

**TOWN OF BOONE QUARTERLY
PUBLIC HEARING MEETING
MINUTES
AUGUST 4, 2014**

Town Council Members Present: Mayor-Andy Ball, Mayor Pro Tem- Rennie Brantz, Jennifer Pena, Quint David and Fred Hay

Planning Commission Members Present: Vice-Chairperson Greg Simmons, Matthew Long, Jon Tate, Max Wlodarczak, Susan McCracken, Tom Purpur, Frank Bolick, Cameron Lippard and Connor Boyle.

Staff Present: Bill Bailey-Director of Planning and Inspections, Jane Shook-Development Coordinator and Marlene Crosby-Board Secretary

Others Present: Greg Young-Town Manager and Sam Furgiuele-Town Attorney

CALL TO ORDER

Mayor Andy Ball called the meeting to order at 7:01 p.m.

Mayor Ball said that the agenda needed to be amended to add a closed session at the end of the public hearing to discuss two items.

Mayor Pro Tem, Brantz made a motion to amend the agenda to add a closed session at the end of the public hearing to discuss two items pursuant to NC General Statute 143-318.11A32 to consult with the town attorney in order to preserve the attorney client privilege between the attorney and the town council which privilege is hereby acknowledged to consider and give instructions to the attorney concerning the handling or settlement of a claim of the town and secondly pursuant to NC General Statutes to prevent the disclosure of information that is privileged or confidential pursuant to NC General Statute 160A-168 and to consider the qualifications and conditions of initial employment of a perspective employee, seconded by Council Member Pena.

VOTE:

Aye-All

Nay- None

The motion was passed.

CASE 20140372 First Baptist Church Board of Trust, First Baptist Church and Hospitality House of the Boone Area, General Use map Amendments, 316 and 302 West King Street (Watauga County PINs: 2900-98-8507-000, 2900-98-8562-000, and 2900-98-9402-000) rezone the properties to B-1 Central Business.

Ms. Jane Shook, Development Coordinator presented the case as outlined in the meeting packet. Ms. Shook said that the applicants were present to answer any questions.

Mr. Skip Greene from Greene Construction came forward to speak on behalf of the church. Mr. Greene said this is the third time that he has come before the Council members and the Planning Commission members on behalf of the church. Mr. Greene said the church is interested in putting in a full-time day and a full-size basketball court. Mr. Greene talked about a parking issue but he thinks a parking lot is out of the question because of the sheer incline of the property. Mr. Greene said the church members asked the Hospitality House owners, if they wanted to join in their efforts to rezone the property. Mr. Greene said they wanted to rezone the property to gain flexibility. Mr. Greene asked for the Council and Planning Commission members to consider this rezoning request.

Mayor Pro Tem Brantz said it is his understanding that the church has no intentions of selling the property and the property will be retained by the First Baptist Church. Mr. Greene said that yes the church members could vote to sell it. Mr. Greene said the property is not for sale at this time. Mr. Greene said that the church members have voted to not sell it to the university. Mr. Greene said that selling the property is not out of the question, if they were offered a suitable amount of money for it in the future, the church members could vote to sell it.

Mr. Allen Moseley, Attorney and a member of the Board of Directors for the Hospitality House spoke on this case. Mr. Moseley said he was not involved in 2010 and 2012 when this case had come before the Council and Planning Commission members. Mr. Moseley said that he believed that this rezoning request is consistent with the 2030 Land Use Master Plan. Mr. Moseley said that this property does need to be re-developed and it can be re-developed well and this includes the First Baptist Church property. Mr. Moseley talked about the protection of the transitional zones that are in place for the neighboring properties of the proposed re-zoned properties. Mr. Moseley said there are limitations with respect to the B-2 zoning district and by the property being rezoned to B-1 Central Business, it will facilitate re-development. Mr. Moseley also said the rezoning of the property will also help to extend the Downtown Central Business District. Mr. Moseley said that Ms. Tina Krause, Director of the Hospitality House was present at this meeting in support of their application.

Mr. Mike McKee who lives at 206 Edgewood Drive in Boone came to the podium and expressed concern for the effect on the neighboring properties because of the potential of high intense uses in the B-1 Central Business district.

Mayor Ball closed this public hearing for this case.

