

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
April 18, 2019**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Thursday, April 18, 2019 at 6:00 p.m. at the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council members present included Mayor Pro- Tem Loretta Clawson, Lynne Mason, Sam Furguele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Planning Director Jane Shook, and Police Chief Dana Crawford. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENT

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak during public comment period to please sign up.

RECOGNITION OF OFFICERS D. DUCKWORTH AND J. REID

Mayor Brantz and Police Chief Crawford presented the Chief's Award to Narcotics Sergeant Daniel Duckworth and Detective Jason Reid for their extraordinary work which recently led to them being recognized by the North Carolina Attorney General's Office and the US Attorney General's Office for the Western District.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the following board vacancies:

ABC BOARD

One position

BOARD OF ADJUSTMENT

Two regular positions

One alternate position

COMMUNITY APPEARANCE COMMISSION

Five positions

CULTURAL RESOURCES ADVISORY BOARD

Six positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One Council appointed position

HISTORIC PRESERVATION COMMISSION

Two positions

OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

One position

PLANNING COMMISSION

Two positions

SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

One position

WATER ADVISORY COMMITTEE

One position

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Mason, Council voted to approve the tentative agenda as presented.

VOTE: Aye: All
 Nay: None

PUBLIC COMMENT

James Milner of Appalachian Commercial Real Estate spoke on behalf of his client, The Standard of Boone regarding main level commercial space in the building. Mr. Milner expressed concern that in its proposed UDO amendment, the Town would potentially be excluding a significant area on Blowing Rock Road which would include The Standard. He stated that he disagreed with this exclusion and that ASU should have the right to lease space from an owner that met its needs. Mr. Milner asked members to consider removing Item 8 from the proposed text amendment and to compromise to reduce the buffer area north of The Standard in order to have discussion with interested parties. He continued by asking Council to allow temporary uses in all B-3 areas and informed members that his client would be attending the upcoming public hearing on the matter.

Alan Landly of Boone spoke in opposition to the proposed asphalt plant off Rainbow Trail and praised the Police Department.

Andrew Paletta of Boone submitted data to Council members regarding AirBnB's in Boone. Mr. Furgiuele asked Mr. Paletta to stay for discussion on the topic later in the meeting.

Sydney Blume of Boone spoke to inform Council of a poll taken regarding climate neutrality. She stated that all 116 respondents supported climate neutrality in Boone by 2030, and asked members to expedite taking the steps needed to achieve that goal.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Mason, Council voted to approve the following items on the Consent Agenda:

1. Consideration of Approval of Minutes - Town Council Budget Workshop/Retreat 1-23-19
2. Consideration of Approval of Minutes - Town Council Budget Workshop/Retreat 1-31-19
3. Consideration of Approval of Minutes - Town Council Regular Meeting 2-19-19
4. Consideration of Approval of Minutes - Town Council Regular Meeting 2-21-19
5. Consideration of Approval of Minutes - Town Council Special Meeting 3-7-19
6. Consideration of Approval of Budget Amendments

a. Cultural Resources - Contributions/Donations (St. Patrick's Day Events)
(\$5,000)

VOTE: Aye: All
 Nay: None

COUNCIL MATTERS

TOWN MANAGER UPDATE

Town Manager John Ward updated Council on the following topics:

1. Notice Prior to Construction - Installation of new pedestrian infrastructure at the intersection of King and Appalachian Streets after May 15th. This project will enhance pedestrian safety, incorporate additional brick paver sidewalk and include the addition of a landscape area for a tree and some flowers. Work is expected to take several weeks due to many challenges of the area, such as existing grades, utilities and limited room for equipment.

2. Notice Prior to Construction - Crews will be rehabilitating the culvert under Daniel Boone Drive in the coming month. The existing culvert will be relined with a high-density polyethylene pipe system designed and developed as a safe and permanent solution for failing culverts. This system will make the repair faster and less expensive than a complete replacement and will increase the flow capacity compared to the

existing failing culvert.

