

Candidate Questionnaire

(1) Why are you running for Boone Town Council (or Mayor) this year? What is your overall vision for the Town?

I served as the attorney for the Town of Boone from 2001 through 2014, when I retired from that position. During that period I had the opportunity to work on many issues which I thought were important to the community, but as the attorney I was charged with helping to implement policies which reflected the wishes of the Town Council or town management, rather than my own. I agreed with many of their initiatives, such as the adoption of ordinances to protect the viewshed and steep slopes around Boone from dangerous and unsightly development and the creation of “transitional zones” which made sure that people had a forum to express their concerns about proposed nearby developments. As Town Attorney, I also received an up-close look at the many pressures on the community and how easily things turn out poorly when we don’t anticipate challenges instead of reacting to them. I was able to see the disadvantage State law has placed on people who just want to live in peace and enjoy Boone when they are confronted with unwanted and incompatible development.

I have my own vision of Boone, having lived here for over thirty years with my wife, Peggy, having raised my children here, and having maintained a business on King Street for nearly twenty years. In particular, just as so obviously government at the federal and State level seems to represent only the rich and powerful and often seem unconcerned with the impacts of policies on the great majority of us, the “regular people,” I have become increasingly concerned that town government sees itself at best as an enterprise unto itself rather than an instrument to serve the residents of Boone and at worst as more accountable to the “important people” than the “regular people.”

There are many things which seem to happen in Boone which not only do not reflect the wishes of residents, but instead represent the

most negative actions imaginable. This has been most obvious with the many development projects which have been approved which so many of us find noxious and destructive to the town so many of us want, but it is not only reflected in development. It permeates many other areas of town life.

For example, the Town recently committed an extraordinary additional amount of money to the building of its planned water intake without even consulting with the voters. Since the world has changed in so many ways since the referendum over ten years ago to borrow up to twenty-five million dollars to construct the intake, such as the General Assembly's removal of Boone's Extra-Territorial Jurisdiction ("ETJ"), it disheartens me that the need to go back to the voters was not recognized by the full Town Council when they learned that the estimated cost of the intake had increased to over forty-two million dollars. But it's not just that. If the Town had that much additional money at hand to direct to the intake, before doing so I believe that other pressing needs should have been considered.

I don't profess to have all the solutions for the many challenges we face, and I realize that a single Council member cannot alone set the course for the town, but I have many ideas for ways to protect our endangered neighborhoods, our environment, better manage development and hopefully enhance the quality of life for those of us who choose to live in Boone, some of which I've tried to outline in my answers below. And by the way, I believe that includes the students of Appalachian State University and Caldwell Community College who reside here.

My overall vision for Boone is that we become a leading "green" community; that we remain a community which is a peaceful and enjoyable place to live and that we don't have to feel threatened over and over by developments which erode the quality of our lives; and that we maintain a thriving small business community, particularly in the downtown commercial district, a feature which

gives Boone its unique flavor.

My overall vision for the **government** of Boone, including the Town Council, is that it see itself first and foremost as an advocate for the residents of Boone and not as overseers who know better than we residents do what is best for us. My goal is that the Town Council only approve policies and developments which make life better for the residents of Boone, and I believe that does not always coincide with the interests of the developers and tourists.

(2) What do you consider to be the most important challenge facing Boone and what are your ideas for addressing it?

This is a hard question to answer because there are so many challenges and the longer we wait to address some of them, such as effectively dealing with stormwater, the bigger the problem we will eventually have to tackle. Having to choose, however, it is plain to me that the biggest challenge is the continued threat to our low density residential neighborhoods. Even after Boone commissioned a housing study in 2012 to assess the future need for multi-family housing and that study determined that we already were over-built by thousands of bedrooms even recognizing the planned growth of ASU, the town has continued to approve nearly every multi-family project which has been proposed.