CASE 20140372 The Church of Jesus Christ of Latter Day Saints, Conditional District map amendment, 604 Poplar Grove Rd., rezone property to R-3 Multiple-Family Residential for a phased site specific plan to expand the building and parking lot, subject to a 125' transitional zone, and applicants are requesting 5 year vesting.

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook said that Mr. Jason Gaston, Engineer and Mr. Mike McLeod, Architect for the project was present to answer questions on this case.

Mr. McLeod came to the podium to speak on behalf of the Church of Jesus Christ of Latter-day Saints and to explain the purpose of the rezoning request. Mr. McLeod turned the presentation over to Mr. Gaston to further explain the phased site specific development plan for this case.

Mr. Gaston came to the podium and gave an overview of the existing project. Mr. Gaston went over the location of the proposed addition and phasing by referring to the detailed site plan found in the meeting packet. Mr. Gaston said in Phase I, they are proposing to add 38 seats to the audience space and to add 21 standard parking spaces. Mr. Gaston said in Phase II, they are proposing to expand their classroom space by 2,500 square feet and add nine parking spaces. Mr. Gaston made it clear that the only reason the church is asking for the rezoning is to help them meet the minimum livability space ratio requirement. Mr. Gaston said the continued purpose of this property will be a place of worship.

Planning Commission Member McCracken asked for clarification on the request for Phase II. Member McCracken if this addition will be attached to the building. Mr. Gaston said both proposed additions will be attached to the existing building. Member McCracken asked why is the church asking to be rezoned to the R-3 zoning district instead of another zoning district. Mr. Gaston explained the reason for requesting the R-3 zoning district, he said they do not need the intensity regulations found in the other zoning districts, they are only asking for rezoning for the minimum livability space ratio requirement.

Planning Commission Member Boyle asked Mr. Gaston about the water retention outlined on the proposed plan and if it is for the whole property or just for the proposed expansion. Mr. Gaston said it is just for the proposed expansion.

Planning Commission Vice-Chairperson Simmons asked Mr. Gaston about the new façade being built in Phase I and if in Phase II would it be covered up. Mr. Gaston said yes and they would not be changing the seating. Mr. McLeod said that Phase I & II will be on the back of the building and you would not be able to see this change from the front of the building. It will look the same from the back as it will in the front, when the expansion is completed.

Mayor Ball closed this public hearing for this case.

CASE 20140384 Unified Development Ordinance Corrections Text Amendment

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook went over the staff report and pointed out the changes outlined in red which included the adding back in of missing tables. Ms. Shook also noted that when future changes are made to the Unified Development Ordinance, there will be a reference made in the text that includes the case number and date of the change.

Mayor Ball closed this public hearing for this case.

CASE 20140385 Parking Control Warning Signs Text Amendment, Unified Development Ordinance modification to correlate with changes occurring in Boone Town Code Chapter 73 Towing.

Mr. Bill Bailey, Director of Planning and Inspections presented this case as outlined in the meeting packet. Mr. Bailey said in order to resolve the conflict between the Town Code and the UDO the staff has made the changes reflected in the staff report, the red letters are the text that has been taken away and blue underlined letters are the text being added to the UDO. Mr. Bailey went over each proposed change made by staff.

Planning Commission Member Lippard asked if there was any language in the UDO that states how many signs. Mr. Bailey said no because the staff left that language to the Town Code.

Planning Commission Member McCracken asked if this language applies to a single business or is it address separately in another location of the UDO. Mr. Bailey said that 26.15.07 C1-2 break down the requirements for businesses.

Discussion ensued on directional signs and controlled parking and entrances to businesses.

Discussion ensued on signs for business developments.

Discussion ensued on the proposed changes to the Parking Control Warning Signs language and will it causes more or less or the relocation of signage. Mr. Bailey said between the Town Code and the Unified Development Ordinance there are fewer signs with the proposed changes. Mr. Bailey said there will be movement in signs such as there will be two signs at every entrance, if the parking is controlled with enforcement activity at that location. Discussion ensued on the size of the signs.