3. Notice Prior to Construction - The Town's sidewalk contractor, Greene's Construction, will begin sidewalk replacement starting at 681 West King Street and working west toward Water Street beginning in May. This work will consist of brick paver installation consistent with the Downtown Streetscape Plan. Staff will communicate and coordinate with affected property owners before and during this process to ensure conflicts are mitigated.

4. In conjunction with the statewide "Spring Litter Sweep 2019" campaign issued by Governor Roy Cooper for April 20th through May 4th, the Town of Boone will hold a "Spring Boone Clean-up Day" on Saturday, April 27, 2019. Interested participants may come by the Town of Boone Public Works Department located at 321 East King Street to pick up cleaning supplies.

5. After acquiring the property known as Boone Cemetery, the Town has been repairing, replacing, and updating many features of this property, as time and funds have become available. Due to time and lack of maintenance, the monuments have settled and some have actually fallen over. A company will be coming within the next couple of weeks to level and straighten the monuments throughout the cemetery. Once this is completed, crews will be working toward having the monuments properly cleaned.

6. Green Street sanitary sewer update

7. Water intake update

8. Facade work taking place downtown at the Vetro Building, the former Carolina Hotel and 815 West King - all facade work is being done willingly.

9. Highway 194 Sidewalk update - \$50,000 has been designated by NCDOT for a hawk crossing in front of Hardin Park School, but the property owner from whom an easement was needed for the north side of the hawk crossing has been unwilling to provide that. The project will take place beginning at the Speedway gas station and continue up Highway 194 past Perkinsville Baptist Church.

10. Stormwater Ordinance review

11. Skate Park update

12. Budget schedule update

13. Notice was received from the County regarding an increase in solid waste tipping fees that would impact trash disposal costs. After meeting with the County Manager, increases will be implemented in July, rather than May as originally proposed. This will result in an increase of approximately \$75,000-100,000 per year to the Town for garbage collection. Mr. Furgiuele suggested that staff launch an educational campaign on the matter.

14. Howard Street update

15. Updated events list

16. At a recent Sustainability Committee meeting, discussion took place regarding the use of plastic bags to dispose of shredded paper. Committee member John Prickett stated that he was told by Republic representatives that the plastic bags being used were jamming equipment. Mr. Prickett said that it was his understanding that the paper was therefore no longer being recycled. Mr. Ward said he would contact Republic to find out what was happening. Staff will work with Republic on alternatives such as paper shopping bags or other recycled bags.

TOWN ATTORNEY UPDATE

Ms. Meade updated Council on the following topics:

1. Ms. Meade suggested Council consider requiring bicycles which were traveling on sidewalks to go with the flow of traffic rather than against if possible. Mr. Furgiuele stated that he did not want to see people getting fined for going the opposite direction on the sidewalk, since he did not want to discourage people from riding bikes, unless they were repeat offenders. Police Captain Andy LeBeau stated that officers would track violators and that it was not their goal to fine anyone. It was the consensus of Council to direct Ms. Meade to come back to Council with a proposed revision to the ordinance.

2. Ms. Meade stated that staff was recently made aware that a group of townhomes in the Kellwood development were receiving sewer service, even though they were not in the Town limits. She asked for direction and felt that it would be worth seeing if the owners would be willing to annex into the Town limits. She stated that she did not believe the fact that these properties were within a subdivision would create an issue,

but that she would research further. It was the consensus of Council to direct Ms. Meade to explore the matter further.

BOARD LIAISON REPORT

Mr. Furguele updated members on a recent meeting of the Sustainability Committee at which Mr. Ward did a presentation on energy use by the Town administrative offices and that he believed that, while some changes were small, that they were positive and would make a difference. He brought up a previous suggestion by Mr. Ashcraft to offer incentives to employees that made an effort to reduce their energy use, such as switching to hybrid or electric vehicles.

Mr. Furguele stated that the Alternative Transportation Committee wanted to begin on a systematic basis conducting walking audits around Town.

