimated the cost of remodeling at about $140,000 and said he has funds in the current budget to

cover the cost. Council granted permission to begin the bid process for a new squad truck and remodeling of both stations. Council also suggested that the Town Manager contact the County about leasing an acre of County property on the east side of Town for a new fire station.

**Police Department** - Police Chief Bill Post suggested that one additional police officer position is needed in order to combat an increase in graffiti and new gang activity. Council member Wilcox suggested Council support this request since Chief Post has not requested a new position in several years. Council agreed to review this position during budget deliberations.

**Public Utilities Department** - Public Utilities Director Rick Miller explained that finding a new raw water source is his top priority, with space needs and infrastructure needs important too. Mr. Miller said Council should expect an increase in user fees for the upcoming budget year.
**Public Services Department** - Public Services Director Blake Brown updated Council on his departmental needs, specifically the need for hiring an engineer to prioritize sidewalk projects. Council agreed.

Mayor Clawson declared a break at 10:24 p.m. Council reconvened at 10:40 p.m.

**DEPARTMENTAL NEEDS AND TOWN ISSUES**

Town Manager Greg Young discussed the following topics:

**Howard Street** - Town Manager Greg Young said this project is behind schedule and Council needs to decide whether or not to move forward with the project. Town Manager Young said there are several property owners who have not signed the necessary easements in order to move forward with the project. Council member Mason said she has spoken with several of those property owners and that they are concerned about the loss of private parking spaces. Council member Mason suggested negotiating with the property owners to offset the loss of private parking. For example, she suggested allocating spaces on Howard and Queen to offset their loss. Council agreed to this approach. Council also agreed that another public meeting should be held to inform the public of the Council's decision to fund the project with installment purchase and the proposed tax increases that are necessary to fund the project.

**Wilson Road Project** - Town Manager Young presented the following alternatives regarding the project:

| **ALTERNATIVE** | **ESTIMATED CONSTRUCTION COST** | **ISSUES** |
|---|---|---|
| *Alternative 1*<br>Two bike lanes<br>(Each side of the road) | $412,990.00 | Additional R/W required<br>Culvert extension necessary<br>Relocation of fiber optic cable |
| *Alternative 2*<br>One bike lane<br>(Either side of the road) | $352,800.00 | No additional R/W required<br>Culvert extension not necessary<br>Least costly |
| *Alternative 3*<br>Two bike lanes<br>(Removal and replacement of existing sidewalk, curb and gutter, and storm drainage, on the north side of the road. | $438,800.00 | No additional R/W required<br>Removal of existing infrastructure |

Council agreed to move forward with alternative #2.

**Horn in the West** - Town Manager Young presented the following information:

- Approximately $245,000 currently remains for improvements

- Larry Greene, AIA is preparing a proposal to perform analysis of the facility's electrical systems, and evaluate the safety of existing seating.

- Mr. Greene has also been asked to consider continued maintenance of the existing facility versus construction of a new facility, such as one located at Kerr-Scott Lake in Wilkes County.

- The grounds of Horn-in the-West need extensive tree work that will cost $25,000 to $40,000.

Council member Spann felt the Town might be in a position to receive funding from the State to assist the Horn and the proposed cultural museum.

**Town Park Update -** Assistant to Manager Jim Byrne requested permission for the Mayor and Town Clerk to execute an agreement that would allow joint cooperation between ASU, the Town and the NC Cooperative Extension Service to complete the Phase II stream bank restoration. Mr. Byrne said the project could cost the Town up to $50,000. Assistant to the Manager Byrne presented the following information regarding the new town park:

| Action Steps | Responsible Party | Project Cost Estimate | Funding Sources | Board Authority Date | Outcome |
|---|---|---|---|---|---|
| Preliminary Cost Estimates | Boone Housing Authority | $900,000.00 | | June-03 | Complete |
| Approve Method of Funding | Town Council | | | | |
| Fee Simple Deed | Boone Housing Authority | | | 1997-2002 | |
| Hire Architect and Engineer | Boone Housing Authority | $55,000.00 | | 2006 | Complete |
| Approve Design | Town Council | | | | |
| TOB Funds Appropriated to date | Boone Housing Authority | $250,000.00 | Fund Balance | 2006 | $55,000.00 spent to date |
| Re-Zone Property Grading Plan CLOMR | Boone Housing Authority Engineer | | | | |
| Construction & Permits Phase over 3 yrs | Town of Boone Boone Housing Authority Private Contractor | $900,000.00 | | | |

Mr. Byrne requested permission to apply for two grants that would assist in completing the passive park. Council agreed.