The destruction of our neighborhoods by incompatible development is a long-standing issue here, and even though nearly every person who has been elected to Town Council in the last two decades has made neighborhood preservation a centerpiece of his or her campaign, the adopted policies have often made it more difficult to protect neighborhoods while the decisions which have been made have contravened that goal. Our neighborhoods are very small, and even one poor decision approving an incompatible development can threaten the continued viability of any particular neighborhood.

In my view the "2030 Plan" which Boone adopted is an example of good intentions producing a bad result. The Town Council rightly wanted to plan for future growth and development, but as seems to often happen, out-of-town experts were hired to tell us what Boone should be. There was opportunity for citizen input, but as with most such planning processes, there was over-representation from the

“development community,” with many participants people who have not even chosen to live in Boone! And as I have learned myself both as the Town Attorney and as a citizen interested in his own neighborhood, even to express a view which is not what the developers want to hear just might result in the speaker being shouted down! So, the experts from Davidson, a community wholly different topographically, economically, culturally and historically, ended up preparing **their** vision for Boone of high buildings with no set-backs and high density. “The Standard,” next to McDonald’s, is a fulfillment of that vision.

To be fair, the 2030 team also identified areas which should be protected and preserved. Unfortunately, many of those places were in the ETJ, where thanks to the General Assembly and our own representatives in Raleigh, Boone now has no say as to future development. Anyone who thinks that even the most daunting slopes cannot support the most incompatible development to a high quality of life and the aesthetic and environmental expectations of the great majority of Boone residents need only take a trip to “the Cottages,” outside the town’s jurisdiction when it was built, or “Village at Meadowview,” the development above Wal-Mart, which was proposed and built in compliance with our rules.

It is an illusion that the topography itself and Boone’s zoning authority are enough to give us the type of community most of us want. Yet, we continue to use the 2030 Plan to justify approval of many developments which will cause people to recoil, just as the projects I mentioned here have done. We must act decisively to protect Boone, and we need to immediately revisit, and I believe repeal, the 2030 Plan.

(3) Do you believe the Town is effectively protecting established, traditional Town neighborhoods from incompatible development? Please explain.

Since I moved to Boone in 1986, I have observed the continual conflicts between neighborhoods just trying to protect the quality of life people thought they had obtained by living in Boone with the never-ending stream of developments being proposed. Unfortunately, when Boone was first zoned, many incompatible uses were authorized next to each other, and what appear to be spot zones where created, often next to or even in the middle of low-density neighborhoods. The creation of “transitional zones,” which at least allowed a forum for neighbors to express their concerns about some nearby projects was a step in the right

direction, but it has not been enough. The Town has shown a limited will at times to just say “no” to proposals which endanger our neighborhoods. At times, such as with the medical clinic which was proposed on State Farm Road, strongly opposed by every neighbor who spoke about the project and allowed to be proposed only because of what appeared to have been a mistake or typo in the zoning ordinance, the Town has stepped up and staunchly defended its decision to deny a permit. After winning that expensive, multi-year battle, I was stunned when the Town Council recently rezoned a nearby area off State Farm Road against the wishes of the same neighborhood it had spent so much to defend. Neighborhoods should not have to fight to protect themselves; it should be the Town Council’s highest priority to protect them.

We need to move quickly to rezone parcels of land which abut our established and now endangered neighborhoods. We need to increase the size of transitional zones. With State law now putting all the cards in the hands of developers, we need to help neighbors obtain the expert analysis and testimony which shows the other side of development proposals, and that’s why I am proposing the creation of a “public advocate,” hired directly by the Town Council, whose job will be to evaluate how every proposed policy and every proposed development impacts our neighborhoods. In my concept the public advocate would be able to present experts to permit-issuing boards so that they might get the picture from the neighborhood side and not just the developers. Most of all, though, we need to change our institutional attitude. People should not have to come to meetings to express their opposition to projects which are obviously incompatible with our remaining neighborhoods; they should not have to be insulted and browbeaten just because they are trying to protect themselves and their neighborhoods. The Town Council and our permit-issuing boards need to learn to more readily say “no.”