Mayor Pro-Tem Clawson announced the First Friday event to celebrate the 100th anniversary of the Linville River Railway.

Ms. Ulmer updated Council on recent discussions on the AppalCART board regarding smoking at shelters and who paid for and owned the signs and shelters at AppalCART stops. Mr. Ward stated that staff regularly heard complaints regarding trash at the shelters, but noted that the shelters were on private property, and therefore the owner would be responsible for removing trash. Ms. Meade stated that she believed AppalCART would have the authority to ban smoking within its easement, but would have to see the easement documents to be sure. Mr. Ward noted that AppalCART was in dire need of additional funding, but noted that the AppalCART board voted not to pursue funding for electric buses, since they did not believe they had a local match. He stated that he believed the local match would have been between \$300,000-700,000 and that he had not been asked by AppalCART to approach Council on this topic. Mr. Ashcraft questioned whether there had been any progress on getting the \$150,000 grant funding restored to the transportation system in the proposed State budget. Mr. Ward stated that he had communicated that desire to the Town's lobbyists, but had not heard any news.

Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to amend the agenda to hear Council Matters Item Number 7 - Request to Clarify Town Goals - Climate Neutrality and Renewable Energy so that members of the audience who were in attendance to hear discussion on this matter would not have to stay later.

VOTE: Aye: All
 Nay: None

REQUEST TO CLARIFY TOWN GOALS - CLIMATE NEUTRALITY AND RENEWABLE ENERGY

Mr. Furguele presented a request for discussion regarding the clarification of Town goals as they applied to climate neutrality and renewable energy, and added that specifically there was not clarity on the initial resolution adopted in 2016. He observed that people were confused as to whether the target date had been changed from 2050 to 2030 for the use of all renewable energy when the Council endorsed and partially funded Harvard Ayers' proposal, and there was also confusion as to whether the adopted goal pertained to just the Town government's operations or was a Town-wide goal for the general population. He further added that if it applied to just the Town's governmental operations, he did not believe the initial goal of 2050 was ambitious enough, and offered members three different resolutions to consider. Mr. Furguele felt that there may potentially be a problem with committing to the use of renewable fuels by 2030 due to the uncertainty as to whether some of the Town's necessary equipment, and stated that it would be difficult to determine what equipment, such as fire trucks and snow plows, and vehicles would be available by 2030 in electric or hybrid form. He added that he felt that climate neutrality would be an easier goal for the Town to meet because of opportunities to offset the Town's carbon footprint with things such as tree plantings, but did not believe the goal should be adopted Town-wide just yet. Mr. Furguele stated that he did not want to supplant the work that the Sustainability Committee was doing, and added that he would like to ask the committee to recommend an overarching goal for the Town. He proposed that if the County Commissioners would restore the sales tax, that

