

**MINUTES - REGULAR MEETING  
BOONE TOWN COUNCIL  
OCTOBER 19, 2006**

A regular meeting of the Boone Town Council was called to order at 6:32 p.m., Thursday, October 19, 2006 in the Town 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 Furguele was also present. Staff members present were Town Manager Greg Young; Town Clerk Freida Van Allen; Development Services Director John Spear; Building Development Coordinator David Graham; Human Resources Director Peri Moretz; Public Services Director Blake Brown; Public Utilities Director Rick Miller; Finance Director Amy Davis; Assistant to the Manager Jim Byrne and Police Chief Bill Post.

**TENTATIVE AGENDA ADOPTION**

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

- Addition of Item 5.I. - Adoption of Resolution - US Forest Service.
- Deletion of Item 6.A. - Requested Appearance - Laurel Ridge Housing LLC.
- Addition to Item 8. - Closed Session - Potential Litigation - Wilcox/Wright LLC.

On a motion by Council member Brantz, seconded by Council member Pepin, Council moved to adopt the agenda as amended.

VOTE: Aye-All  
Nay-None

**CONSENT AGENDA ADOPTION**

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

Minutes:       September 6, 2006, Special Meeting.  
                  September 14, 2006, Special Meeting.  
                  September 21, 2006, Regular Meeting.  
                  September 25, 2006, Special Meeting.

Tax Releases: August, 2006

<b>TAXPAYER</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
SULLIVAN, JOHN DUDLEY	2006	\$55.16	RESIDENT OF WAKE COUNTY
RUCKER, WILLIAM LEE RUCKER, LORRAINE RAYFORD	2006	29.88	ADJ FOR INCORRECT VALUE
WINGET, WILLIAM ALLEN	2006	25.04	LIVES IN MECKLENBURG COUNTY
SUDIRMAN, FNU	2006	8.80	SOLD VEHICLE
ARNETTE, HOMER BENJAMIN	2006	25.72	INCORRECT TAX BILL
ARTLEY, JOHN CRAIG ARTLEY, JOHN ADAM	2006	25.50	RESIDENT OF HAYWOOD COUNTY
MCBRIDE, RANDALL ALAN	2006	82.04	INCORRECT SITUS
MILLER, JOHN Q JR	2006	1.44	SOLD VEHICLE
RICHARDSON, SUSAN MARIE	2006	5.10	HIGH MILEAGE
RICHARDSON, PATRICK JOSEPH	2006	2.70	HIGH MILEAGE
GREEN, ALLISONS WILLIAMS GREEN, MICHAEL REYNOLDS	2006	27.02	SOLD VEHICLE TURNED IN TAG
MAXWELL, JOSETTE L	2006	68.72	LIVES IN FIRE DISTRICT
BETTS, ELIZABETH LYNN	2006	40.20	LIVES IN JOHNSTON
ADE, WILLIAM H JR	2006	15.12	SOLD VEHICLE
RICHARDSON, PATRICK JOSEPH RICHARDSON, SUSAN MARIE	2006	22.32	INCORRECT VALUE

MARTIN, WAYNE K AL-SAMMAN, HANADI	2005	28.80	TURN IN TAG
MCLAUGHLIN, THOMAS MICHAEL JR MCLAUGHLIN, JOAN MARTH	2005	2.24	VEHICLE TOTALLED
WORLEY, TERESA ANN	2005	40.52	LIVES IN AVERY COUNTY
CHEW, JUSTIN DAVID CHEW, MELANIE SHUPING	2004	8.27	TAXED ON TEMPORARY TAG & PERMANENT TAG
<b>TOTAL</b>		<b>\$514.59</b>	

Tax Refunds: August, 2006

<b>TAXPAYER</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
MOUNTAINEER VILLAGE, LLC	2005	\$325.82	PENALTY AMOUNT NOT RELEASED
<b>TOTAL</b>		<b>\$325.82</b>	

