

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
January 21, 2016**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, Jan. 21, 2016, in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle, Jennifer Teague and Jeannine Underdown Collins. Town Attorney Allison Meade was also present. Staff members present were Town Manager John Ward, Assistant to the Manager Jim Byrne, Town Clerk Christine Pope, Finance Director Amy Davis, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Planning Director Bill Bailey, Public Works Director Rick Miller and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENTS

Town Manager John Ward advised Council that Governor Pat McCrory declared a State of Emergency due to the expected snow and ice accumulations over the next couple days, and asked the public to be cautious when traveling in the weather.

Mayor Rennie Brantz announced a Resolution of Appreciation that was prepared to recognize the Appalachian State University Mountaineers on their success in the 2015 season.

Mayor Brantz recognized the contribution by the late Pauline Thompson for over \$35,000 toward the beautification of Boone and maintenance of the Jones House. Mayor Brantz stated Ms. Thompson was a beloved neighbor on Grand Boulevard, an active member of the community, and a part of his family for many Christmas meals.

TENTATIVE AGENDA ADOPTION (FOR ACTION)

Town Manager John Ward noted there was a request to remove Item 8.B. regarding the housing analysis, indicating that there was an addition to the housing analysis not included in the packet, and Council Member Clawson asked that we give the remaining Council members additional time to review the presentation addition prior to putting it back on the agenda.

ADOPTION OF AGENDA

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to approve the tentative agenda, as amended.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

PUBLIC HEARING

**PUBLIC HEARING ON ORDINANCE DESIGNATING THE DOWNTOWN BOONE
POST OFFICE AS A LOCAL HISTORIC LANDMARK**

Mayor Brantz opened the public hearing on the proposed ordinance designating the downtown post office as a local historic landmark at 5:42 p.m. No one signed up to speak at the hearing. Mayor Brantz closed the hearing at 5:43 p.m.

PUBLIC COMMENT

No one signed up to speak during public comment.

REQUESTED APPEARANCES (FIVE MINUTES EACH)

PRESENTATION OF FY 2014/2015 ANNUAL AUDIT

Jason Carpenter of Combs, Tennant and Carpenter, PC, presented the annual audit for FY 2014-15. Mr. Carpenter stated the Town's finances are in good order and in compliance.

REQUEST FOR UNUSUAL CIRCUMSTANCES WAIVER OF WATER AND SEWER CHARGES - MS. DONNA LILLIAN (FOR ACTION)

Ms. Donna Lillian of 338 Chestnut Drive in Boone appeared before the Council to request an unusual circumstances waiver totaling \$3,983.90 in water charges and \$3,162.50 in sewer charges in order to bring her bill back to its average monthly usage. Ms. Lillian explained that a water leak was discovered, and repairs were completed as quickly as possible. Public Works Director Rick Miller agreed that the repairs were completed as soon as she could, and he recommended the waiver of charges.

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to approve an unusual circumstances waiver totaling \$3,983.90 in water charges and \$3,162.50 in sewer charges in order to bring Ms. Lillian's bill back to its average monthly usage.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

ANNUAL REPORT FOR WATAUGA COUNTY LIBRARY

Monica Caruso, librarian for the Watauga County Library, appeared before Council and gave the library's annual report through a PowerPoint presentation (**Presentation on file in January 2016 meeting packet**).

CONSIDERATION OF APPROVAL OF CARBON FEE AND DIVIDEND RESOLUTION (FOR ACTION)

Harvard Ayers appeared before Council to request their approval of a Carbon Fee and Dividend Resolution, which would show the Council's support for the concept. Members of Council thanked Mr. Ayers for his work in the community and their support of the concept. Council Member Teague voiced that while she likes the idea, she is concerned with how this might affect low-income individuals who have to drive vehicles that require more gas and are unable to purchase electric cars. Mr. Ayers stated that should Council approve this resolution, they would be the first in North Carolina, and he would forward a copy of this resolution to the congressional delegation.

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to approve the Carbon Fee and Dividend Resolution.

Council Member Mason stated she was not convinced this was the best way to accomplish awareness, but that she would support the resolution, because whether or not this is the best method, it is an important issue. Council Member Teague reiterated that she appreciated what Mr. Ayers was doing, but was uncomfortable with the idea of an increased fee coming back to the average person.

