MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
February 15, 2018

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. Thursday, February 15, 2018 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgiuele, Connie Ulmer and Marshall Ashcraft. Staff present were Town Manager John Ward, Public Works Director Rick Miller, Fire Chief Jimmy Isaacs, Police Chief Dana Crawford, Police Captain Andy LeBeau, Cultural Resources Director Pilar Fotta and Downtown Boone Development Coordinator Brittney Clark. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak during the public comment period to sign up on the sheet located next to the entrance.

Harold Tilley presented the Police Department with framed bicycle jerseys worn by officers in the Special Olympics Blue Ridge Parkway Tour. Police Chief Crawford noted that Capt. LeBeau is very involved in this cause and that the department raised over $27,000 for the Special Olympics and expressed his thanks to all involved in the effort.

Mayor Brantz recognized Joan Hearn and presented her with a resolution in honor of her late husband, Dick Hearn.

TENTATIVE AGENDA ADOPTION

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved unanimously to table the 2030 Plan action item until the March 19 Public Hearing due to the strong public interest on the topic, as well as the fact that the public comment for the topic was not scheduled until much later in the meeting.

VOTE: Aye: All
Nay: None

Council Member Mason stated that Council should schedule the item for the March 19 Public Hearing due to the planning aspect of the item and also to allow the Planning Commission to hear public comment. Council Member Clawson stated that she also believed Council should postpone this matter until March. Council Member Furgiuele stated that he was surprised to see this item on the agenda and that the item was added after the initial agenda was published and printed. He questioned who placed the item on the agenda and why it was scheduled for so late at night. Council Member Furgiuele mentioned that the municipal code stated that public comment should be held at the beginning of a meeting. Town Attorney Allison Meade noted that when this item was discussed at the planning retreat held in January, it was specifically agreed by consensus that there would be a separate, specially labeled public comment section for the 2030 Plan and that it was never supposed to be part of the usual public comment period. Council Member Furgiuele noted that the intent of the Council was to give people an opportunity to hear the reasons both why he supported the repeal of the 2030 Plan and added that the public comment period for the item be held at the beginning of the meeting per Town Code. Council Member Furgiuele added that due to recent changes in state law, it was his opinion that the 2030 Plan was essentially a basis for developers to sue the Town if their projects are denied. Town Manager John Ward asked for clarification that the above motion was to specifically take the 2030 Plan item to March Public Hearing in addition to the other items for the March Public Hearing. Council Member Furgiuele stated that he thought he was voting to take the 2030 Plan item to the regular March Town Council meeting. After conferring with Ms. Meade on the proper method, Council Member Furgiuele made a motion to reconsider the previous vote to table the 2030 Plan action item until the March 19 Public Hearing, with Council Member Clawson seconding.

VOTE: Aye: Furgiuele, Clawson, Mason, Ulmer
Nay: Ashcraft

Council Member Furgiuele then made a substitute motion that the 2030 Plan action item be continued to the regular March Town Council meeting, with public comment scheduled at the beginning of the meeting to express their concerns or support for the plan and that the 2030 Plan action item be considered on the regular March Town Council meeting agenda. Council Member Ulmer seconded this motion and Council Member Mason stated that she

felt strongly that the matter should be a part of a public hearing and that since there is strong community interest. Council Member Ulmer agreed and stated that Council members should have time to speak on the matter. Council Member Furgiuele voiced concern with instances in the past when the Town announced it planned to revise an ordinance then delayed implementation too long, people tried to undermine the intention of the Town and circumvented what was later adopted by Council. He went on to note that the recent action of the general assembly made it almost impossible for the Town Council to turn down any conditional district rezoning requests, so long as it appears to be compatible with the 2030 Plan. Council Member Furgiuele stated that the Standard was wholly inconsistent with the Boone Comprehensive Plan and that the Comprehensive Plan, in his opinion, should be the guiding document throughout the Town. He continued to state that under the new state law, there had to be compatibility with every approved plan and that the Town needed to work to consolidate down to one plan which should be the guiding document for development and the future of Boone. Council Member Mason suggested that since there was a strong public interest in the 2030 Plan a special meeting be held to give the public time to comment and debate. Town Attorney Allison Meade weighed in to say that there may be some disagreement as to how much of a threat the 2030 Plan posed, and that state law specifically contemplated that the Council may approve projects that are inconsistent with Town plans and stated that Council may approve a development that is inconsistent with a plan but that the Town has to give reasons for it and has to say at the same time that it thereby amends the plan. She agreed that any inconsistencies with plans are a hook for someone that wanted to make an argument against the Town, but she disagreed with the level of threat. Council Member Furiguele disagreed with Ms. Meade, stating that the 2030 Plan is inconsistent with the Town's zoning ordinance. He stated that in his opinion it was impossible to navigate two documents and make those compatible and that the idea of amending the plan at the time of approving a project would be untenable. Council Member Ashcraft agreed that the 2030 Plan item should be moved to a special meeting or an existing meeting and to hold a public hearing and to take the public comments into account when making a decision about the plan. Council Member Clawson agreed with Council Member Furgiuele that the Town did not need more projects like the Standard (who, since they are considered to be in a brownfield, only have to pay 10% taxes) and the matter is so important to the community that Council needed to push forward with the repeal of the 2030 Plan. Council Member Mason added that there was no debate on moving forward, but that due to the volume of the discussion on the item she would like to give the matter the time it deserves. Council Member Furgiuele added that the prior Town Council was in the process of using a consultant to integrate the 2030 Plan with the Comprehensive Plan and that that process needed to go forward.

VOTE: Aye: Furgiuele, Clawson, Ulmer
Nay: Mason, Ashcraft

MOTION TO ADOPT AGENDA

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Clawson, Council Member
SECONDER:	Lynne Mason, Mayor Pro Tem
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

PUBLIC COMMENT

Candace Lang spoke as director of local non-profit organization, LIFE (Living Innovations For Exceptional) Village. Ms. Lang noted that the organization was developing a community for adults with autism and related disorders to live, develop a trade and make lasting friendships and that it was unique in that the community would be made up of tiny homes. She added that the community would be inclusive, so that anyone seeking affordable housing could live in the community. Ms. Lang continued to state that ASU had agreed to build the community's first tiny house, and that the organization was looking to acquire land for the project. Ms. Lang stated that the organization would like to arrange a meeting with Council next month to tell them their story and to discuss options.

Andrew Mason, husband of Council Member Lynne Mason, addressed Council in his individual capacity as a resident and business owner in Boone. He expressed his thanks to Council for the sacrifices made in order to serve the community. Mr. Mason expressed his concern and disappointment in the way the Council meetings were being

handled recently, with the January and February meetings being scheduled into the hours of the next morning. He stated that meetings scheduled for this amount of time were not only a disservice to Council members themselves, but also to Town staff, other interested members of the community and the family members of all those involved. Mr. Mason noted that long meetings did not serve the public well, because no one makes the best decisions when they were tired. He stated that excessively long meetings deprived citizens of a chance to attend, monitor and participate in the meetings and that long meetings were not safe since driving during the early morning hours puts the driver at an increased risk for injury. Mr. Mason asked Council to consider what changed since the current Council took office, since meetings of the last Council were significantly shorter. He also asked Council members to focus, since all members brought with them matters they would like to see addressed, however, it was his view that not all matters had the immediate need for equal consideration. Mr. Mason asked that Council members prioritize their time, acting on the most important issues first, saving matters of less importance for consideration at a later time. He finished by asking Council to consider a motion in support of adjourning meetings at a certain time, with unfinished business being attended to later, and that approving such a motion would be in Council's best interest as well as in the best interest of the citizens of the Town of Boone.

Victoria Lipford thanked Council for allowing her group to present their plans for a Boone skate park, and gave Council her insight on how the DIY skate park was managed before shutting down last year. Ms. Lipford added that those in charge of the DIY skate park became close to her family in a short period of time.

Nicholas Williams introduced himself as the director of external affairs at ASU Student Government Association and expressed his support of the proposed Greenway skate park. Mr. Williams added that a skate park was long overdue in Town, and that the proposed site would offer a safe and healthy environment for skateboarders in Boone. He applauded the actions and support of the previous Council and current Council, as well as members of the Cruzin' Committee for their efforts supporting skate boarding. Mr. Williams demonstrated to Council the large amount of support for skate boarding by asking all those who attended the Council meeting in support of skate boarding to stand in order to be recognized.