(4) What are your ideas for providing more affordable workforce housing in Boone?

This is a daunting problem because we have limited tools under State law. One action, however, is to immediately create a new zoning district for “Cottage” housing and “Tiny Houses.” Years ago the Town’s Affordable Housing Task Force invited representatives from ASU, Appalachian Regional Medical Center and the Watauga Board of Educations to discuss the housing needs of their staffs. All of them said that their employees, many of whom commute long distances to work,

wanted their own stand-alone homes with their own driveways, yards and “white picket fences.” They said that most could not afford Boone’s largest and most expensive homes. As a transition between higher and lower density neighborhoods, a zoning district for such housing is possible and desirable, and we should move quickly to create it. The more supply we encourage of such housing, I believe the more affordable it will become, and along with creating opportunities for the employees of our major institutions, these can give students alternatives to the current high density living.

(5) Do you support or oppose the Town’s “Planned Development” ordinance? Please explain.

I supported this “PD” proposal initially because of the complicated interplay between the zoning and variance approval processes which was difficult for the Board of Adjustment and the Town Council itself to navigate. However, I recommended that it be reserved for only the very large pieces of undeveloped land which remain in Boone, such as the old high school property or Boone Golf Course. Unfortunately, what was adopted allows free-form development anywhere in town, even on the tiniest of lots, and in practice it has not worked. One of the ideas behind the PD ordinance was to encourage developers to meet with neighbors to negotiate features which made their developments less antagonist with their surroundings. Instead, as I learned as a participant in two such meetings, they can simply be a tool to bully people to accept things they don’t like and stop them from expressing themselves. At the meetings I attended, the developers, one from out-of-State and one local, showed little interest in accommodating the concerns of nearby property owners, but having had these meetings, supposedly for neighborhood feedback, ended up providing them with talking points to convince the Town Council that neighborhood issues had been addressed when they hadn’t and the developments should be approved.

The PD process allows a developer to ignore virtually every requirement of the UDO (the Town’s development ordinance). It allows the proposal and approval of developments with inadequate parking, extreme dimensions including unacceptable heights, poor architectural features, etc. The Town Council has shown that it does not have the will or inclination to resist such proposals. Allowing free-form development is a threat to people who own nearby properties and thought they could rely on the established zoning designations and UDO

requirements. The PD needs to go . . . immediately. It is quickly changing the character of Boone.

(6) Do you believe Boone is approving too many/too few high-density, rent-by-the-bedroom housing developments? Please explain.

Absolutely. In approximately 2013 the Town Council commissioned a housing study to determine the need for additional multi-family developments. That study determined, if my memory serves, that there were already 3,000 to 4,000 more bedrooms available in Boone and its immediate environs than were needed, even considering the future growth of ASU. We are ruining Boone in order to allow a few developers, often from out-of-State and with no future commitment to Boone or concern about what they're leaving behind, to build mammoth projects which destroy our quality of life, clog our streets and eventually reduce occupancy in already existing housing, creating urban blight. This must end. By continuing to approve such projects we are degrading the quality of life in this town. We should be encouraging redevelopment of existing, outdated developments, not authorizing new ones.

The other aspect of this question is the practice of "rent-by-the-bedroom." Under State law, the Town has limited ability to address this particular practice, but make no mistake – it is predatory! I have read leases which "match" a tenant with three strangers, charge exorbitant rent to all, and not only places each tenant on the line for the full amount of apartment rent should any other tenant fail to pay his/her share, but puts full legal responsibility on each tenant's parents. We all have a stake in people being treated fairly and the rent-by-the-bedroom method is anything but. We should do everything we can to discourage this practice. I also think we should use the expertise available to us and the Town's website to post information explaining the rights of tenants under North Carolina law and the Town's own development and minimum housing codes and look for ways to disseminate this information to tenants.

(7) Do you support or oppose building developments of over four stories in height (*approximately 43 feet*) in Boone? Please explain.