**Space Needs Analysis -** Town Manager Greg Young presented the draft report **(on file in the Administration department)**.

**Stormwater Report -** Town Manager Greg Young presented the draft report **(on file in the Adminstration department)** and suggested the Town Council schedule a special meeting to discuss this report.

**Capital Project Fund** - Town Manager Greg Young presented the following capital project fund information:

General Fund

- $ FYE 2005/2006 Undesignated Fund Balance - $7,774,036
- $ $3,512,456 - 35% retention goal
- $ FY 2006/2007 Appropriations thru February 2007 - $1,250,430
- $ Remaining balance - $3,011,150

Short to Mid-Term Needs

- $ $1,300,000 – Space needs for Town departments/services
- $ $1,000,000 – Property acquisition for raw water needs
- $ $200,000 – Greenway enhancement, additional funds

Elective Priorities

- $ $500,000 – Available for:
  - B Affordable Housing ?
  - B Ann Marie/Elizabeth Drive park ($400,000)
  - B Blighted properties ($25,000)
  - B Enhanced Green Space funding ?
  - B Horn in the West property ?
  - B Howard Street ?
  - B Sidewalks ($100,000)
  - B Smart Growth Audit ($30,000)
  - B Storm Water ($20,000)
  - B Phase II –New River Stream Bank Restoration ($50,000)
  - B UDO/Comp plan update ?
  - B Zero Waste Initiative ?

Recommendations

- $ Transfer amounts identified for short to mid-term needs to reserve accounts designated for specified purposes
- $ Establish priorities for funding elective projects ($500,000)
- $ Determine direction for elective projects

Council decided to review the list at the end of the day to select priorities.

Mayor Clawson declared a break at 12:31 p.m. Council reconvened at 1:32 p.m.

**SMART GROWTH AUDIT**

Development Services Director John Spear said he has prepared a request proposing for the hiring of a firm to perform a smart-growth audit for the Town. Mr. Spear suggested appointing two members of Town Council and the Planning Commission to serve on a selection committee. Council agreed to move forward with the request for the proposal and to appoint a selection committee at the March meeting.

**CENTRAL BUSINESS DISTRICT**

Development Services Director John Spear presented the draft text amendment removing university and college uses from the B-1, B-2 and B-3 zoning districts. Mr. Spear said this text amendment will be presented at the March 8th special public hearing. Council will consider adoption of the text amendment at a special meeting of Council scheduled for March 19th. At this point the time of the special meeting was not known. Council discussed at length developing a master plan for the central business district. Mr. Spear said the NC Cooperative Extension Service may provide some assistance in preparation of a master plan for the central

business district, but that the service typically does not provide assistance to a town that has a large, professional planning staff. After a lengthy discussion, Council directed Staff to engage a consultant that would present the Master Plan process to Council.

**HISTORIC PRESERVATION**

Development Services Director John Spear presented Council with a draft ordinance establishing a historic preservation commission. Mr. Spear said if his department is expected to staff this commission, an additional staff person will be needed in order to devote time to the commission and its objectives. Mr. Spear said the historic commission is basically a review board that would investigate new construction, demolition and renovation within historic overlay districts. Council discussed at length the objectives of a commission and agreed to establish a historic preservation committee at the March meeting. This committee would have very limited authority and would explore what areas of historic value should be studied.

**CONDITIONAL DISTRICT APPROVAL**

Town Attorney Sam Furgiuele explained conditional zoning districts to Council and said basically it allows municipalities the flexibility to approve a zoning district based upon a site specific plan. Mr. Furgiuele said it is very similar to special-use permits and suggested that Council consider a text amendment to allow members more flexibility to deliberate on conditional zoning districts. ASU Attorney Dayton Cole hoped that Council would initiate the text amendment as soon as possible in order to hear the rezoning request for the new College of Education building. After some discussion, on a motion by Council member Mason, seconded by Council member Brantz, Council moved to initiate a text amendment on conditional zoning districts and to hear the proposed text amendment at a special joint public hearing scheduled for Monday, March 19, 2007 at 6:00 p.m.

VOTE: Aye-All
Nay-None

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to schedule a special meeting for Monday, March 19, 2007 at 8:00 p.m. to deliberate on three zoning text amendments.

VOTE: Aye-All
Nay-None

Mayor Clawson declared a break at 3:48 p.m. Council reconvened at 4:01 p.m.