Quint David spoke on behalf of AppalCART to explain to Council that in order for a Council liaison to participate in the upcoming AppalCART board meeting, Council must appoint one Council representative which must then be approved by Watauga County Commissioners. Mr. David noted the late hour at which the agenda item to appoint a representative was scheduled and asked that Council attempt to make their choice during the current meeting in order to keep the AppalCART board on track. Mr. David transitioned to his position as chair on the Town's Sustainability, Economics and Environment Committee in support of agenda item #27 to expand membership on the SEEC. He went on to note his excitement for the scheduling of the Bike and Pedestrian Plan Stakeholders meeting, as well as item 19 requesting direction on the Town's designation as a Bee City USA. Mr. David expressed support for items 17 (Greenway Trail Connector Easement) and 16 (Solar Panel Rebate Program). On behalf of the Sustainability, Economics and Environment Committee, Mr. David also expressed support of a presentation submitted by Harvard Ayers regarding a Town of Boone Energy Plan. He also voiced his concern with the length of Council meetings.

Frank Mohler Vice-chair of the Board of Trustees for the Appalachian Theatre asked Council to consider option two regarding the Memorandum of Understanding drafted by Town Attorney Allison Meade. Mr. Mohler noted the differences between the original Memorandum of Understanding and the proposed new memorandum. He stated that there was a 12% increase in the square footage for the stage left wing which was caused by a change in scope that would allow the Theatre to begin construction this spring and included an easement for a required exit from the Theatre, along with a pathway through the Town Hall parking lot to either Howard Street or King Street. The proposed memorandum would also grant a temporary easement for the period of construction of the stage left wing of the Theatre. Mr. Mohler explained that option of the proposed Memorandum of Understanding included a new clause that would grant the Town of Boone free usage of the community room for up to 36 Mondays or Tuesdays of each year in perpetuity as well as unlimited usage of the community room at half of the normal, not-for-profit rate if it is available less than 30 days before the intended usage. Mr. Mohler stated that although free usage was discussed in 2015, provisions for such were never included in the original memorandum due to concern about the survivability of the Theatre due to the lack of earned rental income. Mr. Mohler stated that a loss of income would result any time that the community room could not be rented due to the room being used by the Town. He continued to express concern that according to the original Purchase Agreement between the Town of Boone and the Theatre, if the Theatre should fail, ownership would revert back to the Town. Mr. Mohler hoped that Council would support

option two of the proposed Memorandum of Understanding, which would increase the Theatre's likelihood of success.

Patrick Ferris spoke in support of the Greenway skate park and stated that upon his arrival to Boone, he was overwhelmed at the amount of skateboarders in the area, even though the activity was considered illegal. Mr. Ferris stated Council approval of a skate park would help remove a stigma often attached to skate boarders and would add to the long list of initiatives that the Town has already taken to allow skate boarding.

Bob Snead addressed Council in support of Frank Mohler and the Appalachian Theatre and asked Council to support the arts.

Tammy Yates spoke in support of the Boone skate park detailing the success of the skate park in Hendersonville.

REQUESTED APPEARANCES

REPUBLIC SERVICES PRESENTATION

Jeff McCreary and Tony Krasienko of Republic services presented a PowerPoint presentation and gave a brief overview of the company's operations. Mr. McCreary noted that the Horn in the West unmanned recycling site was the cleanest unmanned recycling site that he had seen in his 20 years in the business. Council Member Furgiuele asked the representatives if using larger receptacles and scheduling pick-ups for every other week would reduce the cost to the Town. The addition of cardboard to Republic's list of curbside pick-up items was discussed, with Council Member Furgiuele voicing his desire to find a solution to the problem of cardboard not currently being picked up curbside. Mr. Krasienko pointed out that he provided Council with a list of recyclable items for their information. Council Member Furgiuele inquired as to the amount of recycled items from the Town of Boone that ended up being reused. Mr. McCreary responded that Republic supplied a monthly report to the Town of volume of items picked up and stated everything that can be sold for reuse is. Council Member Furgiuele then asked about employee benefits, to which Mr. McCreary replied that Republic employees received a total benefits package along with competitive wages. Mr. Krasienko added that due to the fact that Republic Services had the eighth largest vocational fleet, the company was in constant competition with other employers and that it was critical to retain good employees. Council Member Furgiuele then asked whether Republic had any strategies other than larger containers to reduce solid waste. Mr. McCreary stated that the main strategy would be to increase the co-mingled recycling program and that the key to this strategy was to make recycling easier for the public to participate. Council Member Furgiuele added that in other communities, solid waste pick-up services sold specially marked trash bags and that since people had to purchase these trash bags, they were more inclined to recycle or to use compactors. Mr. Krasienko stated that Republic participated in a similar program at one time, but have shied away recently since the process is cumbersome and also since the company no longer accepts bagged recycling. He continued to say that Republic staff currently spent around four hours a day cutting plastic bags out of the loading equipment. Mr. Furgiuele asked if Republic used any compressed natural gas vehicles in Boone with Mr. McCreary stating that Republic did not currently use CNG vehicles in Boone, but did in many other areas in the country. Council Member Clawson added that Republic Services had the kindest employees that she knew of anywhere and that she appreciated them. Council Member Ashcraft stated that he would be interested to hear from Republic on ways they could help the Town to increase participation in recycling programs.

A complete copy of the presentation given by Republic Services may be viewed by following this link: http://boonenc.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1798&MediaPosition=&ID=1718&CssClass=

CONSENT AGENDA ADOPTION

APPROVAL OF RESOLUTION HONORING THE LIFE OF RICHARD M. "DICK" HEARN

Upon a motion by Council Member Clawson, seconded by Council Member Furgiuele, Council moved to approve the Consent Agenda and the items listed below.

Resolution Honoring the Life of Richard M. "Dick" Hearn

Proclamation Honoring the Life of Richard M. "Dick" Hearn

WHEREAS, on May 5, 1930 Richard M. "Dick" Hearn was born in Minneapolis, Minnesota; and

WHEREAS, Mr. Hearn served his country in the United States Army and was retired from State Farm Insurance Company; and

WHEREAS, Dick, along with his beloved wife, Joan, sought to make a difference in our community, and did so by volunteering for many organizations including Friends of the Watauga County Library, Watauga Substance Abuse Prevention, High Country United Way, Watauga River Partners, and the Guardian Ad Litem program, to name a few; and

WHEREAS, among other things, we all will remember Mr. Hearn for his extraordinary costumes at local cold weather challenges and parades; and

WHEREAS, the life of Dick Hearn can be characterized by a powerful desire to serve others and his community; and

WHEREAS, the Town of Boone wishes to honor Richard M. "Dick" Hearn for his devotion to his family and friends, for his hard work in making our community a better place and for contributing to the quality of life we all enjoy.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town of Boone hereby honors Richard M. "Dick" Hearn for a long life well lived and for his undeniable impact on the High Country.

This the 18th day of January, 2018.

_____
Rennie Brantz, Mayor

ATTEST:

_____
Nicole Worley, Town Clerk

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Loretta Clawson, Council Member
SECONDER:	Sam Furgiuele, Councilman
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

QUASI-JUDICIAL HEARING

REQUEST FOR SERVICE - DARIN GENTRY

Town Attorney Allison Meade opened a public hearing at 7:30 p.m. to hear sworn testimony on a request for water and sewer service to property located on/near Pinnacle Drive. John Davis on behalf of applicant Darin Gentry, after being duly sworn, stated that since his friend, Mr. Gentry lives in Bend, Oregon, he agreed to appear before Council to assist in the request for water and sewer services to property located on Pinnacle Drive. When asked why Mr. Gentry was applying for water and sewer service from the Town, Mr. Davis stated that his assumption was that so that the property would be considered buildable and that he believed the reason a septic system could not be placed on the property was due to the grade of the property. He also stated that he believed if a well could be installed on the property that Mr. Gentry would have already done so. Mayor Brantz asked whether the owners of the property would be occupying the dwelling if one is built on the property, or if it would be a rental. Mr. Davis responded that he was unsure of plans for the property. Public Works Director Rick Miller, after being duly sworn, stated that the applicant wished to hook onto the Town sewer system and referenced a letter form Mr. Gentry as to why he was unable to attain a letter of hardship from the Watauga County Health Department. The letter listed reasons a septic tank could not be installed on the property, including the fact that a site visit by the health department was never performed due to the high cost and that the size of the property was restrictive. Mr. Miller continued to state that the property in question was partially