Carbon Fee and Dividend Resolution

Whereas, the weight of scientific evidence indicates that greenhouse gas emissions from human activities including the burning of fossil fuels and other sources are causing rising global temperatures; and,

Whereas, the weight of scientific evidence also indicates that a return from the current concentration of more than 400 parts per million ("ppm") of carbon dioxide ("CO₂") in the atmosphere to 350 ppm CO₂ or less is necessary to slow or stop the rise in global temperatures; and,

Whereas, further increases in global temperatures pose imminent and substantial dangers to human health, the natural environment, the economy, and an unacceptable risk of catastrophic impacts to human civilization in Boone, North Carolina and beyond; and,

Whereas, phased-in carbon fees on greenhouse gas emissions are the most efficient, transparent, and enforceable mechanism to drive an effective and fair transition to a domestic-energy economy. They will stimulate investment in alternative-energy technologies, and will give all businesses in Boone, North Carolina, and beyond, powerful incentives to increase their energy-efficiency and reduce their carbon footprints in order to remain competitive; and,

Whereas, equal monthly dividends (or "rebates") from carbon fees paid to every American household can help ensure that families and individuals can afford the energy they need during the transition to a greenhouse gas-free economy and the dividends will stimulate the economy; and,

Whereas, the Town of Boone, North Carolina, wants to be a state and national leader in reducing global temperatures and other effects of global climate disruption; and

Now, therefore, be it resolved that the Boone Town Council agrees in principle with the following proposed Federal legislation:

1. Initiate the collection of Carbon Fees and create a Carbon Fee Trust Fund. Upon enactment, impose a carbon fee on all fossil fuels and other greenhouse gases at the point where they first enter the economy. The fee shall be collected by the Treasury Department. The fee on that date shall be \$15 per ton of CO₂ equivalent emissions and result in equal charges for each ton of CO₂ equivalent emissions potential in each type of fuel or greenhouse gas. All fees are to be placed in the Carbon Fees Trust Fund and be rebated 100% to American households as outlined below.

2. The Department of Energy shall propose and promulgate regulations setting forth CO₂ equivalent fees for other greenhouse gases including at a minimum methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), perfluorocarbons, and nitrogen trifluoride. The Treasury shall also collect the fees imposed upon other greenhouse gases. All fees are to be placed in the Carbon Fees Trust Fund and be rebated 100% to American households as outlined below.

3. Identify emissions reduction targets to align US emissions with the physical constraints identified by the Intergovernmental Panel on Climate Change (IPCC). To help avoid irreversible climate change, the yearly increase in carbon fees including other greenhouse gases, shall be at least \$10 per ton of CO₂ equivalent each year. Annually, the Department of Energy shall determine whether an increase larger than \$10 per ton per year is needed to achieve program goals. Yearly price increases of at least \$10 per year shall continue until total U.S. CO₂-equivalent emissions have been reduced to 10% of U.S. CO₂-equivalent emissions in 1990.

4. Establish a system which involves equal per-person monthly dividend payments. Equal per-person monthly dividend payments shall be made to all American households (1/2 payment per child under 18 years old, with a limit of 2 children per family) each month. The total value of all monthly dividend payments shall represent 100% of the total carbon fees collected per month.

5. In order to ensure that U.S. made goods can remain competitive at home and abroad, and to provide an additional incentive for international adoptions of carbon fees, Carbon-Fee-Equivalent Tariffs shall be charged for goods entering the U.S. from countries without comparable Carbon Fees/Carbon Pricing. Carbon-Fee-Equivalent Rebates shall be used to reduce the price of exports to such countries and to ensure that U.S. goods can remain competitive in those countries. The Department of Commerce will determine rebate amounts and exemptions if any.

Adopted this the ____ day of _____, 2016.

(RESOLUTION TO BE TYPED IN BOOK 3, PAGES 254-255)

RESULT:	APPROVED [4 TO 1]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Collins
NAYS:	Teague

CONSENT AGENDA ADOPTION

Town Manager John Ward reviewed the items under Consent Agenda, noting that the process to obtain the firms for on-call engineering services went through a request for information, advertising and soliciting firms to apply, and was then reviewed by staff to make the final selection. Members of Council commended Eric Plaag for his work on the Historic Preservation Commission, and acknowledged their support for the renewed SAHA license, the Boone Gran Fondo and the consolidation of Town boards.