**REQUESTED APPEARANCE - TREY MORRISON**

Town Attorney Sam Furgiuele opened a public hearing at 4:05 p.m. to hear sworn testimony from Trey Morrison, Public Utilities Director Rick Miller and Development Services Director John Spear regarding an approved sewer request to property located off Knowles Haven Lane. Mr. Morrison explained that he had received approval for a sewer-only approved on September 15, 2005, for two duplex buildings total of six units. As part of the approval process Council stipulated that Mr. Morrison must comply with the Town's UDO requirements for multi-family housing. Mr. Morrison stated there had been some confusion with the minutes of the meeting and that his builder failed to meet the setback requirements of 20'. Mr. Morrison said the units are complete and ready to occupy except that the Public Utilities Department will not allow the sewer hookup because the development does not meet UDO standards. Council member Mason asked Mr. Morrison when he first met with the Development Services Department about the project. Mr. Morrison said he was unsure. Council member Mason then asked if he meets all UDO requirements for an R-3 zone. Mr. Morrison said yes, with the exception of the setback. Council member Mason then asked Development Services Director John Spear when Mr. Morrison first met with this department. Mr. Spear testified that Mr. Morrison first met with his department a couple of days before January 24, 2007. Council member Mason then asked Development Services Director Spear if the duplexes meet any of the UDO requirements for multi-family housing. Mr. Spear said he was not sure since Mr. Morrison had provided only a site survey and not a detailed site plan which would provide the information needed to determine

if the project meets UDO standards. Council member Wilcox questioned Mr. Spear on how many developments he has supervised that have been out of the Town's jurisdiction, but forced to meet the Town's UDO requirements. Mr. Spear answered that the Food Lion project is out of the corporate limits, but meets all UDO requirements for commercial development. Council member Pepin questioned whether or not the setbacks would be different if the R-2 zoning requirements are met. Mr. Spear said no, that a 20' setback would still be required. Council member Mason asked Mr. Morrison if he would be willing to complete the site plan for the project. Mr. Morrison said yes, but that his development far exceeds the standards of the neighborhood. Council member Mason then asked if the two separate duplexes are built on separate lots. Mr. Morrison said the buildings are constructed on separate lots. There being no further testimony, the public hearing closed at 4:46 p.m. Council member Mason commented that conditions have been placed on this approval to establish good planning practices and that in the future Council may need to establish a better system for checking compliance. On a motion by Council member Mason, seconded by Council member Pepin, Council moved to require Mr. Morrison to complete the necessary site plans for construction of two duplex buildings on separate lots using R-2 zoning criteria.

VOTE: Aye-All
Nay-None

**ETJ EXPANSION**

Council reviewed a map regarding proposed ETJ expansion. Council agreed that the Town should expand its ETJ out Hwy. 105 bypass and out 421 east to the traffic light. Council also agreed the ETJ should be expanded along Deerfield Road to coincide with existing infrastructure. Council then referred the matter to the Planning Commission for further study.

**AFFORDABLE HOUSING**

Council member Mason suggested forming a town committee to investigate what the Town can do to further affordable housing in the Town limits. Council member Mason felt that she and another Town Council member, along with two Planning Commissioners, could review ideas, including inclusionary zoning. Council agreed to establish the committee at the March meeting.

**EXCHANGE OF QUEEN STREET PARKING WITH COUNTY FOR A MORE ENHANCED GREEN SPACE IN PARKING AREA ON THE OLD JAIL SITE**

Town Manager Greg Young said the County is willing to develop the parking lot at the old jail site with more greenspace than required by the UDO, if the Town is willing to exchange some parking on Queen Street for the additional greenspace. Mayor Clawson said the Town needs parking in downtown more than we need the greenspace. Council agreed.

**UPDATE FROM WALK BOONE COMMITTEE**

Council member Mason said the committee will finalize the walkability audit by the end of April.

**UPDATE FROM ZERO WASTE COMMITTEE**

Council member Mason said the committee is currently formulating a media campaign focusing on educating the public about zero-waste and that the Town Council's participation is needed in media spots.

**UPDATE FROM OUTSIDE AGENCY FUNDING COMMITTEE**

Council member Pepin said agencies that received funding from the Town last year must provide a report to the Town Manager by March 15th. A final application and review committee will be appointed at the March Council meeting.

**ADJOURNMENT**

Mayor Clawson adjourned the meeting at 5:14 p.m.

| | |
|---|---|
| _____ | _____ |
| Town Clerk | Mayor |