for the next ten-year period the Town would commit all revenue received from sales tax toward climate needs. Ms. Mason commended Mr. Furguele's work on the resolution with Mayor Brantz and Mayor Pro-Tem Clawson echoing Ms. Mason's praise. Mr. Ashcraft voiced that he appreciated Mr. Furguele's work and agreed that the initial goal very much needed clarification. He continued by expressing concern with the Town's ability to afford this ambitious of a goal. He asked whether on the third point in the proposed resolution that Mr. Furguele was referring to the Town as a whole or to the Town of Boone municipality. Mr. Furguele explained that the third point was referencing the Town of Boone municipality, and that the Town government should facilitate the conversion to climate neutrality. Funding for a climate neutrality program within the Town of Boone was discussed, with Mr. Furguele suggesting that the Town may need to consider in the future a bond referendum or raising property taxes to fund such a project. Mr. Ashcraft agreed with Mr. Furguele's approach, but was concerned that there were other needs for the Town that would potentially be left unfunded. Mr. Furguele responded by stating that the Town should serve as an example in order to encourage others to work toward climate neutrality. Ms. Mason agreed and stated that she believed climate change would begin at the bottom and work its way up, and noted that Council should make climate neutrality a part of every road project in Town. She added that complete streets and a more efficient walking and biking infrastructure in Town would result in a significant carbon offset. Ms. Meade suggested that the resolution be amended to clarify the meaning of the Town of Boone by adding the word "community" after each occurrence of the term the "Town of Boone". After lengthy discussion, Mayor Brantz asked if any members of the audience wished to comment on the matter. Colin Beasley, student at ASU applauded Council for considering adopting this goal. ASU student Sydney Blume thanked Council for considering Mr. Furguele's resolution and asked members to create a plan to meet this goal, asserting that goals meant nothing without concrete plans to achieve them. Mr. Furguele stated that there had been planning, such as the Town Council's mandate that all new buildings designed by the Town be climate neutral, but felt that not having a clear goal had interfered with progress being made. Ms. Mason asked whether Mr. Furguele anticipated the Sustainability Committee working on a plan, to which Mr. Furguele responded that he did not anticipate that yet since the committee had been charged with first developing a specific tool kit for Town departments and he did not want to interrupt the process since it was producing concrete recommendations. He felt that the Town may need to consider hiring an expert to assist with the achievement of this goal, and stated that he would like to eventually ask the committee to make recommendations to the Town as to how Council could influence New River Light and Power to allow net metering within the Town's service area. Sustainability Committee member Nancy LaPlaca stated from the audience that if the Town did not have policies in place that allowed forward movement, New River Light and Power and Blue Ridge Electric would remain in denial. She added that BREMCO was at only .5% percent in its clean energy usage, with no plan to move forward, and that Duke Energy was going to natural gas with 8% clean energy by 2032, and expressed that both were inadequate. Mr. Furguele agreed but felt that the Town had no control over the energy coops and stated that in order for Council to justify using taxpayer money to utilize its lobbyists on the matter, he believed the Town would need to adopt overarching goals. Mr. Furguele made a motion to approve the resolution after typos were fixed. Mayor Pro-Tem Clawson seconded the motion. They both accepted the suggestion by the Town attorney to clarify that when the resolution stated "Town of Boone", to add the word municipality.

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

RESOLUTION TO CLARIFY TOWN OF BOONE GOALS TO COMBAT CLIMATE CHANGE

WHEREAS, the National Oceanic and Atmospheric Administration (“NOAA”) has reported that the Earth’s long-term warming trend continued in 2018 as persistent warmth across large swaths of land and ocean resulting in the globe’s fourth hottest year in NOAA’s 139-year climate record, just behind 2016 (warmest), 2015 (second warmest) and 2017 (third warmest);¹ and

WHEREAS, 2018 marked the 42nd consecutive year (since 1977) with an above-average global temperature, with nine of the 10 warmest years occurring since 2005 and the last five years comprising the five hottest;^{2 3} and

WHEREAS, global emissions are reaching record levels and show no sign of peaking, with winter temperatures in the Arctic rising by 3°C (approximately 5.4 degrees Fahrenheit) since 1990, causing rising sea levels, dying coral reefs, and life-threatening impacts on health through air pollution, heat waves and risks to food security;⁴ and

WHEREAS, as early as the 1850s, scientists began predicting that greenhouse gases from burning fossil fuels would eventually lead to the warming of the Earth’s surface;⁵ and

WHEREAS, the level of carbon dioxide (hereafter, “CO₂”) in the atmosphere in January 2019 reached 409.78 parts per million (hereafter “ppm”),⁶ the highest levels of CO₂ in the atmosphere any time in at least the past 800,000 years;^{7 8} and

WHEREAS, one of the world’s leading climate scientists, Dr. James Hansen, stated in 2008, “If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleo climate evidence and climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350ppm;”⁹ and

WHEREAS, the Earth is in the midst of what is known as the “Sixth Great Extinction,” with wildlife dying out at record rates due to habitat destruction, overhunting, toxic pollution, invasion by alien species and climate change;¹⁰ and

WHEREAS, the current international pledges to address the climate crisis, even prior to the United States withdrawing from the Paris Climate Accords and even with full compliance,