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the Consent Agenda as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN COUNCIL - PUBLIC HEARING - NOV 2, 2015 5:30 PM

TOWN COUNCIL - WORKSHOP/RETREAT - NOV 10, 2015 5:30 PM

TOWN COUNCIL - REGULAR MEETING - DEC 17, 2015 5:30 PM

APPROVAL OF COUNCIL LIAISONS FOR 2015-2017

2015-2017 Town Council Liaisons

Mayor Rennie Brantz – Region D Council of Governments*; High Country COG RPO*; Water Use Committee; Cultural Resources Advisory Board; Historic Preservation Commission

Lynne Mason – Water Use Committee; Affordable Housing Task Force; Downtown Boone Development Association; Tourism Development Authority*; Transportation Committee

Loretta Clawson – Water Use Committee; Downtown Boone Development Association; Historic Preservation Commission; AppalCART*

Charlotte Mizelle – Water Use Committee; Community Appearance Commission; Outside Agency Funding Review Committee; Sustainability, Economics and Environment Committee

Jennifer Teague – Water Use Committee; Affordable Housing Task Force; Outside Agency Funding Review Committee; Watauga Parks and Recreation Commission*; Sustainability, Economics and Environment Committee

Jeannine Underdown Collins – Water Use Committee; Community Appearance Commission; Cultural Resources Advisory Board; Transportation Committee; Watauga Economic Development Commission*

Alternate Council Liaisons:

AppalCART – Rennie Brantz
High Country COG RPO – Jennifer Teague
Region D Council of Governments – Loretta Clawson
Tourism Development Authority – Charlotte Mizelle
Watauga Economic Development Commission – Charlotte Mizelle
Watauga Parks and Recreation Commission – Rennie Brantz

*Requires Council member to serve.

Effective Jan. 21, 2016

SCHEDULING OF SPECIAL MEETING - TOWN COUNCIL ANNUAL RETREAT

Scheduled for Tuesday, Feb. 16 and Wednesday, Feb. 17, 2016, from 8:30 a.m. to 5 p.m. both days at the Council Chambers, located at 1500 Blowing Rock Road.

APPROVAL OF ENCROACHMENT AGREEMENT - WINE TO WATER PROJECTING SIGN

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF WATAUGA

THIS ENCROACHMENT AGREEMENT is made and entered into this the 21st day of January, 2016, by and between the TOWN OF BOONE, party of the first part, and Wine to Water, party of the second part.

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, the party of the second part desire to encroach on public land designated as (CHOOSE ONE) a public sidewalk/public street/public park/public land (hereinafter referred to as the “public land”) located at 747 W. King Street, Second Floor with the following: projecting sign (hereinafter referred to as “the encroaching facility”); and,

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part, in the exercise of authority conferred upon it by statute and ordinance, is willing to permit the encroachment on public land, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment upon the following conditions, to wit:

That the party of the second part complies with all pertinent provisions of the North Carolina State Building Code, the Town of Boone Unified Development Ordinance and the Town of Boone Municipal Code, and such other laws, regulations and ordinances which might apply;

That the said party of the second part binds and obligates itself, its successors and assigns, to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said public land, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the costs incurred for any repairs or maintenance to its roadways, sidewalks and other structures resulting from the installation and existence of the encroaching facility of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the encroaching facility, that the said party of the second part binds itself, its successors or assigns, to promptly remove or alter the said encroaching facility in order to conform to the said requirements of the party of the first part, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and/or other warning devices, as necessary or as requested by the party of the first part's Director of Public Works or his designee, for the protection of the public and in the case of encroachment into a street right of way, in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto. Information as to the above rules and regulations may be obtained from the party of the first part.

That to the extent permitted by law, the party of the second part shall be responsible for all liability associated with the encroaching facility. In furtherance of such responsibility, the party of the second part agrees to indemnify and hold harmless the party of the first part from and against any claim by any third party based upon any action or omission occurring during construction or maintenance of the encroaching facility, as well as from and against any and all claims, demands, suits, causes of action, or other assertion of responsibility, however denominated, for personal injury, damage to property, losses and expenses, including court costs and attorney's fees, arising out of or in any way related to the encroachment or encroaching facility;