Tax Releases: September, 2006

<b>Taxpayer</b>	<b>Year</b>	<b>Amount</b>	<b>Description</b>
Beverly Guy Accounting Inc.	2006	\$29.56	Business relocated to 105 Bypass
Powers, Lynn M & Betty	2006	552.97	Failed to receive OA exemption
Hayes, Ethel P	2006	190.74	Failed to receive OA exemption
Keller, Mary Ann Flannery Keller, Tommy Randall	2006	10.68	Does not live in TOB
Zimmerman Investments LLC	2006	1414.14	Brownfield Agreement
Krontz, Colette Pement	2006	1978.39	Brownfield Agreement
Geonetics Corporation	2006	216.24	Incorrect situs
Long John Silvers #3368	2006	59.05	Double taxed on POS equipment
Barker, Fitzhugh L Jr Barker, Clara S	2006	23.87	Sold Vehicle, Turned in plate
Rupard, Carl	2006	222.74	Failed to receive OA exemption
Toyota of Boone Inc.	2006	51.68	Turn in plate
Turner, Marsha Haussman	2006	6.40	Adj for high miles
Tar Heel Capital, Inc.	2006	1.32	Turn in plate
Jones, Margaret	2006	36.39	Turn in tag
Button Rentals LLC	2006	419.21	Incorrect Acreage
Read, Dallas William	2005	20.32	Lives in Cabarrus
Lamb, Peggy Brackett	2005	14.00	Lives in Randolph County
<b>TOTAL</b>		<b>\$5247.70</b>	

Tax Refunds: September, 2006

<b>Taxpayer</b>	<b>Year</b>	<b>Amount</b>	<b>Description</b>
KAUDELKA, WALTER K KAUDELKA, JEANNE V	2006	\$36.08	SOLD VEHICLE
TRIVETTE, PAUL SAMUEL	2005	67.68	NEW PLATE ISSUED, STAGGERED SYSTEM
MCKIBBIN, MICHAEL CREMINS MCKIBBIN, SHARON HUGHES	2005	14.84	TURN IN TAG
RUPARD, CARL	2005	98.80	INCORRECT OA EXEMPTION AMOUNT
MAXWELL, JOSETTE L	2005	78.32	LIVES IN FIRE DISTRICT
“ ”	2003	29.56	LIVES IN FIRE DISTRICT
“ ”	2002	43.80	LIVES IN FIRE DISTRICT
“ ”	2001	56.80	LIVES IN FIRE DISTRICT
<b>TOTAL</b>		<b>\$425.88</b>	

VOTE: Aye-All  
Nay-None

**FINAL ACTION OF ZONING AMENDMENT - CASE NO. 20060537**

Town Attorney Sam Furgiuele explained that the third and final vote on zoning text amendment case number 20060537 was never made at the October 2, 2006 special meeting. This case amends the Unified Development Ordinance to include text regarding viewshed protection. Town Attorney Furgiuele said the effective date of the amendment cannot be retroactive but can be made effective today or later. On a motion by Council member Brantz, seconded by Council member Spann, Council moved that the case number 20060537 be approved, effective immediately.

VOTE: Aye-4 (Brantz, Mason, Pepin, Spann)  
Nay-1 (Wilcox)

**UPDATE FROM ZERO WASTE COMMITTEE AND ADOPTION OF RESOLUTION SUPPORTING THE CREATION OF A ZERO WASTE PLAN**

Council member Brantz said the committee has had several meetings and that he is excited about the work that has been accomplished so far. Council member Mason said the proposed resolution will set the framework for the Town's future and that other communities in NC and nationwide are adopting similar resolutions. Jasmine Shoshanna agreed that the Town Council is doing a great job in looking out for the future of Boone. Ms. Shoshanna said that 60 to 80% of the Town's trash can be composted and turned into topsoil. On a motion by Council member Mason, seconded by Council member Spann, Council moved to adopt the following resolution:

