

**FALL QUARTERLY PUBLIC HEARING
MEETING MINUTES
MONDAY, NOVEMBER 2, 2009
7:00 P.M.**

Boone Town Council: Mayor Loretta Clawson, Jamie Leigh, Rennie Brantz and Stephen Phillips

Boone Area Planning Commission: Chairperson Bunk Spann, Donald Dotson, Shawna Rhyne, Brett Scantlin, Kimberly Marland, Terence Milstead, Greg Simmons and Caroline Poteat

Boone Town Staff: Greg Young-Town Manager, Jim Byrne-Interim Director of Development Services, David Graham-Development Coordinator, Brian Johnson – Urban Design Specialist, Sam Furguele-Town Attorney and Marlene Crosby-Board Secretary

Mayor Loretta Clawson opened the Fall Quarterly Public Hearing at 7 p.m.

CASE 20090342 FLOOD DAMAGE PREVENTION – MAP & TEXT AMENDMENT

Mr. David Graham, Development Coordinator presented this case as outlined in the meeting packet. Mr. Graham handed out a memo dated November 2, 2009 on the Flood Damage Prevention Ordinance. Mr. Graham introduced Mr. Steve Garrett and Mr. Terry Fox from North Carolina Emergency Management. Mr. Garrett said that he brought information on Flood Maps, Floodplain Mapping, Management and Insurance Contacts (see attached.)

Mr. Bunk Spann, Planning Commission Chairperson asked a question about the Current Flood Damage Prevention Text regarding **Article XVII, Section 299 [a][6] Floodway Zone**. He wanted to know why it was being deleted. Mr. Garrett explained the reason in detail.

Mayor Loretta Clawson asked, if the current projects that are all ready under construction in the town would be grandfathered into these new regulations. Mr. Garrett said that current construction would be complaint and referred to Page 52 of the staff report, **Section 304 Legal Status Provisions [b] Effect Upon Outstanding Floodplain Development Permits**. Mr. Garrett read the following, however, when construction is not begun under such an outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Council Member Phillips asked a question on Page seven of the staff report regarding Section 305 Special Provisions for Subdivisions [c], [1], [2], [3]. He asked if all three criteria have to be met or only one criterion. Mr. Graham understood it to read that all three criteria must be met because of the word “and”. It was noted that the expansion of the Greenway is not affected by these changes.

Council Member Rennie Brantz asked what the current flood rates are. Mr. Jim Byrne, Interim-Director of Development Services came to the podium to explain that the Boone area is a *Community Rated System* and on December 3, 2009 the new rates will become effective. Mr. Byrne said that all projects between now and December 3, 2009 will be grandfathered on the current flood rates. Mr. Garrett brought information on grandfathering to this meeting and he said this information is available on the North Carolina Emergency Management website. Mr. Garrett gave other information on flood insurance.

The first speaker on this case was Mr. Ranny Phillips. Mr. Phillips stated that his main concern was for his Greenway Village Mobile Home Park. He said the text amendment change would increase his cost of putting in new mobile homes. He broke down the various dollar amounts equaling approximately \$4,000.00 that it cost him to provide an Affordable Housing home in a mobile home park. This cost includes setting the flood elevations for each mobile home.

With no further comments by board members or staff, Mayor Clawson closed the public hearing for this case.

CASE 20090582 GRAND BOULEVARD NCD ADDITION – MAP & TEXT AMENDMENT

Mr. Graham presented this case as outlined in the meeting packet. Council Member Phillips asked, if Orchard Street is included in this change. Mr. Graham confirmed that one parcel on Orchard Street is included in this change and Orchard Street was all ready in the Neighborhood Conservation District prior to this proposed map and text change. Council Member Leigh asked, if this change was requested by the majority or all of the residents on Iris Lane? Council Member Brantz said there was a majority of families from Iris Lane interested in this change.

The first speaker was Mr. Curlee Joyce. He is in support of this change. He has lived in the same house since 1975. He said that there are college students that live on Iris Lane and they do not always know the rules. He has been able to work out many of the problems with the students. He said the students change and they do not know the rules of the town.

The second speaker was Mrs. Denisa Joyce. She is in support of this change to include Iris Lane into the Neighborhood Conservation District. She has lived there for 34 years. She said, students have always lived on Iris Lane and she has been able to usually work out the problems with the students. She had a letter for the Town Council and Planning Commissioner Members. She wants to support the town employees to ensure that this stays a good neighborhood.