located in Watauga County, but was mostly within Town limits. He added that a hardship was required by Town policy in order to hook onto Town services. When asked by Mayor Brantz his opinion as to whether or not this case presented a hardship, Mr. Miller replied that although he had not reviewed the topographical map, he believed that parts of the area in question were very steep, which would make it difficult to install a septic system on the property. Council Member Furgiuele inquired as to whether the Town Code allowed for hardships to be established without the opinion of a third party. Ms. Meade stated that she did not believe that the code spoke to that particularly, but that the code required clear and convincing evidence of a hardship. In response to a question raised by Council Member Furgiuele, Mr. Miller stated that the property was located in the secondary pressure zone and that the code did allow for connections inside the secondary pressure zone and noted that this would be a connection, not an extension. Council Member Furgiuele asked if the property owner first annexed into Town limits, would this matter have come before Council. Mr. Miller replied that if a property is within Town limits, decisions on connections may be made in house. Ms. Meade asked Mr. Miller if there was any issue with extending services to the full parcel including the section that was farther away, to which Mr. Miller replied that would not be an issue and that staff would end the project at the right of way. Council Member Furgiuele asked to hear from Planning Director Jane Shook, and after being duly sworn, stated that she believed portions of the property would fall within the view shed. She did not have any information that determined that the property was one interrupted parcel. She added that the tax information showed the property as one parcel and that she believed the property would fall in the primary growth area. Council Member Ashcraft asked whether the annexation of this property would have any effect on the potential annexation of properties in between the property in question and Town limits. Ms. Shook responded that if this annexation was approved, that the Town would be expanding its contiguous corporate limits. She continued to say that annexing the adjoining properties would be an option in the future. Ms. Meade offered clarification that annexation would become easier on the part of the property owner, but that it would still be on a voluntary basis. Council Member Furgiuele asked if there was any information on whether the property could be annexed and whether the property was part of a subdivision to which Ms. Shook replied that since the property was contiguous, the standards for a subdivision would not apply. She added subdivision standards only applied to satellite annexations. Council Member Mason asked Mr. Miller which properties on Pinnacle Drive were already receiving Town services to which he replied other properties in the area are receiving services. Ms. Meade closed the public hearing at 7:43 p.m. Council Member Fugiuele expressed that he was against approving this request due to the fact that details were not provided by the property owner on the cost of site visit by the health department and that approving the request without this information would set precedence for future requests. He added that the property was located in a sensitive area of the secondary pressure zone and in the view shed, and stated that the annexation and zoning process should precede water requests. Council Member Furgiuele continued that he would like to allow neighbors of the property a chance to speak on the issue and added that there was ambiguity in the request as far as what plans were for the property. Council Member Mason agreed with Council Member Furgiuele, and stated that if annexation did not come to fruition, the applicant would then need to better establish what the hardship was. Council Member Ulmer agreed with Council Members Mason and Furgiuele. Upon a motion by Council Member Furgiuele, seconded by Council Member Mason, Council moved to deny the request for service filed by Darin Gentry on the basis that the annexation and zoning process should precede the request for service.

RESULT:	**FAILED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Councilman
SECONDER:	Lynne Mason, Mayor Pro Tem
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

COUNCIL MATTERS

TOWN COUNCIL - REGULAR MEETING - NOV 16, 2017 5:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Councilman
SECONDER:	Connie Ulmer, Councilwoman
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

TOWN COUNCIL - REGULAR MEETING - JAN 18, 2018 6:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
SECONDER:	Sam Furgiuele, Connie Ulmer
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

REQUEST TO LIMIT THE LENGTH OF REGULAR TOWN COUNCIL MEETINGS

Council Member Mason presented a request to limit the meeting time for regular Town Council meetings due to the fact that Council considered many important items and that meetings going so late was not in the citizens' best interest. She stated that she felt that she was unable to give matters fair consideration to matters scheduled late into the night after working an eight hour day, and that every matter that comes before Council should get Council's full consideration and attention. Council Member Mason added that the same was true for staff and others who had items on the agenda. Council Member Mason stated that if an agenda included items to be heard in Closed Session which were time sensitive, that adjustments would need to be made for these instances as well. Council Member Ulmer added that Council needed to be effective, efficient and effortless and stated that there may be too many items on the agenda. She added that there should be a limit to the number of items allowed on the agenda and limit the time of each meeting, adjourning to another meeting if necessary. Council Member Furgiuele stated that while he agreed with Council Member Mason in having a time limit on meetings, he did not agree that the number of items be limited. He added that items which were not reached during a meeting should automatically be placed at the beginning of the next meeting agenda and have priority over new items. Council Member Furgiuele continued to say that he did not believe Council should schedule another standing meeting, but that Council should schedule a second meeting as needed if lengthy agendas continued. Town Manager John Ward asked for clarification on carry over items and whether or not to prioritize carry over items above citizen and committee requests. Council Member Furgiuele replied that the Town Code allowed for Requested Appearances to be placed at the beginning of a meeting and stated that carry over items be placed before new Town-initiated agenda items. Discussion ensued regarding the process by which Requested Appearances were typically handled during a regular meeting and the possibility of recessing meetings that run long to another set day. Council Member Furgiuele added that he had concerns with the Town Council liaison positions, stating that they posed a time issue, as well as the possibility of Council Members having undue influence on committee deliberations. Mr. Ward stated that he would like to gain Council's confidence so that small, less pressing items could be placed on the Consent Agenda to allow for more time to discuss more important, pressing items. Council Member Ashcraft proposed that Council finish what regular session items possible between 6:00 p.m. and 10:00 p.m. or 10:30 p.m., allocate an hour for closed session and reconvene the regular Town Council meeting on the fourth Thursday of the month at the same time and place. Council Member Furgiuele noted scheduling conflicts and asked for more flexibility and time to plan. Ms. Meade stated that public notice requirements dictated that if a meeting is recessed, no additional notice would be needed. Council Member Mason suggested that since some agenda items were time sensitive, a recessed meeting be held the following Monday, Tuesday or Wednesday. Ms. Meade then suggested that Council set an end time for the entire meeting, and that she would inform Council at the beginning of each meeting how much time would be needed for closed session items. Council Member Furgiuele suggested that the meeting end time be 11:00 p.m. with no new items being started after 10:30 p.m. He added that Ms. Meade should inform Council at the beginning of each meeting the time needed for closed session items so that the agenda could be modified. Council Member Mason made a motion, which was seconded by Council Member Clawson that beginning at the February 15, 2018 regular Town Council meeting and until Council decided otherwise, that Council would recess meetings at 11:00 p.m., including closed session, not starting any new items after 10:30 p.m. and would set a date specific to reconvene the meeting to hear the remaining items on the agenda. Ms. Meade announced that she would need approximately one hour for closed session this evening.

Mayor Brantz declared a break at 8:25 p.m. Council reconvened at 8:35 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

CONSIDERATION OF APPROVAL OF CHANGE ORDER REQUEST #2 - WK DICKSON

Upon a motion by Council Member Furgiuele, seconded by Council Member Mason, Council amended the agenda to place the Cruzin' Committee Proposal and PowerPoint to item number 6 due to the amount of people in attendance specifically in support of this item.

VOTE: Aye: All
Nay: None

Public Works Director Rick Miller presented Change Order Request Number 2 from WK Dickson on behalf of Harper Corporation for a contract price increase of $248,954.20 and an additional 75 calendar days to the contract time. Mr. Miller stated that this request was due predominantly to unanticipated circumstances during the construction of the raw water intake access road and to finish water line work at the pump station located that the Water Treatment Plant. He explained that crews performed four test bores on the road location entering the property, with two of the bore results coming back full of muck and mire and that approximately 675 feet of muck had to be removed at a depth of 5-6 feet. Mr. Miller continued to note that this space had to be filled in with rock which was reused from the pump intake blast site and that a road was built that could sustain the weight of construction equipment. Mr. Miller added that a second contributing factor was that the original plans provided to WK Dickson for the high-service pump station at the Water Treatment Plant were not correct. He stated that the usage of contingency funds would not be required and that the project would remain under budget due to cost savings from the raw water line contract with Garney Construction. Mr. Miller explained that if the change order was approved, the contract amount for the Harper Corporation would be changed to $14,364,923.54 and that the new finish date would be November 7, 2018. He added that USDA had reviewed the change order and approved it for Council's consideration. Mayor Brantz inquired as to whether the builders of the Water Treatment Plant could be held accountable for the incorrect plans, to which Mr. Miller replied that since the plant was built in the 1970's, it would be difficult to track down the builder or engineer. Council Member Furgiuele questioned whether or not there was geotechnical engineering performed at the site, and asked who's responsibility it was to perform the bore tests. Mr. Miller replied that the Town sub-contracted the boring out to WK Dickson and then to SM&E, but he was unsure whether rock was located at the Water Treatment Plant and that no drill testing was performed at the location. Ryan Hager of WK Dickson addressed Council and stated that geotechnical investigations were performed at the Water Treatment Plant for the proposed clear well being constructed and that the rock encountered was previously shot rock from when the Water Treatment Plant was originally built. Council Member Furgiuele expressed concern that Council was not being provided information on the cost of additional engineering as well as the significant increase in cost since the inception of the project. Council Member Furgiuele asked Mr. Hager why the additional costs presented were not included in the original contract to which Mr. Hager replied that changes in code have resulted in some changes to the contract. Council Member Ashcraft asked whether changes presented to Council by WK Dickson had been reviewed by Town staff. Mr. Ward noted that the presented changes have been reviewed by staff as well as the USDA and that staff had monthly meetings with WK Dickson, sub-contractors and others. Discussion ensued with Council Member Mason making a motion to approve Change Order Request #2 with Council Member Ashcraft providing a second.