That where pertinent and requested by the party of the first part, the party of the second part agrees to name the party of the first part as an additional insured on its and/or its contractor's general liability insurance policies applicable to the encroachment or encroaching facility.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such encroaching facility as the party of the first part carries out its construction and maintenance operations, and the party of the second part expressly waives all claims of liability or responsibility against the party of the first part for any damage that may be caused to the encroaching facility as the result of the Town carrying out any construction and maintenance operations. The party of the second part acknowledges that with regard to canopies, awnings, signs and similar encroachments, even where same fully comply with the Town of Boone Unified Development Ordinance, when placed less than ten feet above the surface of a public sidewalk, such obstructions are at great risk of damage by the equipment of the party of the first part during snow removal and general sidewalk construction and maintenance, and the party of the second part understands that by placing the encroaching facility less than ten feet above the surface of a public sidewalk, the party of the second part is knowingly and intentionally assuming that heightened risk of damage.

That the party of the second part agrees to be bound by such other and additional conditions as the Town Council may impose in connection with the encroaching facility.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution to the rivers, streams, lakes, reservoirs, other water impoundments; ground surfaces or other property; or pollution of the air. The party of the second part shall comply with all applicable rules and regulations of the North Carolina Sedimentation Control Commission, the Town of Boone Unified Development Ordinance and all other applicable laws and regulations relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise re-establish the grass cover to meet the satisfaction of the party of the first part. The party of the second part shall comply with all pertinent ordinances, rules, regulations and laws, and failure to do so shall be a basis for revocation of this encroachment agreement by the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work referred to in this agreement is being performed on a completed public street open to traffic, the party of the second part agrees to give written notice of when work will begin to the party of the first part.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the encroaching facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun and completed within ____ year(s) from the date of this agreement unless written waiver is secured by the party of the second part from the party of the first part.

The party of the first part expressly reserves the unrestricted right to require the party of the second part to change the location of the encroaching facility described herein at no expense to the party of the first part.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed as of the day and year first above written.

TOWN OF BOONE

By: _____
Mayor

ATTEST:

Town Clerk

By: _____
President/Member-Manager/Owner

Printed Name: Party of the Second Part

ATTEST:

Secretary/Witness

ADOPTION OF THE RULES OF PROCEDURE AND DESIGN GUIDELINES FOR THE HISTORIC PRESERVATION COMMISSION

Rules of Procedure and Design Guidelines on file with Planning and Inspections Department.

HISTORIC PRESERVATION COMMISSION REQUEST FOR ADOPTION OF ORDINANCE - LOCAL LANDMARK DESIGNATION FOR THE DOWNTOWN POST OFFICE

AN ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK
UNITED STATES POST OFFICE
BOONE, NORTH CAROLINA

WHEREAS, Chapter 160A-400.5 of the North Carolina General Statutes provides for the designation of historic landmarks; and

WHEREAS, the Town of Boone has created the Boone Historic Preservation Commission (“HPC”) as a historic preservation commission having the authority to exercise, within the planning jurisdiction of the Town, all the powers and duties conferred by Part 3C of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the HPC duly adopted (i) rules of procedure and (ii) principles and guidelines for the alteration, restoration, relocation, or demolition of properties designated as landmarks at its regular meeting held January 12, 2016;

WHEREAS, the United States Post Office located at 680 W. King St. in Boone, North Carolina (the “Property”), was listed on the National Register of Historic Places on January 11, 1996; and

WHEREAS, the HPC issued a Landmark Designation Report on May 12, 2015, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in detail in the Landmark Designation Report, the HPC has determined that the Property is of special significance in terms of its historical and architectural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and association; and

WHEREAS, the Landmark Designation Report was submitted to the State Historic Preservation Office (“SHPO”) of the North Carolina Department of Cultural Resources for review and comment; and

WHEREAS, the SHPO has reviewed the Landmark Designation Report and issued a letter of comment dated August 31, 2015, in which it noted that the Property is “an excellent example of Colonial Revival public architecture during the New Deal era of construction in the 1930s,” that the building “retains a high degree of integrity inside and out,” and that the post office is “significant for its connection to the community’s first postmaster Jordan Council in the nineteenth century, as the federal government purchased the land from a descendant of Council”; and

WHEREAS, the Property is owned by the Town of Boone, and therefore is a publicly owned landmark within the meaning of §160A-400.9(b) of the North Carolina General Statutes;