¹<https://www.noaa.gov/news/2018-was-4th-hottest-year-on-record-for-globe>

²<https://www.noaa.gov/news/2018-was-4th-hottest-year-on-record-for-globe>

³<http://www.noaa.gov/news/noaa-2017-was-3rd-warmest-year-on-record-for-globe>

⁴<https://www.un.org/en/climatechange/un-climate-summit-2019.shtml>

⁵<https://www.smithsonianmag.com/science-nature/lady-scientist-helped-revolutionize-climate-science-didnt-get-credit-180961291/>

⁶<https://www.esrl.noaa.gov/gmd/ccgg/trends/global.html>

⁷ https://climate.nasa.gov/climate_resources/24/graphic-the-relentless-rise-of-carbon-dioxide/

⁸<https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide>

⁹<https://arxiv.org/ftp/arxiv/papers/0804/0804.1126.pdf>

¹⁰<https://arxiv.org/ftp/arxiv/papers/0804/0804.1126.pdf>

could still result in levels of 770 ppm CO₂ by 2100, raising the temperature by an estimated 6.3°F, a concentration of CO₂ incompatible with human life as we know it;¹¹ and

WHEREAS, the latest analysis shows that if we act now, we can reduce carbon emissions within 12 years and hold the increase in the global average temperature to below 2°C and even, as predicted by the latest science, to 1.5°C above pre-industrial levels;¹² and

WHEREAS, ninety-seven percent of scientific experts are convinced that human activity is responsible for climate change, and there is a growing consensus among researchers that reducing atmospheric concentrations of CO₂ to 350 ppm or below as soon as possible is needed to avoid risking catastrophic and irreversible climate change;¹³ and

WHEREAS, according to the World Health Organization climate change already seriously affects hundreds of millions of people and is responsible for hundreds of thousands of deaths, along with enormous economic losses worldwide;¹⁴ and

WHEREAS, according to the United Nations, in 2018 extreme weather events affected 62 million people;¹⁵ and

WHEREAS, the Town of Boone, North Carolina, located in one of the most important eco systems in the United States, wishes to be a leader in the fight against climate change; and

WHEREAS, over the past decade the Boone Town Council and the Town's Sustainability Committee have adopted various goals for the town's efforts to address climate change; and

WHEREAS, the goal of 100% conversion to clean, renewable energy by the Town of Boone by December 31, 2050 is no longer adequate given the rapid increase in temperatures and acceleration of climate change; and

WHEREAS, there has been confusion about the meaning of the Town's adopted goals;

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Boone, North Carolina, adopts the following goals, replacing all previously expressed or adopted goals:

1. The municipal government of the Town of Boone will seek to reach a point of zero negative impact on the climate, i.e. climate neutrality, in its operations by 2030, using all available measures to offset the impact of any continued use of greenhouse gas producing fuels.
2. The municipal government of the Town of Boone will fully convert to the use of clean renewable energy in its operations by 2040.

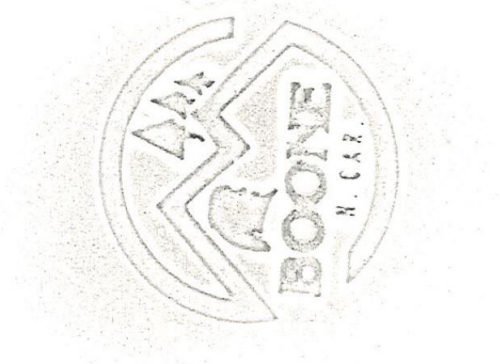
3. The municipal government of the Town of Boone will facilitate the complete conversion by the Town of Boone municipality itself to clean renewable energy by 2050.

Adopted this 18th day of April, 2019.