VOTE: Aye: Mason, Ashcraft
Nay: Clawson, Furgiuele, Ulmer

Mayor Brantz asked what the next step would be since the motion to approve Change Order Request #2 failed.

Ms. Meade stated that the issue would need to be discussed in closed session due to the possibility of litigation and that Council may be putting bonds at risk to default. Council Member Furgiuele stated that he would be willing to reconsider his vote after hearing from Ms. Meade what responsibility the engineer had for this change and reiterated that his concerns did not lie with the contractor. Upon a motion by Council Member Ulmer, seconded by Council Member Mason, Council voted to reconsider the immediate prior motion.

VOTE: Aye: Ulmer, Mason, Ashcraft
Nay: Clawson, Furgiuele

A motion was then made by Council Member Mason, seconded by Council Member Ashcraft to approve Change Order Request #2 with respect to the contractor and that approval was not to be taken as an agreement for additional associated costs and that approval was made reserving all of Council's rights with respect to the engineer's additional costs and with respect to the engineer's potential liability for the change order itself. Council Member Furgiuele added that he would support this motion because he did not blame the contractor for this change order.

VOTE: Aye: All
Nay: None

WK DICKSON
community infrastructure consultants

February 2, 2018

Josh Eller
Public Works Deputy Director
Town of Boone
321 E. King Street
Boone, NC 28607

Re: Boone USDA Raw Water Project
Change Order No. 2 – Additional Construction Time/Costs
Town of Boone, North Carolina
WK Dickson # 80376.00.HI - C

Dear Josh:

Please find enclosed the Change Order No. 2 for Contract 1 for the Harper Corporation. We are submitting this for your review and subsequent approval by Town Council at their regularly scheduled February meeting. The change order consists of a cover page summarizing the cost and contract time changes, a breakdown of the schedule of value line items affected by the changes, and a detailed breakdown of costs provided by the Harper Corporation as an attachment.

This change order encompasses additional construction costs and an extension of calendar days to the Contract 1 construction contract with Harper Corporation due to unforeseen issues encountered at the chemical storage building at the water treatment plant, the high service pump station at the water treatment plant, and the access road serving the intake pump station.

First, relative to the chemical storage building at the water treatment plant, upon submitting for the building permit application, the Town of Boone's Building and Inspections department responded with various changes associated with new building code requirements. Additionally, as an outcome of these requirements, it should be noted that there will be a forthcoming change order associated with providing a fire alarm system throughout the main plant building.

Secondly, complications were encountered at the new finished water line connection to the high service pump station from the new clear well. Due to the presence of rock, conflicting configuration of the existing high service pump station structure, and other complicating factors, the elevation and configuration of the new pipe connection was altered. During this process the main power feed to the water treatment plant was temporarily taken out of service and the plant was temporarily powered by the backup diesel generator. The town coordinated and paid for the fuel cost to run the generator

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www.wkdickson.com

during the time of temporary power service. The Harper Corporation is crediting this cost as documented in the change order. Additionally, during the tie-in process, it was discovered that the existing concrete beams in the high service pump station were not constructed as depicted on the record drawings for the original plant. These beams are now in direct conflict with two proposed pumps that will be installed as part of this project. A forthcoming change order associated with mitigating this conflict is expected.

Lastly, pertaining to the access road serving the intake, unforeseen extremely poor soil conditions were encountered and multiple attempts/methods to achieve the required suitable base for the road have impacted cost and contract time. An explanation and justification of the changes, costs, and time delays are provided in the enclosed change order. Elaborating on the Harper Corporation's request to extend the contract period, it has been evident from their schedule submitted at the onset of the project that the intake construction drives the critical path of completing the project. Upon reviewing the Harper Corporation's submitted schedule in conjunction with the timing of the encountered challenges, it was evident that the critical path of the project had been impacted.

W.K. Dickson & Co., Inc. has reviewed the enclosed and recommends that the Town of Boone approve Change Order No. 2 consisting of a price change of $248,954.20 and a contract time extension of 75 calendar days. We also recognize that the increase in contract time presents a need for additional compensation for our services associated with construction administration and construction observation. We have elected not to present an additional services request to the town at this time, but rather wait until sometime near the original construction contract completion date. Our intent is to minimize the number of amendments to the engineering agreement.

If you have any questions, please do not hesitate to contact me.

Sincerely,

W. K. Dickson & Co., Inc.

Ryan W. Hager

Ryan W. Hager, P.E.
Project Manager

Enclosure

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Town of Boone, North Carolina
USDA Raw Water Project
WKD Project #80376.00.HI

Change Order No. 2

Date of Issuance:		Effective Date:	February 15, 2018
Owner:	Town of Boone, North Carolina	Owner's Contract No.:	No. 1
Contractor:	The Harper Corporation	Contractor's Project No.:	16-521
Engineer:	W.K. Dickson & Co., Inc.	Engineer's Project No.:	#80376.00.HI
Project:	Boone USDA Raw Water Project	Contract Name:	Div 1-WTP, Div 2-Raw Water Intake, Div 3-Booster Pump Station

The Contract is modified as follows upon execution of this Change Order: Various modifications and changes primarily consisting of additional revisions to the WTP chemical storage building design, access road change of conditions, the high service pump station tie-in re-design, and other miscellaneous items all which have impacted construction costs and the construction time period as noted below.

Attachments: Change Order No. 2 from Harper detailing the additional costs and time extension justification.

CHANGE IN CONTRACT PRICE	**CHANGE IN CONTRACT TIMES** *[note changes in Milestones if applicable]*
Original Contract Price: $ 14,150,000	Original Contract Times: February 13,2017 Substantial Completion: August 17, 2018 Ready for Final Payment: August 17, 2018
Decrease from previously approved Change Orders No. 1: $ (34,030.66)	Increase from previously approved Change Orders No. 1: Substantial Completion: 7 Calendar Days Ready for Final Payment: 7 Calendar Days
Contract Price prior to this Change Order: $ 14,115,969.34	Contract Times prior to this Change Order: Substantial Completion: August 24,2018 Ready for Final Payment: August 24, 2018
Increase of this Change Order: $ 248,954.20	Increase of this Change Order: Substantial Completion: 75 calendar days Ready for Final Payment: 75 calendar days days
Contract Price incorporating this Change Order: $ 14,364,923.54	Contract Times with all approved Change Orders: Substantial Completion: November 7, 2018 Ready for Final Payment: November 7, 2018

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: Ryan W Harper	By:	By:
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Project Manager	Title	Title Project Manager
Date: 2/1/18	Date	Date 2/1/2018

Approved by Funding Agency (if applicable)

By: _____ Date:

Title: _____

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Town of Boone, North Carolina
USDA Raw Water Project
WKD Project #80376.00.HI

Project Title:	Boone USDA Raw Water Line
Contract:	Contract 1 - Div 1-WTP, Div 2-Raw Water Intake, Div 3-Booster Pump Station
Owner:	Town of Boone, North Carolina
Engineer/Architect:	W.K. Dickson & Co., Inc.
Contractor:	The Harper Corporation

	Original Price	Deductions	Additions	Revised Price
Change Order No. 2:				
WTP Building Plan Revisions				
1. Line Item 25 – Chemical Feed Bldg Footing & Wall; Increased to account for additional insulation below slab on grade.	$25,890.00		$ 3,000.00	$ 28,890.00
2. Line Item 32 – Stairs and Misc. Metals – Blower Building; Increased to account for changes to metal stairs.	$27,320.00		$ 1,000.00	$ 28,320.00
3. Line Item 80 – Pre Engineered Metal Bldg – Chem Feed Bldg; Increased to account for changes addressing the building and inspections department comments.	$59,970.00		$ 23,810.37	$ 83,780.37

EJCDC® C-941, Change Order.
Prepared and published 2013 by the Engineers Joint Contract Documents Committee.