**RESOLUTION  
SUPPORTING THE CREATION OF A ZERO WASTE PLAN**

**WHEREAS**, Boone is our home where we live, work, and raise our families; and

**WHEREAS**, A pristine environment is both desirable and essential for a sustainable community; and

**WHEREAS**, We have enormous natural capital resources in our backyard; and

**WHEREAS**, Zero Waste provides educational opportunities; and

**WHEREAS**, Zero Waste events have been done locally and we desire to see these expanded; and

**WHEREAS**, The disposal of discards into waste stream end-of-pipe facilities that bury or burn wastes causes environmental damage and such wrong placement causes long-term pollution liabilities and concerns; and

**WHEREAS**, Source pollution is a resource out of place; and

**WHEREAS**, A responsible disposal hierarchy encourages us to reduce, reuse, compost, or recycle; and

**WHEREAS**, A Zero Waste Plan will promote the proper disposal hierarchy of reduce, reuse, compost, recycle of our discards (paper, reusables, polymers, putrescibles, construction/demolition/ceramics, wood, plant debris, textiles, soils, metals, glass, chemicals) into processes that will address local problems with local solutions, employ local people in new jobs, and enhance our community and environment; and

**WHEREAS**, Waste stream reductions of 80% for composting organics, 40% for recycling, and 20% for reusing are possible; and

**WHEREAS**, Facilities for these activities are demonstrated to be safe and effective; and

**WHEREAS**, These integrated facilities protect and enhance the environment, provide local jobs, sustainable economic opportunity and security; and

**WHEREAS**, Material sources are finite; and

**WHEREAS**, Fossil energy sources are finite; and

**WHEREAS**, Taxpayers bear the cost of collection, transportation, disposal, and environmental damage; and

**WHEREAS**, Tax subsidies for virgin materials and waste send the wrong message to both consumers and producers; and

**WHEREAS**, Disposal bans for some materials already exist and will expand creating the demand for alternative methods and facilities; and

**WHEREAS**, Producers should design products to minimize disposal and Zero Waste encourages producer responsibility; and

**WHEREAS**, Recognizing that voluntary recycling goals have not, and in all probability cannot, achieve waste elimination; and

**WHEREAS**, The Town of Boone has adopted the U. S. Mayors Climate Protection Agreement; and

**WHEREAS**, The understanding that government is ultimately responsible for leading by example and establishing criteria needed to eliminate waste, so that manufacturers produce and businesses sell materials that can be safely recycled or composted;

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOONE TOWN COUNCIL** supports the creation of a Zero Waste Plan in order to eliminate waste and pollution in the manufacture, use, storage and recycling of materials.

Adopted this the 19<sup>th</sup> day of October, 2006.

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Loretta Clawson, Mayor

Attest:

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Freida Van Allen, Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGES 6-7)**

VOTE: Aye-All  
Nay-None

**CONSIDERATION OF TEXT AMENDMENT - ALLOW SMALL BALLOONS FOR SALES EVENTS**

Development Services Director John Spear said the Town Council had directed staff to investigate possible text amendments to allow the temporary display of small balloons. Mr. Spear reviewed the proposed text amendment with Council. Council member Pepin asked if there was language that would dictate the size of the balloons. Development Services Director Spear said no and asked Council for its recommendations on size, since there are no other regulations in other jurisdictions to compare. Council agreed that under 36" in diameter could be considered a small balloon. On a motion by Council member Mason, seconded by Council member Brantz, Council moved to send the proposed text amendment, with a size limitation

included in the text, to the November Quarterly Public Hearing.

VOTE: Aye-All  
Nay-None

### **DISCUSSION OF PLANNING PRIORITIES**

Development Services Director John Spear reported that staff currently has two major planning initiatives underway. One is the Multi-Family Task Force recommendation for creation of mixed-use neighborhood districts and the second is the development of regulations for the Central Business District, as well as alignment of the UDO to the recently adopted Comprehensive Plan. Mr. Spear said both initiatives may include smart-growth principles, which are more design based and give more flexibility to developers. Development Services Director Spear requested Council's input on which priority should be undertaken first. Council discussed briefly the need for a separate planning retreat and the fact that historic districts should be established in Town. Council agreed that staff should begin working on the mixed-use zoning districts and the development of regulations for the Central Business district, especially Howard Street, in order that the renovation project can move forward.