There may be areas where more than four stories could be appropriate, but they are very limited, and such out-of-scale building cannot be allowed to crowd our streets, create incentives for the removal of our older buildings, or encroach on our

low-density neighborhoods, all of which are ultimately encouraged by the Town's so-called "Smart Growth Audit" and "2030 Plan." I think the Town's experiment with high buildings pushing up against our streets and sidewalks has failed. In the downtown, we must quickly reevaluate the increased heights which the Town Council has authorized. We cannot preserve the "small-town" feel of Boone and at the same time encourage developers to tear down our old buildings in order to replace them with tall buildings packed with apartments and nearly unusable street-level commercial space. That's what our current height regulations achieve!

In the downtown, there must be a strong effort to limit the height of new buildings. There should be no tall buildings towering over the streets and sidewalks and preventing us from even seeing the magnificent backdrop of mountains around Boone. When the Town saved the Appalachian Theater, developers wanted to tear the building down and build a four-story apartment building with limited street level commercial space. What a tragedy that would have been.

(8) What does "a sustainable environment" mean to you? And what specific steps would you take to move Boone forward towards your vision of sustainability?

Since I stood on Rich Mountain in about 1987 and watched hazy skies caused by pollution from Tennessee drift over Boone, I have been keenly aware of the environmental challenges every place faces and our ecological interconnectedness. I believe that the time has arrived at which every community must address the degradation of the environment, and Boone is no exception. This is an imperative for every leader. I consider an environment "sustainable" at the point at which we have collectively reduced our carbon footprint by encouraging conservation and the use of non-fossil fuels; we have reduced our waste stream as far as practicable; we have "greened" this community as much as possible; we have supported the use of local-produced food as much as possible; we have become a leader in educating ourselves about the chemicals and materials which are harming the environment; and we at least begin to deal with storm-water. Sustainability is a complicated issue which demands much attention, but these are my initial thoughts.

In terms of the first of these points, I would like to see the Town initiate a rebate program, comparable or even greater than which was done with the low-flow toilet

rebate program, to encourage residents to install or convert to solar panels for electricity. I think the Town should be much more aggressive about encouraging pedestrian and bicycle traffic, and no highway or street renovation project should be undertaken without including sidewalks and bike-lanes. I would like to see a licensing program overseen by the Boone Police Department which would authorize our elementary school children to ride their bicycles on every sidewalk other than the heavily traveled downtown corridor after they complete a bicycle safety program that would teach them the full panoply of safe riding, including yielding to the occasional pedestrian. I would like to see the Town support public transportation in a broader area than currently served by Appalcart so that more people can rely on this excellent bus service.

As for our waste stream, I want to see Boone expand its collection of materials suitable for recycling. There was a time when the Town provided free composting bins to interested residents, and I would like to see that program re-initiated. I also think there are ways to reduce wastefulness and use of plastics. Stores can certainly be encouraged to charge customers for each plastic bag which is provided to shoppers. The Town could at least consider a system, as has been adopted in many communities, in which residents must purchase designated garbage bags for placement of trash for pick up, though such a system must be accompanied by a concomitant reduction in property taxes. Such a system causes people to increase their recycling and reduce the waste headed for landfills.

In terms of “greening” the community, we can no longer look to the ETJ to provide our tree canopy. With the loss of zoning authority in the ETJ, it is inevitable that there will be more “Cottages of Boone” and “Village at Meadowview(s)” to decimate our hillsides. Boone must aggressively seek donated land to be placed in conservation easements, and it must purchase land for passive parks and natural areas. The Town must mandate and/or encourage the planting of more trees along our streets and throughout the Town. Money must be allocated each year to accomplish these measures, and the zoning ordinance must be amended to not only require planting more trees, but to make sure that required trees are maintained and replaced. Trees beautify a town, but they also are pollution filters, and we must be much more active than we have been in the past to preserve and expand our tree canopy. The Town’s Tree Master Plan must be immediately revised and reinvigorated.