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Town of Boone, North Carolina
USDA Raw Water Project
WKD Project #80376.00.HI

	Original Price	Deductions	Additions	Revised Price
High Service Pump Station Tie-in Redesign				
4. Line Item 35 – High Service PS – Baffle; Increased to account for changes to the configuration of the finished water line tie-in.	$9,500.00		$ 45,851.20	$ 55,351.20
Access Road Change of Conditions				
5. Line Item 136 – Roadway – Rough Grade; Increased to account for road subgrade change to address poor soil conditions	$785,000.00		$175,562.63	$960,562.63
Subtotals:	$907,680.00		$248,954.20	$1,156,634.20
GRAND TOTALS FOR CHANGE ORDER NO.2 ABOVE:				$248,954.20

HARPER CORPORATION
General Contractors
Environmental Systems Division

Change Order # 002

Project: 16-521-USDA-Boone Raw Water Proj WTP

The Harper Corporation
301 College Street, Suite 140
Asheville, North Carolina 28801
Phone: (828) 407-4800
Fax: (828) 407-4841

Project Manager: Chris Gray
(864) 303-4386
cgray@harpercorp.com

DRAFT

CHANGE ORDER #002: WTP BUILDING REV, HSPS REDESIGN, INTAKE ACCESS ROAD CHANGE OF CONDITIONS

DATE:	1/31/2018		
TO:	**The Town of Boone** PO BOX Drawer 192 Boone, North Carolina 28607	**ATTENTION:**	
INITIATED BY:	Chris Gray	**SCHEDULE IMPACT:**	75 days
SOURCE:			

DESCRIPTION:

CN 008: Change Event is for the changes to the water treatment plant buildings provided in the documents issued by WK Dickson on Sept. 1, 2017, in response to the Building Inspector's comments on the building permit application. The changes include the following:

1. Additional signage for chemical fill pipe connections
2. Upgrade to wall and roof insulation in the new bulk chemical storage building including new standing seam metal roof (due to new R-30 insulation requirement)
3. Installation of continuous 24" wide insulation below the slab on grade vapor barrier around the perimeter of the new bulk chemical storage building
4. Installation of new piped opening between existing bulk chemical storage and new building chemical storage building to mitigate any spills from the new space to the existing building.
5. Changes to the new blower building's steel stairs, including additional risers and treads, resulting in additional material.

- Line Item 25 of the project schedule of values will be modified by adding $3,000 to account for additional insulation below the slab on grade (item 4 above)
- Line Item 32 of the project schedule of values will be modified by adding $1,000 to account for changes to blower building stairs (item 5 above)
- Line Item 80 of the project schedule of values will be modified by adding $23,810.37 to account for all other items above (items 1-3 above)

CN 010: Change order is for raising the invert elevation of the incoming 30" line to the High Service Pump Station and the structural support around the pipe on the exterior of the structure. Changes are identified in the attached sketches and include additional fittings and pipe, stainless steel baffle plate and accessories, installation of additional material, lost time during the initial tie-in attempt on October 5, 2017, and concrete and rebar for structural support. Approval of this change order removes the installation of the original baffle wall, shown on drawings S1.22 and 5/S1.32, from the contract scope of work.

Credit is provided to the owner for fuel cost associated with running the water plant backup generator during the excavation for the tie-in to the high service pump station.

Exclusions:

1. Change order does not include coring of the internal concrete beams for vertical turbine pumps installation or crack repair in concrete wet well walls. These changes shall be captured in separate requests.

- Line Item 35 of the project schedule of values will be modified to account for this change

CN 011: Access Road Change of Conditions & Wet Well Delays

Access Road:
A change of subgrade conditions were encountered during the construction of the new access road. Various attempts/methods were utilized under the direction of WK Dickson, to successfully pass the required proof rolls for the length of the roadway. Due to the unsuitable soils encountered in approximately 675 linear feet of the roadway (see attached sketch for approximate location), the sub grade was undercut an additional 4ft to 6ft below the road design profile shown in the contract documents. This was required to obtain a suitable base for the road. Approximately 1,100 cubic yards of blasted rock from the pump station excavation was utilized for backfill in addition to rock that was procured from local rock quarry (1,930 tons of extra Rip Rap and 630 tons of ABC Stone). In addition to the extra subgrade stone, Mirafi RS580i fabric was used to provided additional stabilization by encapsulating sections of the sub grade. Approximately 3,000sy of this fabric was unused from the original purchase and will be returned to the supplier with a 25% restocking fee plus the cost of freight. The below cost reflects the final cost after the material is returned.

The multiple methods delayed the completion of the access road by approximately 2.5 months (October 2017 to Mid December 2017). The poor subgrade conditions were initially discussed on September 19, 2017. At this time, the estimated remaining time to complete the road was 2 weeks. The subgrade delayed the completion until Mid December 2017.

Exclusions:

1. Loading and hauling of unsuitable soil (approximately 3,000 cy) removed during installation of new access road.

    1. Road side drainage swales in the area of the stockpile cannot be installed until soils are removed
    2. New 24in DIP forcemain cannot be installed until soils are removed

In an effort to keep the construction moving forward, Harper made an agreement with the property owner to allow restricted construction access to transport personnel and equipment through his property. The alternate access to the Intake Pump Station allowed Harper to continue construction, but at a much slower rate. There were multiple days when the property owner's road was too wet and muddy to allow access to the Pump Station. Also, time and equipment were required to maintain the alternate route as it was not designed for heavy construction access. Additional time and equipment were required to receive/offload deliveries and then shuttle the materials to the Pump Station location. Examples of these items are blasting mats, stone, rebar, etc.

Wet Well Delays:
During the blasting operation for the wet well, Harper was prevented from blasting by Watauga County officials for three (3) weeks. This delayed the completion of the excavation and pushed the work into the winter months during which the weather has had and will continue to have a major impact on completing the excavation, placement of concrete and backfill of the excavation. This delay also prevented us from blasting sump pits, as planned, to aid in dewatering during the excavating operation. Without sump pits to drain water to designated locations in the excavation, additional time was required to manage dewatering pumps in an effort to keep the excavation dewatered for the blasting operation and material removal. Caldwell Blasting has billed Harper $1,800 for delays. This change order does not account for any future delays due to any addition Watauga County requests/restriction or weather impacts due to completing this work during the winter months. Any additional delays will be assessed and accounted for in future change orders.

Watauga County is preventing Harper the opportunity to run dewatering equipment in the excavation of the wet well for the future Intake Building as a result of a County Noise Ordinance. The ordinance is enforced between the hours of 11PM and 7am, but does not have specified decibel sound restrictions for the stated period of time. Decibel readings were taken by WK Dickson, near the river bank, while the dewatering equipment was running. The results of these readings were approximately 65dBA which is equivalent to "conversational speech." By introducing standing water in the excavation each night, the slopes of the excavation can become unstable and make an unsafe work area. In addition, the work to complete the infiltration gallery will be completed inside a cofferdam. It will be imperative that dewatering pumps be able to run 24hrs per day inside of the cofferdam stays dewatered or we risk the cofferdam walls being compromised.

Without running dewatering equipment during the restricted hours, we are delayed approximately 1hr to 3hrs each morning as we evacuate water from rain, runoff, and ground water that accumulates into the excavation each night. This time restriction also requires additional overtime man hours to come in over the weekend to manage the equipment.

- Line Item 136 of the project schedule of values will be modified to account for this change

ATTACHMENTS:

CHANGE NOTIFICATIONS IN THIS CHANGE ORDER:

#	Title	Schedule Impact	Amount
008	2017-09-01 WTP Building Plan Revisions		27,810.37
010	High Service Pump Station Tie-in Redesign		45,581.20
011	Div 2: Access Road Change of Condtions & Wet Well Delays	75 days	175,562.63
		TOTAL:	**$ 248,954.20**

CHANGE ORDER LINE ITEMS:

CHANGE NOTIFICATION # 008 : 2017-09-01 WTP Building Plan Revisions

#	Cost Code	Description	Type	Amount	Subcontractor Bond (2% of Sub) (2.00% on SUBCONTRACT)	Punch List (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Clean Up (2% of Labor) (2.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Misc Tools (5% of Labor) (5.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Safety (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, LABOR, and Accrued Taxes)	Fuel & Oil (35% of EQT) (35.00% on Equipment Rented and EQUIPMENT INTERNAL)	Labor Burden (54% of Labor) (54.00% on OVERTIME LABOR and LABOR)	Subtotal
1	10-441 - Signage-Dimensional	Additional signs for the chemical feed connections outside of the building.	MATERIAL	$ 75.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 75.00
2	05-618 - Misc. Metals-Package	Design changes made to the metal stairs outside of the blower building.	MATERIAL	$ 773.24	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 773.24
3	17-175 - Bulk Hypo System	Installation of pipe and flap between the new and existing chemical storage buildings.	LABOR	$ 1,000.00	$ 0.00	$ 30.00	$ 20.60	$ 52.53	$ 33.09	$ 0.00	$ 613.56	$ 1,749.78
4	03-025 - Concrete Subcontractor	Procurement and installation of the insulation board below the new building concrete slab	SUBCONTRACT	$ 2,400.00	$ 48.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 2,448.00
4	13-121 - Metal Building System	Insulation and roof design changes due to the energy requirements and increase in R-value.	SUBCONTRACT	$ 18,407.36	$ 368.15	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 18,775.51
5	15-601 - DIP & Fittings	DIP, flap valve, caulking material cost	MATERIAL	$ 1,413.99	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 1,413.99
			Subtotal:	$ 24,069.59	$416.15	$30.00	$20.60	$52.53	$33.09	$0.00	$613.56	$25,235.52
											QUOTATION ESTIMATE ($50/HR): 1.00% on all line item types	$ 252.36
											SUBMITTAL PREPARATION ($50/HR): 0.00% on all line item types	$ 0.00
											PROCUREMENT ($50/HR): 1.00% on all line item types	$ 254.88
											FIELD COORDINATION ($50/HR): 0.00% on all line item types	$ 0.00
											DIRECT SUPERVISION ($50/HR) : 0.00% on all line item types	$ 0.00
											AS-BUILT DOCUMENTS ($50/SHEET): 0.00% on all line item types	$ 0.00
											NC SALES TAX (6.75% OF MAT'L): 6.75% on MATERIAL	$ 155.77
											AGC FEE (0.05% OF TOTAL): 0.05% on all line item types	$ 12.95
											LICENSES & PERMITS (1% OF TOTAL) : 1.00% on all line item types	$ 259.11
											HARPER BOND (1% OF TOTAL): 1.00% on all line item types	$ 261.71
											FEE (15% OF L,M,E,OTH): 15.00% on Equipment Rented, LABOR, OTHER, and EQUIPMENT INTERNAL	$ 273.26
											FEE (5% OF SUB): 5.00% on SUBCONTRACT	$ 1,104.82
											Grand Total:	**$27,810.37**

