

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
MAY 5, 2010**

A special meeting of the Boone Town Council was called to order at 10:08 a.m. on Wednesday, May 5, 2010 in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason, Andy Ball, Rennie Brantz, and Jamie Leigh. Staff members present were Town Manager Greg Young, Town Clerk Freida Van Allen, Deputy Clerk Kim Brown, Police Captain Jim Wilson, Assistant to the Manager Jim Byrne, Finance Director Amy Davis, Development Services Director Bill Bailey, Human Resources Director Peri Moretz, Public Works Director Blake Brown, Public Utilities Director Rick Miller, and Interim Fire Chief Jimmy Isaacs. Town Attorney Sam Furgiuele was also in attendance.

PUBLIC HEARING - 60 DAY MORATORIUM ON ENFORCEMENT OF OPEN HOUSE REAL ESTATE SIGNS

Mayor Clawson opened a public hearing at 10:08 p.m. Town Attorney Sam Furgiuele explained that the moratorium will suspend enforcement of open house directional real estate signs for a period of sixty days. There being no further comments, the public hearing closed at 10:10 p.m.

ADOPTION OF ORDINANCE - 60 DAY MORATORIUM ON ENFORCEMENT OF OPEN HOUSE REAL ESTATE SIGNS

On a motion by Council member Brantz, seconded by Council member Ball, Council moved to adopt the following ordinance:

ORDINANCE #10-03

**ORDINANCE PROVIDING FOR A SIXTY
DAY
MORATORIUM ON THE ENFORCEMENT OF
CERTAIN PROVISIONS OF THE SIGN SECTIONS
OF THE UNIFIED DEVELOPMENT ORDINANCE
RELATING TO REAL ESTATE SALES**

WHEREAS, the Town of Boone (hereafter “the Town”) is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, pursuant to N.C. Gen. Stat. Chapter 160A, Article 19, the Town is given the authority to plan and regulate development within its corporate limits and its extra-territorial jurisdiction (“the Town’s Planning Jurisdiction”); and

WHEREAS, pursuant to N.C. Gen. Stat. Chapter 160A, Article 8, the Town is given authority to prohibit, regulate and abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens; and

WHEREAS, pursuant to those powers, the Town has adopted a Unified Development Ordinance (“UDO”), and included in that ordinance provisions regulating the display of signs in the Town’s planning jurisdiction; and

WHEREAS, as the apparent result of the current economic downturn in the nation and the financial crisis which has apparently resulted in lending institutions tightening lending standards, there has been a sharp decline in the real estate market in the Town’s planning jurisdiction; and

WHEREAS, Town restrictions on the display of certain real estate related signs may be inadvertently contributing to the stagnation of the real estate market; and

WHEREAS, the Town Council recognizes that a healthy real estate market is vital to the well-being of not only persons seeking to sell real estate and Realtors, but the community at large; and

WHEREAS, the most important season for real estate sales in the Town's planning jurisdiction is now underway, and an adjustment in the Town's ordinances, due to the lengthy procedure which must be followed, could not reasonably be accomplished before that season has significantly elapsed; and

WHEREAS, the Town Council has concluded that a full review of the provisions of the UDO relating to signs advertising open houses related to real estate sales and a possible revision to the UDO's sign provisions on this subject may be necessary and desirable; and

WHEREAS, during such review and revision, the Town Council wishes to suspend enforcement of the provisions in question so as not to interfere with real estate sales; and

WHEREAS, there is no acceptable alternative which will allow the Town to reduce the limitations on certain signs while the issue is further studied and suitable amendments to the UDO are developed and considered;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF BOONE, NORTH CAROLINA HEREBY ADOPTS A SIXTY DAY MORATORIUM ON THE ENFORCEMENT OF CERTAIN PROVISIONS OF THE UDO RELATING TO "OPEN HOUSE" SIGNS, TO WIT:

1. During the term of this moratorium, the Town of Boone shall not cite any person for violation of Article XVIII of the Town's Unified Development Ordinance when the violation asserted is for the display of multiple "open house" signs, as defined in the UDO §322 definition of "Real Estate/For Sale/Open House/or Lease Signs," and as limited under UDO §338[a][3], so long as there are no more than three such signs displayed for any single property, each sign in addition to the one authorized under UDO §338[a][3] is no more than three (3) square feet in size, the signs displayed in addition to those authorized under UDO §338[a][3] are only displayed on Saturdays and Sundays between the hours of 12 Noon and 5:00 p.m., and such signs are not illuminated.
2. This moratorium does not authorize any person to display a sign in the public right of way, nor to display such signs on private property absent the permission of the owner or occupant of the property.
3. During the term of this moratorium, staff of the Town's Development Services Department shall, in consultation with the Town Attorney, review, and prepare a proposed amendment to the UDO for consideration by the Town Council, which revises UDO Article XVIII to allow, at least until the local real estate market returns to a more satisfactory level of sales, additional open house signs in concordance with this moratorium, maintaining a balance between the Town's legitimate interest in controlling the proliferation and clutter of signs with the stated goal of non-interference with real estate sales.
4. This Ordinance is adopted and effective the 5th day of May, 2010.