Regarding the issue of local buying, the Town Council took an important step when it made Daniel Boone Park (Horn in the West) available to the Watauga Farmer's Market. That commitment should continue, and we should explore whether the fees which the Town charges the Farmer's Market discourage greater participation by small, independent producers. The more we can encourage people to "buy local," the better.

As for becoming leaders in educating people about the harmful chemicals in common use, we should be more active in inviting presentations regarding such materials. With Appalachian Voices located right here in Boone, we have a unique ability to have and support presentations to the Town Council and the broader community, utilizing the Town's website as well as the Jones House and other venues. Appalachian Voices led the initiative to eliminate the use of carcinogenic coal tar in Boone, and we should be active in educating ourselves about the problems with neonics (killing bees) and other such hazards, with a mind for prohibiting, to the extent possible under State law, the use of such destructive materials or at least encouraging people to avoid them.

Finally, we have to begin the planning and creation of a storm-water control system. Such a system, which probably is only feasible as a Town-controlled utility, is going to be more and more important in the future. Storm-water problems have already been associated with drownings and property destruction in Boone. Such a system will be very expensive, but the longer we wait to create and undertake a concrete implementation plan, the worse it will get. Recognizing that "100 year" and "500 year" weather events are happening at an enhanced rate, we must consider measures, such as requiring new developments to build and/or water-proof at least four feet above flood-levels, rather than our current two feet.

(9) Do you support or oppose committing the Town to million dollar or more expenditures without a referendum? Please explain.

I oppose the Town Council significantly depleting reserve funds which took decades to accrue, or borrowing what for a community this size are massive amounts, without allowing the voters to weigh in. The most recent concern relating to this issue arises in connection with the Town's new water intake, which originally was estimated to cost in the neighborhood of twenty million dollars, but according to what I've read, now is estimated to cost more than forty-two million

dollars. When voters approved a bond referendum authorizing Boone to borrow up to twenty-five million dollars to see this project through, things were very different. As mentioned, the Town's ETJ, the area surrounding Boone in which zoning controls could be applied to ensure orderly growth, was intact. That meant that there could be some limits on the types of development which the new intake would enable. By the time the additional money was allocated by the Town Council, however, the NC General Assembly had removed the Town's ETJ and greatly impaired its ability to annex property to accomplish orderly growth.

In my view, for the Council to authorize such an enormous supplemental allocation without going back to the voters was a mistake. Any expenditure of this magnitude is a comparative enterprise. The question is not simply whether a water intake is needed or desirable; it is whether there are other projects which are now more important or pressing needs which cannot be met as a result of the large allocation and whether in light of changing revenue, it is wise to spend the money at all or to keep it in reserve to address future emergencies. Many important objectives could have been accomplished with an expenditure of eighteen million dollars, but the residents of Boone were never given a chance to raise and discuss alternative projects. For example, the Howard Street Project as it was previously designed could have been fully completed. The beginning stages of a storm-water control system could have been undertaken. Boone could have purchased environmentally-sensitive areas for preservation in order to protect its watershed and decrease future flooding in our valleys. The list goes on and on.

(10) Do you believe that the Town of Boone should follow its own ordinances in public property development? Please explain.

I absolutely believe the Town of Boone should follow its own ordinances, not just with respect to public property development, but in all matters. It is unconscionable that any governmental entity should expect citizens to follow its myriad of rules and regulations, but not follow them itself. Respect for government at all levels has been obviously declining over the years, and I believe that one of the reasons is government's failure to hold itself accountable for its own actions. Greg Young, Boone's prior town manager, expected the Town to follow its own development regulations, even submitting to a special use permit procedure for the replacement of one of Boone's essential water towers so that the citizens of Boone and owners

of surrounding properties could weigh in on the plan. That hearing resulted in the tower being replaced, but with accommodations which addressed the concerns of neighbors. I fully agree with that approach.