CHANGE NOTIFICATION # 010 : High Service Pump Station Tie-in Redesign

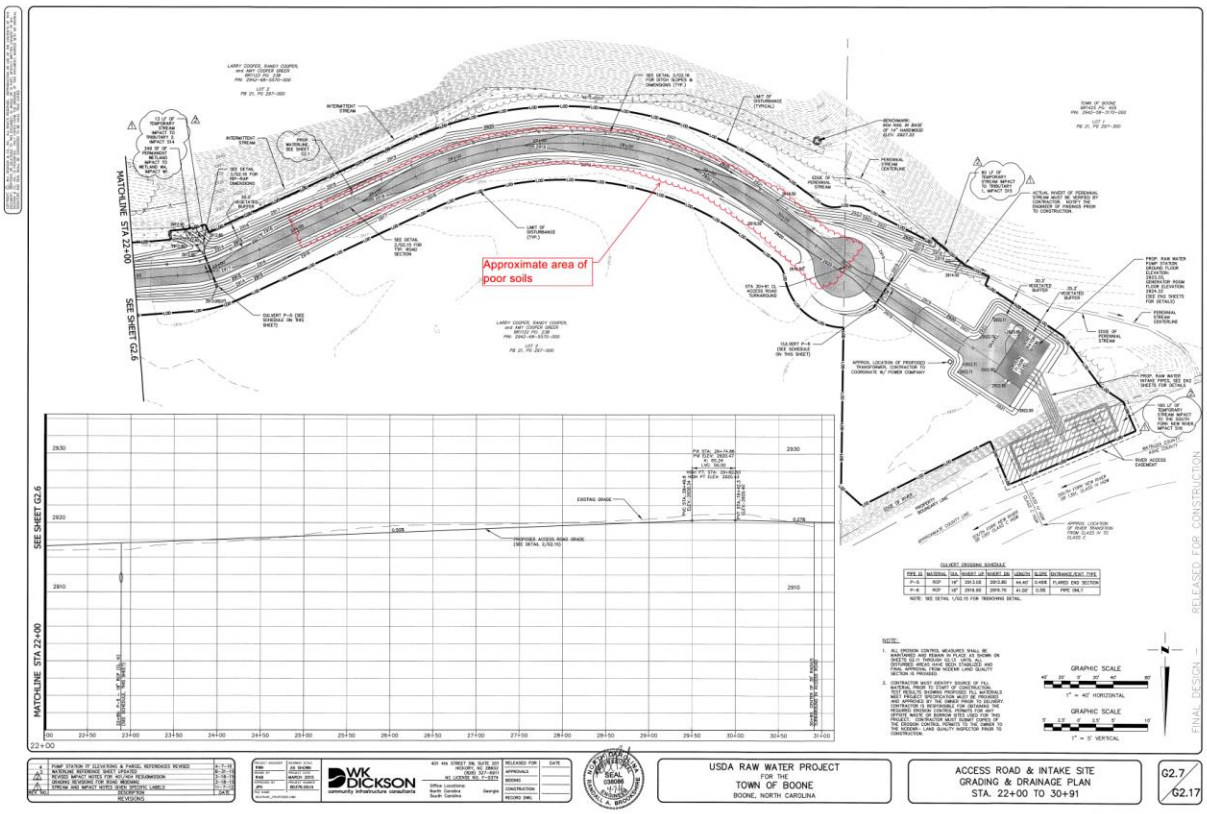
#	Cost Code	Description	Type	Amount	Subcontractor Bond (2% of Sub) (2.00% on SUBCONTRACT)	Punch List (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Clean Up (2% of Labor) (2.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Misc Tools (5% of Labor) (5.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Safety (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, LABOR, and Accrued Taxes)	Fuel & Oil (35% of EQT) (35.00% on Equipment Rented and EQUIPMENT INTERNAL)	Labor Burden (54% of Labor) (54.00% on OVERTIME LABOR and LABOR)	Subtotal
1	01-615 - Equipment Rental	Lost Time - Trench Boxes, Excavator and Hammer	EQUIPMENT INTERNAL	$ 12,543.75	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 4,390.31	$ 0.00	$ 16,934.06
2	01-615 - Equipment Rental	Excavator to Clean Trench, Install Pipe and Fittings	EQUIPMENT INTERNAL	$ 5,065.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 1,772.75	$ 0.00	$ 6,837.75
3	17-101 - Sitework & Yard Piping	Lost Time - HSPS Tie-In and Investigation	LABOR	$ 3,650.00	$ 0.00	$ 109.50	$ 75.19	$ 191.73	$ 120.79	$ 0.00	$ 2,239.50	$ 6,386.71
4	15-900 - Core Drill	Lost Time - Core Drilling	SUBCONTRACT	$ 1,012.50	$ 20.25	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 1,032.75
5	17-101 - Sitework & Yard Piping	Installation of Additional Pipe and Fittings	LABOR	$ 1,000.00	$ 0.00	$ 30.00	$ 20.60	$ 52.53	$ 33.09	$ 0.00	$ 613.56	$ 1,749.78
6	15-601 - DIP & Fittings	Pipe and Fittings, Baffle Plate and Accessories	MATERIAL	$ 12,359.53	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 12,359.53
7	03-101 - Rebar	Rebar for Exterior Concrete Pipe Support	MATERIAL	$ 120.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 120.00
8	03-025 - Concrete Subcontractor	Concrete for Exterior Pipe Support	MATERIAL	$ 207.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 207.00
9	03-248 - Concrete-Miscellaneous	Concrete Forms Material	MATERIAL	$ 100.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 100.00
10	17-101 - Sitework & Yard Piping	Set, Form, Concrete Structural Support Exterior of HSPS	LABOR	$ 1,560.00	$ 0.00	$ 46.80	$ 32.14	$ 81.95	$ 51.63	$ 0.00	$ 957.16	$ 2,729.66
11	01-615 - Equipment Rental	Trench Boxes for Exterior Support Install	EQUIPMENT INTERNAL	$ 871.08	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 304.88	$ 0.00	$ 1,175.96
12	01-626 - Fuel & Oil-Offroad	Fuel for WTP Generator (Credit)	Allowance	($12,638.49)	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	($12,638.49)

Subtotal:	$ 25,850.37	$20.25	$186.30	$127.93	$326.21	$205.51	$6,467.94	$3,810.21	$36,994.71
QUOTATION ESTIMATE ($50/HR): 1.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 496.33
SUBMITTAL PREPARATION ($50/HR): 0.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 0.00
PROCUREMENT ($50/HR): 1.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 501.30
FIELD COORDINATION ($50/HR): 0.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 0.00
DIRECT SUPERVISION ($50/HR) : 0.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 0.00
AS-BUILT DOCUMENTS ($50/SHEET): 0.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 0.00
NC SALES TAX (6.75% OF MAT'L): 6.75% on MATERIAL									$ 880.44
AGC FEE (0.05% OF TOTAL): 0.05% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 25.76
LICENSES & PERMITS (1% OF TOTAL) : 1.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 515.37
HARPER BOND (1% OF TOTAL): 1.00% on MATERIAL, Temporary, LABOR BURDEN, OVERTIME LABOR, Equipment Rented, SUBCONTRACT, LABOR, OTHER, EQUIPMENT INTERNAL, Accrued Taxes, and ALLOWANCES									$ 520.52
FEE (15% OF L,M,E,OTH): 15.00% on Equipment Rented, LABOR, OTHER, and EQUIPMENT INTERNAL									$ 5,593.01
FEE (5% OF SUB): 5.00% on SUBCONTRACT									$ 53.76
Grand Total:									**$45,581.20**