The third speaker was Mr. Bill Jackson. He lives at the end of Iris Lane. He said that he became concerned when Saul and Nan Chase put their house up for sale. He purchased the Chase's home in 2002. He wants a consistent living environment. Discussion ensued on No Parking signs and the Parking Ordinance at this location. Planning Commission Member Milstead asked Mr. Graham, if it has been proven to give more enforcement power. Mr. Graham said it has been effective.

The fourth speaker was Jeff Vanacore. He lives at 664 Grand Boulevard. He agrees with Mr. Bill Jackson. He wants to purchase more property on Grand Boulevard to help clean this street up.

The fifth speaker was Liz Aycock. She was speaking on behalf of her clients Mr. and Mrs. Richard Inman who purchased the Saul and Nan Chase property at 151 Iris Lane. Mr. and Mrs. Inman are in support of this map and text amendment change.

The sixth speaker was Bettie Bond. She supports this map and text change. She moved to Grand Boulevard in 1971. She gave some history of this area from recent research she had done.

The seventh speaker was Karen Brown. She currently lives on Tanglewood Drive. She said that her family purchased 126 Iris Lane eleven years ago. She gave the history of this property starting with the prior owner Mabel Brown. She talked about her concern of keeping this a viable property and keeping the grandfathering of the property. She talked about parking and improvements at this property. She said that she would like to see the Town of Boone support her in making the house on 126 Iris Lane a better property. She said that she was not informed of this public hearing and would like more information on this case. Mr. Graham provided her with the information.

Discussion ensued on the additional requirements of the Neighborhood Conservation District which include parking stickers. Council Member Phillips asked if Ms. Brown's property would qualify for a non-conforming use. Mr. Graham said, it would as the regulations stand today. Mr. Graham said, apartments in an R-1 neighborhood are not a permitted use. Mr. Graham said that the Development Services staff has had discussions on grandfathering with Mr. Brown.

Council Member Brantz said, he was pleased that the residents of Grand Boulevard and Iris Lane are working together to strengthen this neighborhood.

Council Member Leigh asked how the public was informed on this topic. Mr. Graham said, by the local television network, letters to the landlords and rental agencies and an interview with Mayor Clawson was done at the beginning of the school year. Planning Commission Chairperson Spann asked Mr. Graham to confirm that it is a requirement that the landlord inform all renters of the occupancy requirements. Mr. Graham said, yes it was the landlord's responsibility and the renters have to come into the Development Services Department and show

documents such as drivers license, vehicle registration, proof of residency and if two or more persons claim to be related, proof in form of birth certificates showing a common parent or grandparent must be provided, if all of this information is reliable the student gets a parking sticker at that time.

With no further comments by board members or staff, Mayor Clawson closed the public hearing for this case.

CASE 20090610 HISTORIC PRESERVATION COMMISSION – TEXT AMENDMENT

Mr. Graham presented the case as outlined in the meeting packet. Council Member Brantz said this is one of the most important undertakings in reason years by the Town of Boone. We are authorizing the town to undertake the preservation of historic landmarks and even recommend the creation of historic districts. He said because not very much of this has been done on this subject, the important parts of our past have been lost.

Mr. Graham talked about the memo on this subject that he handed out at the beginning of this meeting.

Discussion ensued on the definitions of Section 15 [a] on page one of the staff report. Mr. Graham said the definitions come from the state statutes.

The first speaker on this case was Mr. Bill Baird. He lives at 210 Grand Boulevard. He is employed by Appalachian State University. He said that he wanted information regarding the restrictions and benefits of this text amendment. Mr. Sam Furguele explained the process of the public hearing and the need for the input of the Planning Commission and Town Council.

The second speaker was Mr. Andy Stallings. He lives at 390 Highland Avenue. He is interested in getting information on this subject. Discussion ensued on the property owner being able to opt out. Mr. Furguele explained the process on preserving the aesthetics of the property.

With no further comments by board members or staff, Mayor Clawson closed the public hearing for this case.

ADJOURNMENT

Mayor Clawson adjourned this public hearing at 8:15 p.m.

Loretta Clawson, Mayor

Milton “Bunk” Spann, Chairperson
Planning Commission

Marlene Crosby, Board Secretary