### **CONSIDERATION OF NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT INITIATIVE**

Council member Mason said, since putting this matter on the agenda, she has spoken with the Town Manager about applying for this grant. Since the Town has not completed the DOT grant for the Greenway Phase II Project, the Town Manager felt it may be problematic to apply for this funding at this time. Council member Mason said a subcommittee of the Greenway Task Force has met and would like to promote Boone as a "walking town." This subcommittee would also like to update the Alternative Transportation Plan. As part of the promotion, Council member Mason said a walking audit will be performed to see what resources the Town currently has and what is needed. Council member Mason said the subcommittee wants to prepare a map with distances and time for walking jaunts around Boone. Council member Spann said a distance sign is needed on the Greenway Trail, too.

### **TRANSPORTATION COMMITTEE RECOMMENDATIONS**

Public Services Director Blake Brown asked Council to consider amendments to the UDO to require commercial and multi-family projects and private streets within subdivisions in the Town limits to provide sidewalks along the properties' road frontage. Mr. Brown said sidewalks are required for new public streets within major subdivisions but that private streets are excluded from the sidewalk requirement. Council discussed briefly the size of the sidewalks and whether or not the developer would construct the sidewalk or pay an impact fee. After some discussion, Council felt the matter should go back to the Transportation Committee to determine if the members are in favor of requiring private streets to provide sidewalks. Council member Mason felt it would be helpful to receive a summary of where sidewalks are currently required and where they might be needed in the future.

### **TDA APPOINTMENTS**

On a motion by Council member Wilcox, seconded by Council member Spann, Council moved to appoint the following TDA members:

Jack Pepper - Resident of Watauga County who owns or operates a restaurant in Boone  
Doug Uzelac - Taxable Tourist Accommodations Operator

Both terms will expire September 30, 2009.

VOTE: Aye-All  
Nay-None

### **MONTHLY WATER USE STATUS 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 September. The Water Treatment Plant recorded a maximum daily demand of 2.181 million gallons on Thursday, September 28, 2006. The average daily demand was 1.890 million gallons for the entire month.

If all allocated projects were online and utilizing the amounts of water calculated, the total for the month would be 2.461 million gallons for the maximum daily demand and 2.17 million gallons for the average daily demand. At the last meeting Town Council requested specific information to usage when Appalachian State has a home football game. On Saturday, September 9, the water treated was 1.926 million gallons per day, Saturday, September 16, the water treated was 1.928 million gallons per day, and on Saturday, September 30, the water treated was 2.127 million gallons per day.

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

As adopted in Ordinance 05-01, the Town of Boone Council appropriated for 25,000 gallons per day usage for year 2006 for allocation to customers of which 16,441 gallons was previously allocated leaving a balance of 8,559 gallons. Nine previously approved allocations did not contact us within the one year period and did not acquire all necessary permits as required in Ordinance 05-01, plus one project was denied an extension of their allocation by the Boone Town Council, and one applicant withdrew a request to extend the water allocation. The total water allotment remaining for the year 2006 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. At the last Town Council Meeting, Town Council chose to allocate water to one project that subtracted 360 gallons per day and since, the Utilities Department has approved three projects that subtracted 668 gallons per day from the 2006 allotment.

As you can see in the attached "Approved Water Connections" chart, the Public Utilities Department now has 18,608 gallons per day remaining for allotment in 2006. Also, be reminded that all calculations are based on 60% of the North Carolina Discharge Rate Schedule.