CHANGE NOTIFICATION # 011 : Div 2: Access Road Change of Condtions & Wet Well Delays

#	Cost Code	Description	Type	Amount	Subcontractor Bond (2% of Sub) (2.00% on SUBCONTRACT)	Punch List (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Clean Up (2% of Labor) (2.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Misc Tools (5% of Labor) (5.00% on LABOR BURDEN, OVERTIME LABOR, and LABOR)	Safety (3% of Labor) (3.00% on LABOR BURDEN, OVERTIME LABOR, LABOR, and Accrued Taxes)	Fuel & Oil (35% of EQT) (35.00% on Equipment Rented and EQUIPMENT INTERNAL)	Labor Burden (54% of Labor) (54.00% on OVERTIME LABOR and LABOR)	Subtotal
1	02-001 - Sitework Subcontractor	Undercut 2ft to 6ft of the Access Road based on repair methods	SUBCONTRACT	$ 139,718.00	$ 2,794.36	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 142,512.36
2	02-205 - Dewatering	Mirafi RS580i	MATERIAL	$ 13,898.50	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 13,898.50
3	02-230 - Rock Blasting	Blasting Delays from Caldwell due to dewatering restrictions	SUBCONTRACT	$ 1,800.00	$ 36.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 1,836.00
			Subtotal:	$ 155,416.50	$2,830.36	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$158,246.86
											QUOTATION ESTIMATE : 1.00% on all line item types	$ 1,582.47
											SUBMITTAL PREPARATION : 0.00% on all line item types	$ 0.00
											PROCUREMENT : 1.00% on all line item types	$ 1,598.29
											FIELD COORDINATION : 0.00% on all line item types	$ 0.00
											DIRECT SUPERVISION : 0.00% on all line item types	$ 0.00
											AS-BUILT DOCUMENTS ($50/SHEET): 0.00% on all line item types	$ 0.00
											NC SALES TAX (6.75% OF MAT'L): 6.75% on MATERIAL	$ 957.01
											AGC FEE (0.05% OF TOTAL): 0.05% on all line item types	$ 81.19
											LICENSES & PERMITS (1% OF TOTAL) : 1.00% on all line item types	$ 1,624.66
											HARPER BOND (1% OF TOTAL): 1.00% on all line item types	$ 1,640.90
											FEE (15% OF L,M,E,OTH): 15.00% on ALLOWANCES, Accrued Taxes, OVERTIME LABOR, LABOR BURDEN, MATERIAL, Equipment Rented, LABOR, OTHER, and EQUIPMENT INTERNAL	$ 2,317.02
											FEE (5% OF SUB): 5.00% on SUBCONTRACT	$ 7,514.23
											Grand Total:	**$175,562.63**

The original (Contract Sum)	$ 14,115,970.20
Net change by previously authorized Change Orders	($34,030.66)
The contract sum prior to this Change Order was	$ 14,081,939.54
The contract sum would be changed by this Change Order in the amount of	$ 248,954.20
The new contract sum including this Change Order will be	$ 14,330,893.74
The contract time will be increased by this Change Order by 75 days	



CRUZIN' COMMITTEE PROPOSAL AND POWERPOINT PRESENTATION

Council Member Mason noted that the Cruzin' Committee had been amazing to work with and that former Council Member Jeannine Underdown Collins had been working with the group also. John-Paul Pardy thanked Council for amending the agenda to move the request forward and presented a PowerPoint presentation which is included below. Council Member Furgiuele stated that solicitation to concrete companies in the area should take place, with the promise of naming rights in exchange for the donation of pad materials. Mr. Ward stated that he had been granted access to materials left at the Shadowline demolition site which included aggregate material, and that this material could be used for a base on this project as well as the upcoming Greenway Connector project. Council Member Furgiuele asked that contact information for the Cruzin' Committee be listed on park signage and that one warning specific to skating should be sufficient instead of the two listed on proposed signage. Town Attorney Allison Meade clarified that the skate park property would remain Town owned property and added that Town staff would need to regularly maintain and inspect the property. She raised questions regarding full access and restroom requirements to which Mr. Pardy responded that portable toilets were available nearby. Mr. Ward suggested that Council consider keeping skate park hours at dawn-dusk as opposed to having to light the facility in an effort to keep consistency with other Town parks. Council Member Clawson thanked Mr. Pardy for the dedication he, Ms. Underdown-Collins and others put into the issue. Council Member Furgiuele asked Planning Director Jane Shook what the consequences would be for amending M-1 text, which would change what would be allowable in M-1 districts throughout the Town. Ms. Shook stated that the amendment would be limited to government usage. She continued to stated that she felt the property was zoned appropriately for the proposed use and asked Council to be specific in direction as to which category the property should be labeled as. In response to a question raised by Council Member Furiguele, Mr. Miller stated that he did not have concerns with the proposed location, but that if an expansion was required at the Wastewater Treatment Plant, the location could be affected at that time. He confirmed that portable toilets were located on the property during the busy summer months and that staff was investigating the possibility of constructing restroom facilities at the former Humane Society location. Ms. Shook added that since restroom requirements were dictated by building code and not Town Code, she would have to check with staff. She stated that she believed building code typically applied to vertical structures but stated that she would confirm

with staff and report back to Mr. Ward or Mr. Miller. Council Member Furgiuele stated that this was an outstanding project and that it served as an excellent example of people working together to produce something important and beneficial to the Town. Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council voted to provide the site located near the Waste Water Treatment Plant on Casey Lane for the skate board park, and that Town staff and the Town Attorney continue to work out the exact terms and any legal issues; that staff proceed with the proposed text amendment for the correct zoning designation adding to M-1 the use of outdoor recreation in all three categories, and for staff to proceed with a budget amendment not to exceed $25,000 with hopes that an in-kind donation would be provided and that the public hearing for the text amendment take place at the March Public Hearing.

VOTE: Aye: All
Nay: None

A complete version of the PowerPoint presentation given by Mr. Pardy may be viewed by following this link: http://boonenc.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1798&MediaPosition=&ID=1698&CssClass=

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

CONSIDERATION OF APPROVAL OF COST ESTIMATE INVOICE - BLUE RIDGE ELECTRIC

Public Works Director Rick Miller presented a request for Council's approval on a cost estimate from Blue Ridge Electric for three-phase power and conduits for the raw water intake facility that totaled $120,816.68. Town Manager John Ward explained to Council that the facility was currently being operated by generators 24-7 and that the generators have brought on noise complaints. Upon a motion by Council Member Ashcraft, seconded by Council Member Mason, Council approved the presented cost estimate from Blue Ridge Electric in the amount of $120,816.68.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Marshall Ashcraft, Councilman
SECONDER:	Lynne Mason, Mayor Pro Tem
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson

CONSIDERATION OF UDO AMENDMENT

Carson Coatney of Booneshine Brewing presented to Council a request for UDO modification in anticipation of potential relocation and expansion of the company. Mr. Coatney stated that the company had recently purchased the former Highland Paint building on Industrial Park Drive in order to include a tasting room and restaurant component into their current microbrewery operations. He explained that according to the UDO, Booneshine's current classification was as a microbrewery, which as written, did not allow or disallow for a restaurant component as a part of a microbrewery. Mr. Coatney added that the reason Booneshine did not wish to be classified as a brewpub was because the company did not plan on selling 50% of their beer in house as currently required by the UDO and asked that Council approve a UDO amendment to specifically allow for a restaurant component within a microbrewery. Council Member Ashcraft stated that he did not see any rationale for having a minimum consumption on-site for a brewery, and that Council could remove that requirement entirely. Planning Director Jane Shook stated that outdoor dining as an accessory use was not currently permissible in the M-1 zoning district, and that restaurant uses were not allowed until December 2017. She continued to say that restaurant usage compatibility would be dependent on the site. Ms. Shook added that the reason restaurants in the M-1 district be limited to 2,500 sq. ft. and below was that Council directed staff to be conservative in their approach to those uses. Council Member Furgiuele asked whether re-zoning the property

was a possibility, to which Ms. Shook answered that the business still had a manufacturing component and that it would be better to keep the industrial park zoned for industrial uses. Council Member Furiguele inquired as to whether there were any noxious businesses in the area that would impact the suitability of a restaurant. Ms. Shook answered that according to testimony given at the public hearing relating to the matter that there would not be any conflicts. Council Member Furgiuele continued to say that it may be a better approach to view the Industrial Park as a separate zoning district since the area was unique. Ms. Shook added that some definitions in relation to the microbrewery section of the UDO may need to be revisited to provide clarity such as in this particular instance. Discussion ensued with Council Member Furgiuele expressing his concern with approving this request and creating an additional use without knowing the consequences it might have on the surrounding neighborhood and other breweries in Town. Discussion ensued with Council agreeing by consensus for staff to provide additional information at the March 15, 2018 regular Town Council meeting in regards to the potential negative impact a UDO modification might have on other brewery locations, feedback on the other M-1 districts in Town and potential issues that might arise from a restaurant in the district as well as the lowering of the ratio included in the brewpub text of the UDO.