WHEREAS, the Boone Historic Preservation Commission held a duly-noticed public hearing on January 12, 2016, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Town Council designate the Property as a historic landmark; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on January 21, 2016, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing and the information contained in the HPC’s Landmark Designation Report; and

WHEREAS, the Boone Town Council finds that the Property is of special historical, architectural, and cultural significance, and possesses integrity of design, setting, workmanship, materials, feelings and/or association, as described in the Historic Preservation Commission’s Local Landmark Designation Report; and

WHEREAS, the Boone Town Council finds the Property’s preservation should be encouraged and ensured,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The Boone Town Council hereby designates the United States Post Office located at 680 W. King St., Boone, North Carolina, bounded as described on Watauga County Parcel ID 2900892460000, as a Local Historic Landmark, to include all exterior features of the building, and the following interior features: the wood

and glass airlock of the main level south entrance, the postal service counters and windows, mailbox bays, and post office box bays of the lobby, the terrazzo floors of the main level, the post office safe on the main level, the lobby display cases, and the 1940 Alan Tompkins mural of Daniel Boone in the main lobby.

Section 2: The review process provided by Article 8 of the Town's Unified Development Ordinance ("UDO") shall be observed prior to demolition, alteration, rehabilitation, restoration, or removal of any exterior elements of the designated Property, as well as any interior elements specifically described in Section 1 of this Ordinance.

Section 3: In the event relocation, demolition or destruction of the Property is authorized as provided by law, such action may be delayed up to 365 days as provided by Article 8 of the UDO and NC General Statutes 160A-400.14.

Section 4: This ordinance shall be effective as of the date of its adoption.

Adopted this the _____ day of _____, 2016.

(ORDINANCE TO BE TYPED IN BOOK 4, PAGES 78-79)

CONSIDERATION OF APPROVAL OF 2016 BOONE GRAN FONDO SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET AMENDMENT

Description:	Account Number:	To:	From:
Overtime – Police Department	010-500-300-501201	\$750	
Overtime – Street Department	010-600-401-501201	\$750	
Appropriated Fund Balance – General Fund	010-000-000-499900		(\$1,500)

APPROVAL OF BUDGET AMENDMENTS

Description:	Account Number:	To:	From:
Community Appearance	010-600-405-525100	\$686	
Miscellaneous Revenue	010-000-000-489900		(\$686)
Maintenance & Repair – Building (Jones House)	010-409-000-525101	\$17,841.65	
Community Appearance	010-600-405-525100	\$17,841.65	
Contributions/Donations	010-000-000-482200		(\$35,683.30)

REQUEST TO SUBMIT GRANT APPLICATION FOR EQUIPMENT AND TECHNOLOGY IMPROVEMENT

PROPOSED REORGANIZATION AND CONSOLIDATION OF TOWN BOARDS, COMMITTEES AND TASK FORCES

Outline of board consolidation on file in Town Clerk's office and in January 2016 meeting packet.

APPROVAL OF RESOLUTION OF RECOGNITION - APPALACHIAN STATE UNIVERSITY MOUNTAINEERS

RESOLUTION OF RECOGNITION

WHEREAS, 2015 proved to be a tremendous year for the Appalachian State Mountaineers with an overall 11-2 record; and,

WHEREAS, the Town of Boone has benefitted greatly from last year's spectacular football season and Appalachian State University as well as the town of Boone have become nationally recognized names; and,

WHEREAS, the Town is proud to acknowledge that last year's victorious appearance in the Camellia Bowl was the first Bowl appearance for ASU since 1955; and,

WHEREAS, it should be noted that in addition to their performance on the field, Appalachian State University Mountaineers are among the leaders in academic performance; and,

WHEREAS, the Mountaineers dominated over three other Bowl teams and had the most single-season wins in Sun Belt Conference history; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby recognize the remarkable accomplishments of the Appalachian State University Mountaineers in the 2015 season; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be presented to Coach Satterfield with sincere best wishes for the team for continued success in the years ahead.

Adopted by unanimous vote of the Town Council on the 21st day of January, 2016.