Mayor

Attest:

Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 3, PAGES 401-402)

VOTE: Aye-All
Nay-None
Absent-1 (Phillips)

RECONFIRMATION OF SPECIAL PUBLIC HEARING DATE AND TIME

Town Attorney Sam Furgiuele explained that Council needs to reconfirm the public hearing date and time for the hearing scheduled on the mixed use development in B-zones and internet gambling. On a motion by Council member Mason, seconded by Council member Leigh, Council moved to reconfirm that the public hearing on mixed-use development in B-zones and internet gambling is scheduled for Monday, May 10, 2010 at 6:00 p.m. in the Council Chambers.

VOTE: Aye-All

Nay-None

Absent-1 (Phillips)

DISCUSSION OF SHORT AND LONG-TERM PRIORITIES FOR UPCOMING FISCAL YEAR

The purpose of the discussion was to set short and long-term priorities for the upcoming fiscal year and to allocate funding of approximately \$1.3 million of the unreserved fund balance for the same time period. Mayor Clawson began the discussion by pointing out that the Town is committed to a \$25,000,000 debt for a new water intake and that given the uncertainty of the economy that debt should be the only debt the Town undertakes for a while. Mayor Clawson felt that the solar project at the Fire Department and the town calendar should be funded next fiscal year. Council member Mason felt the improvements to the downtown area, including Howard Street, should be a priority for the Town. Council member Mason said the TDA is in support of using some of its funding for downtown improvements. Council member Leigh agreed that downtown improvements should be a priority; however, she felt that the Howard Street improvements and debt may be more than the Town can handle at this time. Council member Leigh felt that if the Town does incur debt it should be for the post office renovation project. Council member Leigh presented information showing how the Town could incur debt and various funding sources for repayment of that debt. Council discussed at length the importance of moving forward with the Howard Street project and decided to inform stakeholders that the Town is willing to move forward on the project if all the necessary right-of-way is obtained and if the economy improves in the future.

Council then discussed the post office renovations at length. Mayor Clawson agreed this is a project the Town can move forward on now since there is nothing, such as right-of-way, hampering the Town from starting the project. Town Attorney Sam Furgiuele reminded Council that a contract was signed to remove asbestos and hazardous materials from the post office. Council discussed grant opportunities that might be available for the heating and air conditioning of the post office. Assistant to the Manager Jim Byrne said he is pursuing a Main Street grant also for downtown lighting. Council member Mason felt the Town should have a capital improvements plan for the next five to ten years and that the Town should have a space needs analysis plan. Council member Mason agreed to work with Staff to develop the plan and present at a future budget workshop. Town Manager Greg Young explained that if plans are made the Town should look at revenues needed to fund the plans. Council member Mason suggested implementing a \$5 vehicle tax with the revenues to be used for sidewalk expansion. After some discussion, Council decided to hold a public hearing on the possible implementation of a \$5 vehicle tax at the June Council meeting.

Mayor Clawson declared a break at 12:02 p.m. Council reconvened at 12:10 p.m.

After more discussion regarding the post office renovations and the Howard Street project, Council agreed to commit to the renovation of the post office project and to finance the project using possible allocations from both the MSD and TDA tax revenues. Council member Mason suggested that if MSD and TDA funds are used, the public be informed thoroughly how the funds will be used.

Council set the following priorities for Fiscal Year 2010-2011 funding:

\$450,000 – Post Office renovations.

\$325,000 – Streetscape Improvements (Phase II).

\$250,000 – Capital Outlay.

\$200,000 – Stormwater Project along Delmar Street.
\$170,000 – Chestnut Street Connector project.
\$35,000 – Sidewalk Construction.
\$15,000 – Folklorist Position.
\$12,000 – Town Calendar project.
\$7,000 – Sustainability Projects.

For a total of \$1,464,000 in funding. Offsetting the expenditures Council established the following revenue sources:

\$100,000 – TDA funds – to be used toward streetscape expenditures
\$100,000 – TDA funds – to be used toward post office renovations
\$100,000 – 4020 Project funds – to be used toward Chestnut Street Connector project.
\$100,000 – FEMA reimbursement funds – to be used toward the above expenditures.

ADJOURNMENT

On a motion by Council member Leigh, seconded by Council member Brantz, Council moved to adjourn at 1:31 p.m.

VOTE: Aye-All
Nay-None
Absent-1 (Phillips)

Town Clerk

Mayor