Upon a motion by Council Member Furgiuele, seconded by Council Member Mason, Council moved to amend the agenda to amend the agenda to move Closed Session to agenda item number 8.

VOTE: Aye: All
Nay: None

Upon a motion by Council Member Clawson, seconded by Council Member Furgiuele, Council voted to enter into Closed Session at 10:32 p.m. pursuant to Pursuant to N.C. Gen. Stat. § 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, consider and/or give instructions to the attorney concerning the claim involving the Town of Boone and Zhiyuan Chen; Pursuant to N.C. Gen. Stat. § 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, consider and/or give instructions to the attorney concerning the claim involving the Town of Boone and Damon Mallatere;Pursuant to N.C. Gen. Stat. § 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, consider and/or give instructions to the attorney concerning the claim involving the Town of Boone and LMSP, LLC;Pursuant to N.C. Gen. Stat. § 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, consider and/or give instructions to the attorney concerning potential
legal claims.

VOTE: Aye: All
Nay: None

Upon a motion by Council Member Clawson, seconded by Council Member Ulmer, Council moved to recess Closed Session at 11:50 p.m. until February 19, 2018.

Upon a motion by Council Member Clawson, seconded by Council Member Ashcraft, Council moved to recess Regular Session at 11:53 p.m. until February 19, 2018 at 6:30 p.m.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
MOVER:	Sam Furgiuele, Councilman	
SECONDER:	Loretta Clawson, Council Member	
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

ALTERNATIVE TRANSPORTATION SUB-COMMITTEE RECOMMENDATIONS - CRUZIN' COMMITTEE

CONSIDERATION OF TOWN OF BOONE ENERGY PROPOSAL

CONSIDERATION OF APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE APPALACHIAN THEATRE

REQUEST FOR DIRECTION REGARDING POSSIBLE FUNDING FOR THE DIGITAL WATAUGA PROJECT

REQUEST TO APPROVE UNION SOLDIER MARKER REDEDICATION CEREMONY

Public Comment on the Potential Repeal of the 2030 Land Use Plan TABLED Until March 15, 2018

CONSIDERATION TO REPEAL THE BOONE 2030 LAND USE PLAN

Upon a Motion by Council Member Mason, seconded by Council Member Clawson, Council moved to table the 2030 Plan action item due to the strong public interest in the topic and due to the fact that the public comment period for the item was not scheduled until late in the night and that the action item for the proposed repeal of the 2030 Plan be scheduled for the March Public Hearing due to the planning implications and to allow the Planning Commission to hear public comment.

VOTE: Aye: All
Nay: None

Council Member Clawson stated that she believed Council should postpone the matter until March. Council Member Furgiuele stated that he was surprised to see the item on the agenda, since it was added after the initial agenda was printed. Town Manager John Ward stated that a general public comment period was scheduled at the beginning of the meeting with a second public comment period designated specifically for the action item in regards to the 2030 Plan. Town Attorney Allison Meade noted that when this item was discussed at the Planning Retreat, it was specifically agreed by consensus that there would be a separate, specially labeled public comment section for the 2030 Plan item. Council Member Furgiuele added that the intent of the Council at the Planning Retreat was to make people aware of the consideration to repeal the 2030 Plan and to give people an opportunity to be involved in discussion about the matter. He continued to say that in accordance with the Town Code, public comment periods should be scheduled at the beginning of each meeting. Council Member Furgiuele stated that it was his belief that due in part to state law changes, the 2030 Plan was essentially a basis for developers to sue to the Town if their projects were denied approval by Council. Mr. Ward asked for clarification that the motion was specifically to take the 2030 Plan action item to the March Public Hearing. Council Member Furgiuele voiced confusion and stated that he thought the prior vote was to take the 2030 Plan action item to the March Town Council meeting. Council Member Furgiuele made a motion to revisit the immediate prior motion and asked that the votes be recalled and revisited. Council Member Clawson seconded this motion.

VOTE: Aye: Furgiuele, Clawson, Mason, Ulmer
Nay: Ashcraft

Council Member Furgiuele then made a substitute motion that the 2030 Plan action item be continued to and heard at the March regular Town Council meeting, with public comment scheduled at the beginning of the meeting to allow the public an opportunity to voice their concern or support for the plan. Council Member Ulmer seconded this motion.

VOTE: Aye: All
Nay: None

Council Member Mason stated that she felt strongly that the matter should be part of the March Public Hearing and that since the issue was directly related to planning, public comment and continued debate on the matter was important. Council Member Ulmer was in agreement. Council Member Furgiuele voiced concern that in the past, when the Town announced intentions to change an ordinance similar in nature, then delayed implementation, people would rush to the planning office with plans that clearly undermined the intention of the Town and circumvented what was later adopted by the Town Council. He continued to express worry that recent actions by the General Assembly made it nearly impossible to deny any conditional district rezoning requests as long as they appear to be compatible with the 2030 Plan. Council Member Furgiuele stated that during his time as Town Attorney, he witnessed the 2030 Plan repeatedly used as justification for various projects for which there had been public outcry. He added that he believed that the Comprehensive Plan should be the guiding document for development and the future of Boone.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
MOVER:	Lynne Mason, Mayor Pro Tem	
SECONDER:	Loretta Clawson, Council Member	
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CONSIDERATION OF POSSIBLE AMENDMENT TO TOWN CODE CHAPTER 97

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CONSIDERATION OF PARKING TICKET REBATE PROGRAM

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CREATION OF SOLAR PANEL REBATE PROGRAM

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CONSIDERATION OF APPROVAL OF WELLNESS CENTER GREENWAY TRAIL CONNECTOR EASEMENT - OPTIMIST CLUB

REVIEW OF DRAFT TEXT/SEND TO PUBLIC HEARING

REQUEST FOR DIRECTION - BEE CITY USA

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CONSIDERATION OF APPROVAL OF 2018 BOONE GRAN FONDO SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET AMENDMENT

CONSIDERATION OF APPROVAL OF HIGH COUNTRY HALF MARATHON SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET AMENDMENT

CONSIDERATION OF APPROVAL HIGH COUNTRY CYCLING CLASSIC SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET AMENDMENT

SCHEDULING OF BIKE AND PEDESTRIAN PLAN STAKEHOLDERS MEETING

SCHEDULING OF JOINT MEETING WITH CAC, HPC AND TOWN COUNCIL TO DISCUSS REVISED DOWNTOWN DESIGN BOUNDARY MAP

REQUEST TO SCHEDULE SPECIAL MEETING FOR RATE & FEE PRESENTATION BY RAFTELIS FINANCIAL CONSULTANTS

SCHEDULE STATE OF LAW ENFORCEMENT IN BOONE SPECIAL MEETING/PUBLIC FORUM

EXPAND SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE MEMBERSHIP

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

TOWN MANAGER UPDATE

APPOINTMENT TO APPALCART BOARD

ANNOUNCEMENT OF BOARD VACANCIES

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

APPOINTMENT TO AFFORDABLE HOUSING TASK FORCE

RESULT:	**TABLED [UNANIMOUS]**	**Next: 4/26/2018 4:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

APPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/15/2018 6:00 PM**
AYES:	Furgiuele, Ulmer, Ashcraft, Mason, Clawson	

CLOSED SESSION

PURSUANT TO N.C. GEN. STAT. § 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, CONSIDER AND/OR GIVE INSTRUCTIONS TO THE ATTORNEY CONCERNING THE CLAIM INVOLVING THE TOWN OF BOONE AND ZHIYUAN CHEN.

PURSUANT TO N.C. GEN. STAT. § 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, CONSIDER AND/OR GIVE INSTRUCTIONS TO THE ATTORNEY CONCERNING THE CLAIM INVOLVING THE TOWN OF BOONE AND DAMON MALLATERE.

PURSUANT TO N.C. GEN. STAT. § 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, CONSIDER AND/OR GIVE INSTRUCTIONS TO THE ATTORNEY CONCERNING THE CLAIM INVOLVING THE TOWN OF BOONE AND LMSP, LLC.

PURSUANT TO N.C. GEN. STAT. § 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, CONSIDER AND/OR GIVE INSTRUCTIONS TO THE ATTORNEY CONCERNING POTENTIAL LEGAL CLAIMS.

POSSIBLE ACTION FOLLOWING CLOSED SESSION

ADJOURNMENT

Nicole Worley, Town Clerk

Rennie Brantz, Mayor