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 256)

APPROVAL OF RESOLUTION TO TAKE OVER MAINTENANCE OF SECTION OF PARK STREET

**RESOLUTION OF THE BOONE TOWN COUNCIL
ACCEPTING THE WESTERLY SECTION OF PARK STREET
AS A PUBLIC, TOWN-MAINTAINED STREET**

WHEREAS, it is appropriate for the Town of Boone to maintain public streets; and

WHEREAS, the homeowners of the Park Place Subdivision has petitioned the Town of Boone on August 14, 2015 to accept their dedication of the heretofore private portion of Park Street, being the westernmost section of the street (including the cul-de-sac at its end) located in the Park Place Subdivision, as shown on that certain plat recorded at Plat Book 21, Page 209 of the Watauga County Registry of Deeds; and

WHEREAS, the other (easterly) portion of Park Street is a public, town-maintained street; and

WHEREAS, the private portion of Park Street located in Park Place Subdivision is currently used by Town vehicles for vehicle turn-around; and

WHEREAS, the road and cul-de-sac were built to Town standards in 2007; and

WHEREAS, there are no existing major or significant maintenance or construction deficiencies related to the continued safe public use of this roadway; and

WHEREAS, the Boone Town Council finds that the public interest would be served by its acceptance of this street into the Town's municipal street maintenance program;

NOW, THEREFORE, BE IT RESOLVED that the Boone Town Council accepts and officially recognizes Park Street and the cul-de-sac in the Park Place Subdivision as a Town maintained street.

Adopted this the 21st day of January, 2016.

(RESOLUTION TO BE TYPED IN BOOK 3, PAGES 257-259)

APPROVAL OF RESOLUTION TO TAKE OVER MAINTENANCE OF PORTION OF CLAWSON STREET

**RESOLUTION OF THE BOONE TOWN COUNCIL
ACCEPTING THE SOUTHERLY PORTION OF CLAWSON STREET
AS A PUBLIC, TOWN-MAINTAINED STREET**

WHEREAS, it is appropriate for the Town of Boone to maintain public streets; and

WHEREAS, the Town of Boone has historically maintained the southerly portion of Clawson Street, extending approximately 400-foot from its intersection with Perkinsville Drive;

WHEREAS, Wayne M. Clawson and wife Joy H. Clawson dedicated this lower section of Clawson Street as a public street pursuant to that certain Easement Agreement recorded at Book 1744, Page 737 recorded on March 4, 2014 in the Watauga County Registry of Deeds, said street section being described as "Right of Way B" in said Easement Agreement and being further shown on that certain Plat recorded at Plat Book 24, Page 44 of the Watauga County Registry of Deeds; and

WHEREAS, the owner of the property at the northern boundary of this section of Clawson Street, Watauga Green Associates Limited Partnership, has granted an easement over part of its property for purposes of providing a turn-around for vehicles that use Clawson Street, as provided in that certain Deed of Easement recorded at Book 1833, Page 710 on November 16, 2015 in the Watauga County Registry of Deeds; and

WHEREAS, the Director of Public Works has certified that this section of Clawson Street has been built to Town standards; and

WHEREAS, there are no existing major or significant maintenance or construction deficiencies related to the continued safe public use of this roadway; and

WHEREAS, the Boone Town Council has considered the public interest and finds that the best interests of the Town would be served by its acceptance of this street into the Town's municipal street maintenance program; and,

NOW, THEREFORE, BE IT RESOLVED that the Boone Town Council accepts and officially recognizes the lower section of Clawson Street, being approximately 400 feet as shown as "Right of Way B" in that plat recorded at Plat Book 24, Page 44 and extending from Perkinsville Drive to the southern boundary of the property of Watauga Green Associates Limited Partnership, as a public and town-maintained street.

Adopted this the 21st day of January, 2016.

(RESOLUTION TO BE TYPED IN BOOK 3, PAGES 260-263)

**APPROVAL OF FIRMS FOR ON-CALL PROFESSIONAL SERVICES PENDING
APPROVAL OF CONTRACT BY THE TOWN ATTORNEY AND TOWN MANAGER**

(Contracts will be on file in Town Hall once finalized and executed.)

**APPROVAL OF CONTRACT TO AUDIT ACCOUNTS BY COMBS, TENNANT AND
CARPENTER, PC**

(Exhibit A following these minutes)

**APPROVAL OF LICENSE AGREEMENT RENEWAL - SOUTHERN APPALACHIAN
HISTORICAL ASSOCIATION**

(Exhibit B following these minutes)

COUNCIL MATTERS

CONSIDERATION OF CASES HEARD AT THE JAN. 6 SPECIAL PUBLIC HEARING

Case 20150697 University Outlook

Todd Rice has filed a Conditional District Zoning Map Amendment Petition for property owned by MET Holdings, LLC to rezone two properties at 475 Blowing Rock Road from B2 Neighborhood Business to B3 General Business with a site specific development plan for a mixed-use building consisting of 24 efficiency apartments (Use 1.14 Multi-Family Dwelling in Mixed Use (up to 30 bedrooms) and 2,658 square feet of retail (Use 11.14 Retail Store up to 5,000 sq. ft.)).