Mr. Harold Tilley from Appalachian Management came to the podium to talk about the Town Code. Mr. Tilley said he was happy with the UDO language that makes all signs visible from the entrance. Mr. Tilley talked about owning only one side of the driveway of the properties that he owns and manages; therefore, he cannot put a sign on the other side of the driveway. Mr. Tilley asked the staff to come up with some different language for signage to help business owners who are not currently able to meet the ordinance and to allow them to have controlled parking. Mayor Ball asked the staff, when a property owner does not own both sides of their entry way and if they share it with another business how does this fall in the code. Mr. Bailey said that the UDO will not cover this topic, however, it does cover some exemptions and definitions and some framework to allow the Town Code to work when it is dictating specific placement of signs. Mr. Bailey deferred to Mr. Sam Furguele, Town Attorney to respond to this question. Mr. Furguele offered to meet with Mr. Tilley to further discuss his situation and discuss at the next Council meeting. Mayor Ball said that Council would look into this situation.

Discussion ensued on concerns of parking lot signage.

Mr. Tilley came back to the podium and talked about four groups of people which are the property owners, tenants, visitors and trespassers. When deciding on signage, Mr. Tilley said you have to decide whose rights you are going to protect regarding towing and booting. Mr. Tilley talked about separating the residential from the commercial, when deciding on signage. Mr. Furguele talked about the intention of the Town Code is to make the rules for booting more parallel. Mr. Tilley talked about signage at the entrance to his properties. Mr. Tilley said usually after the first towing; the signs are removed and Appalachian Management has to pay for the cost of the signs. Mr. Tilley said a lot of times he puts the signs on the buildings around 10 feet high so they are hard to get to not because of the visibility but to be able to keep the sign.

Discussion ensued on making changes to the Town Code to clarify the enforcement of booting. Mr. Tilley and Planning Commission Member Tate were in support of changes being made to the Town Code. Mr. Tilley said it is his goal to protect his tenant's rights over the visitors. Mr.

Tilley said he is not in favor of putting up “No Trespassing” signs on properties; he said he wants to be kinder to the tenants.

Mayor Ball said he would email the Council members and ask them to consider discussing changes to the Town Code in regards to Parking Control Warning signs at next month’s Council meeting.

Ms. Tammy Dunnigan from Advanced Realty came to the podium to speak on this case. Ms. Dunnigan talked about her experience with parking at the buildings that she manages. Ms. Dunnigan said that she employees LMS Parking to help her enforce parking. Ms. Dunnigan talked about not having problems with the signage at residential lots being on the buildings versus at the entrance to the residential lots. Ms. Dunnigan said she has experienced the same removal of signs on the ground. Ms. Dunnigan talked about protecting the rights of her tenants parking.

Dr. Jerry Butler came to the podium to talk about his experience with signage with his rental properties. Mr. Butler talked about signage being 10 feet from the entrance of residential parking lots being a problem because they are torn down. Mr. Butler talked about warning individuals before they are wheel locked and he talked about putting signage on posts 15 feet in the air to prevent them from being removed. Mr. Butler talked about the pros and cons of wheel locking and booting. Mr. Butler said since he has employed LMS Parking his tenant parking problems have evaporated.

Ms. Dunnigan came back to the podium to talk about what Mr. Butler said about no one is happy to be wheel locked. Ms. Dunnigan said since she has been working with LMS Parking that they have worked with Advanced Realty on returning money to tenants in different situations.

Mr. Bailey asked if anyone had questions on what was proposed to the UDO Amendments since most of the discussion was on the Town Code.

Mayor Ball closed this public hearing for this case.

ADJOURNMENT

Mayor Ball declared the public hearing closed at 8:17 p.m.

At 8:17 p.m. Mayor Pro Tem, Brantz made a motion to go into closed session to discuss two items pursuant to NC General Statute 143-318.11A32 to consult with the town attorney in order to preserve the attorney client privilege between the attorney and the town council which privilege is hereby acknowledged to consider and give instructions to the attorney concerning the handling or settlement of a claim of the town and secondly pursuant to NC General Statutes to prevent the disclosure of information that is privileged or confidential pursuant to NC General Statute 160A-168 and to consider the qualifications and conditions of initial employment of a perspective employee, seconded by Council Member Pena.

VOTE:

Aye-All

Nay- None

The motion was passed.

Mayor, Andy Ball

Board Secretary, Marlene Crosby