Approved Water Connections						
2006						
Staff Approved	Date	Projected Usage	Council Approved	Date	Projected Usage	Remaining Gallons
						25000
		4165	John Cook	May-05	8038	16962
			CataCorner Investments	Jul-05	7296	9666
			CAT Tractor	Oct-05	1107	8559
			<b>2005 Balance Carry Over</b>	<b>Jan-06</b>	<b>228</b>	<b>8787</b>
<b>**Relinquished</b>		<b>Previously</b>	<b>Approved Allocations</b>	<b>Feb-06</b>	<b>16965</b>	<b>25752</b>
Bob Young	Feb-06	450				25302
Sarvos Properties	Feb-06	2100				23202
William Klein	Feb-06	540				22662
Andy Garrett	Feb-06	90				22572
Charles Ulerey	Feb-06	2985				19587
Eric Woolridge	Feb-06	540				19047
Ray Howell	Feb-06	104				18943
			Lynhill Daycare	Mar-06	693	18250
Gene	Mar-	180				18070

Jensen	06					
BREMCO	Mar-06	15				18055
Mels Diner	Mar-06	360				17695
Raymond Verling	Mar-06	430				17265
Jeff Nichols	Mar-06	180				17085
			VIA LLC/Ed Street Co.	Apr-05	5000	22085
ECR Software	Apr-06	81				22004
S&T Enterprises	Apr-06	360				21644
			CC Bear Development	Apr-06	6344	15300
Watauga County	Apr-06	15				15285
TOB ABC Store	May-06	62				15223
A-Z Enterprises	May-06	45				15178
Boone Mall	May-06	1518				13660
			CataCorner Investments	Jul-05	7296	20956
Elaine Gray	Jul-06	90				20866
Pete Beckman	Jul-06	180				20686
			Two Rivers School	Aug-06	540	20146
			Cathy Kosterman	Jun-05	1110	21796
Joyce Dunbar	Aug-06	1800				19996
Joyce Dunbar	Aug-06	360				19636
			Randall Honeycutt	Sep-06	360	19276
Watauga County	Sep-06	38				19238
Exec Partners LLC	Sep-06	30				19208
Boone Mall	Sep-06	600				18608

### **ADOPTION OF RESOLUTION - US FOREST SERVICE**

Mayor Clawson said this resolution deals with the concerns over the clear-cutting of trees in the Globe area. On a motion by Council member Brantz, seconded by Council member Pepin, Council moved to adopt the following resolution:

#### **RESOLUTION**

**WHEREAS**, the Town of Boone, known as “the Heart of the High Country,” is renowned for its scenic views and is a popular destination for heritage tourism and outdoor recreation; and

**WHEREAS**, the proposed Grandfather National Scenic Area would conserve scenic views from the Blue Ridge Parkway and other regional destinations that attract visitors to the region and to Boone; and

**WHEREAS**, the proposed Grandfather National Scenic Area would ensure the continued availability of outstanding recreation opportunities available to residents and visitors alike within the Pisgah National Forest; and

**WHEREAS**, the citizens of Boone have serious concerns about the negative ramifications to tourism, recreation, old growth forest and wildlife of continued logging in the proposed Scenic Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Boone Town Council does hereby strongly support creation of the proposed Grandfather National Scenic Area.

**BE IT FURTHER RESOLVED** that the Town of Boone Town Council does specifically request that the U. S. Forest Service abandon plans to log within the proposed Scenic Area as part of the Globe project.

Adopted this the 19<sup>th</sup> of October, 2006.

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Loretta Clawson, Mayor

ATTEST:

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Freida Van Allen, Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 8)**

VOTE: Aye-All  
Nay-None

**PUBLIC COMMENT**

Mr. Phil Templeton voiced his displeasure in Council and the recent adoption of the Steep Slope and Viewshed Protection text amendments.

Mayor Clawson declared a break at 7:25 p.m. Council reconvened at 7:35 p.m.

**CLOSED SESSION**

On a motion by Council member Wilcox, seconded by Council member Spann, Council moved to enter Closed Session at 7:35 p.m., pursuant to NCGS 143-318.11a)3)5) in order to discuss property acquisitions, ASU violations and potential litigation with Wilcox/Wright, LLC.

VOTE: Aye-All  
Nay-None

On a motion by Council member Mason, seconded by Council member Spann, Council moved to exit Closed Session at 9:58 p.m.

VOTE: Aye-All  
Nay-None

**ADJOURNMENT**

On a motion by Council member Brantz, seconded by Council member Mason, Council moved to adjourn at 9:59 p.m.

VOTE: Aye-All  
Nay-None

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Town Clerk

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Mayor