Planning Director Bill Bailey advised Council that following concerns discussed at the public hearing, the applicant brought changes to the Planning Commission meeting for review to address those areas. Jason Gaston of Valor Engineering presented Council with the renderings that were taken to the Planning Commission (**renderings included in the January 2016 meeting packet**). Lengthy discussion ensued regarding the number of parking spaces available as part of the development. Council Member Clawson stated she would not vote to support this development, indicating she felt there was too much going into this space. Council Member Mizelle stated she would like to see lighting down the left side of the building, voicing worry with the bars being next door and students walking home late. Mr. Bailey stated the Council could make that a condition of approval if they so choose. Tyler Moffatt, representing the applicant, stated they would be willing to consent to the condition for additional lighting.

VOTE #1

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because: the proposal is in line with Comprehensive Plan Update 1.1 - Auto transportation in that it has the potential to reduce auto dependency, use and congestion; Comprehensive Plan Update 1.2 - it is located in the primary growth area where infrastructure is already in place and near-term growth is to be especially encouraged; Comprehensive Plan Update 2.1.1 - this project encourages the revitalization of a currently underutilized site in appropriately located areas; Comprehensive Plan Update 2.3.3 - high density housing located close to the university, access to major thoroughfares, public services and facilities, and compatible with adjacent uses; and, in relation to the 2030 Plan - located in the G2 sector urban neighborhood which calls for denser mixed-use development at the scale of neighborhood centers - close to thoroughfares and at key cross-road locations. In addition, this parcel is located in a business corridor district.

RESULT:	APPROVED [4 TO 1]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Mizelle, Teague, Collins
NAYS:	Clawson

VOTE #2

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning map with the seven conditions specified, and with the addition of an eighth condition for lighting to the side near the Parthenon and other commercial properties, and believe approval is reasonable and in the public interest because it is consistent with all applicable, officially adopted plans that locate denser use closer to ASU and is on a major business corridor.

The conditions include the following:

1. Where there is a conflict between the application information and the plans (dated received December 11, 2015), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable plans for review and approval necessary to issue Zoning and Building Permits.
4. The applicant is required to work with the Public Works Department to reconfigure the meter system needed for the development.
5. A minimum of six commercial parking spaces is required and no minimum is set for the residential parking spaces.
6. Courtyard as designed and presented to the Planning Commission on January 11, 2016, contingent on NCDOT approval.
7. Black powdered coated fence as proposed by the applicant to the Planning Commission on January 11, 2016, because the proposed project will result in safer traffic patterns and the redevelopment of the currently outdated unattractive site.
8. Additional lighting to the side near the Parthenon and other commercial properties.

RESULT:	APPROVED [4 TO 1]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Mizelle, Teague, Collins
NAYS:	Clawson

Case 20150896 Appendix B Revised Plant List

Appendix B - Revised Plant List UDO Text Amendment.

Planning Director Bill Bailey noted the various organizations who helped the town update this appendix. Members of Council thanked staff for their hard work and for their focus on using native plants.

VOTE #1

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the current plan has not been updated in over a decade, and as a regulatory document, there is an option for other species with staff review and approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

VOTE #2

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because the revised plant list is easier to understand, includes native plants, and will help ensure that appropriate plant material is used in the appropriate applications.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

REQUEST FOR APPROVAL OF GRANT FUNDS TO ACCESS EPA 319 MONIES

Assistant to the Manager Jim Byrne provided Council with a brief history of the Town's relationship with George Santucci of New River Conservancy for the past 13 years. He stated they are requesting \$20,000 from the town's grant match fund to work on a project which will include the third phase of the aquatic restoration project. He added that Mr. Santucci has also spoken to the US Army Corps, and they will be planting an additional \$85,000 worth of native plants in the wetlands. Mr. Byrne indicated that, through working with Mr. Santucci, the Town has obtained funding for the Winkler's Creek phase and current phase of the aquatic restoration project to the middle bridge, totaling approximately \$4 to 5 million, not a penny of which were Town funds. He stated this grant would include Hardin Creek by the high school and down to the wastewater treatment plant.

Mr. Santucci spoke to Council, advising that these funds would go toward a \$90,000 initiative, gaining access to EPA monies to help federally impaired waters. He stated they have received \$70,000 so far, and if the town funded the remaining \$20,000 needed, it would finish this commitment.

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to support the use of \$20,000 from the town's grant match fund for this request.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN MANAGER UPDATE

Town Manager John Ward provided the following updates to the Council:

- Discussed public safety and storm response for the expected snow and ice accumulations.
- A fourth intern to the town manager will begin this semester. Work will include increasing communication and looking at different avenues for such.
- A representative from the ConnectNC bond session will be at the February meeting to make a presentation on the referendum.
- A town-wide capital improvements plan will be a part of this year's budget process.
- Town-wide energy audit will be completed using performance-based contracting.

- Coordinating with ASU on their master plan.
- Thanks to Pauline Thompson for her donation to the town.
- Town to begin preliminary work at intake facility in a few weeks including tree cutting to minimize environmental impact on endangered bats; this will include site preparation for the intake access road, and the trees will be donated to charitable organizations.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the current vacancies for various Town boards.

APPOINTMENT TO BOARD OF ADJUSTMENT

Council Member Teague nominated Andrew Brooks to serve in the resident position on this board.

Mr. Brooks' term will expire June 30, 2018.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

APPOINTMENT TO PLANNING COMMISSION

Council Member Clawson nominated Adrian Thompson to serve in the resident position on this commission. Council Member Teague nominated Matt Vincent to serve in the resident position on this commission. Ms. Teague added that Mr. Vincent currently builds in town and would be a good addition.

NOMINATION OF ADRIAN THOMPSON FOR RESIDENT POSITION

RESULT:	DEFEATED [1 TO 0]
MOVER:	Loretta Clawson, Council Member
AYES:	Clawson
ABSTAIN:	Mason, Mizelle, Teague, Collins

NOMINATION OF MATT VINCENT FOR RESIDENT POSITION

Mr. Vincent's term will expire June 30, 2019.

RESULT:	APPROVED [4 TO 0]
MOVER:	Jennifer Teague, Council Member
AYES:	Mason, Mizelle, Teague, Collins
ABSTAIN:	Clawson

NOMINATION OF JEFF TEMPLETON TO ETJ POSITION

Council Member Underdown Collins nominated Jeff Templeton for reappointment as an ETJ representative on this commission.

Mr. Templeton's term will expire June 30, 2018.

RESULT:	APPROVED [3 TO 0]
MOVER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Teague, Collins
ABSTAIN:	Clawson, Mizelle

MOTION TO SEND RECOMMENDATION TO COUNTY

Upon a motion by Council Member Underdown Collins, seconded by Council Member Teague, Council moved to send Mr. Jeff Templeton's name to the Watauga County Commissioners for appointment as an ETJ representative on the Planning Commission through required resolution.

RESULT:	APPROVED [4 TO 1]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Jennifer Teague, Council Member
AYES:	Mason, Mizelle, Teague, Collins
NAYS:	Clawson

APPOINTMENT TO SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Council Member Mason nominated Quint David to serve on this committee. Mr. David's term will expire Jan. 21, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CLOSED SESSION

MOTION TO ENTER CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Clawson, Council moved to enter closed session at 7:32 p.m. to hear the following items:

1. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and/or give instructions to the attorney concerning the lawsuit involving the Town of Boone, and the State of North Carolina and Watauga County.
2. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and/or give instructions to the attorney concerning the lawsuits involving the Town of Boone, and Ronald and Donald Cooper, et al.
3. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and/or give instructions to the attorney concerning the condemnation cases filed by the Town of Boone, file numbers 15 CVS 462-476 (Watauga County).
4. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice and/or consider and give instructions to the attorney concerning the disclosure of public records.

5. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and/or give instructions to the attorney concerning the terms of possible acquisition of property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

MOTION TO EXIT CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Underdown Collins, Council moved to exit closed session at 9:45 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to adjourn the meeting at 9:46 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

Christine Pope, Town Clerk

Rennie Brantz, Mayor