Rennie Brantz, Mayor

Attested to:


Nicole Harmon, Town Clerk
Clerk, Town of Boone, North Carolina



Mr. Furgiuele made a second motion that as soon as the Sustainability Committee completed their work with each department, that they come up with a proposal as to what climate neutrality goals would be reasonable and that the Town of Boone municipality should adopt. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a third motion that if Watauga County Commissioners returned sales tax to the Town of Boone, that the Town would commit the net increase in revenue for the next ten years to be directed entirely toward meeting climate neutrality goals. Mayor Pro-Tem Clawson seconded the motion. Mr. Ashcraft agreed that climate neutrality was of the highest priority, but reminded members that it was not the Town's only priority, and expressed concerns with dedicating all potential sales tax revenue toward this. Ms. Ulmer echoed this concern, stating that she was hesitant to support this since members could not be sure of what the future would hold for the Town. Mr. Furgiuele stated that there were few issues that he would be in favor of raising taxes to support, but that climate neutrality was one of them. Ms. Mason agreed that it was an important goal, but that she had a hard time supporting this step until there was a plan in place and until it was known how much and where funding would come from. Mr. Furgiuele accepted an amendment that before any expenditures from that potential fund, a plan would have to be developed and approved by Council. Mayor Pro-Tem Clawson accepted this amendment.

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

Mayor Brantz declared a break at 8:45 p.m. Council reconvened at 8:55 p.m.

UDO AMENDMENT: EXPANSION OF TEMPORARY USE 9.01 PUBLIC COLLEGES AND UNIVERSITIES TO B3

Ms. Meade presented to Council for their consideration a proposed draft UDO amendment regarding the expansion of temporary use 9.01 to the B3 district. She noted that this matter would be on the April 29 public hearing agenda, but that she wanted to make sure the map matched up with what members expected. Mr. Furguele stated that he believed that a distance component among uses was also discussed, though not reflected in the proposed amendments. Ms. Meade did not believe that was part of Council's prior direction to her. She also pointed out that a distance component might discourage what otherwise might lead to better parking arrangements. Mr. Furguele expressed that he did not want ASU to expand its campus without actually asking for rezoning to U1. Mr. Ward noted that if improvements were made to buildings by colleges and universities, that it could potentially be a more appealing site once the temporary college/university use vacated the property. Mr. Furguele was displeased with the Town incentivizing finishing the lower space in The Standard building when they were not paying the full amount of taxes due to their brownfield exemption. It was the consensus of Council to send the text to public hearing on Monday, April 29, 2019 at 6:00 p.m.

RESULT:	CONSENSUS
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CONSIDERATION OF APPROVAL FOR FUNDING FOR THE LINVILLE RIVER RAILWAY ANNIVERSARY EVENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to approve \$125 in funding for the Linville River Railway anniversary event. Mr. Ward clarified that existing Historic Preservation Commission funds would be used to pay for this event.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

REQUEST FOR AUTHORIZATION TO WORK WITH EGGERS LAW FIRM TO REMOVE THE ARCADE IN FRONT OF BUILDING

Ms. Shook presented Council with a request for authorization for staff to work with the owner of the Eggers law office building at 737 West King Street to discuss the removal of the arcade in the front of the building, which connected to the arcade over Boone Fire Station One. Mr. Ward stated that staff was unsure of how the arcade was originally funded, and noted that rotting wood was visible from the sidewalk. He further added that funds had been allocated to the Fire Department for improvements to the front of their building, and believed that this would be an approachable topic with the property owner of the law office. Mr. Ward stated that he was unsure of the cost, but believed staff could complete a great deal of the demolition work themselves, and that this would be a good time to install brick pavers. Mr. Furguele expressed that this was a good opportunity for the Town to set an example for other downtown buildings as the Community Appearance Commission was currently drafting new Downtown appearance standards. Ms. Mason made a motion, which was seconded by Mayor Pro-Tem Clawson, to authorize staff to work with the owner of 737 West King Street to potentially remove the arcade over this building and the Fire Department next door.

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

REQUEST FOR UPDATE FROM TOWN ATTORNEY ON NC SENATE BILL ELIMINATING TREE PRESERVATION

Mr. Furgiuele presented a request for an update from the Town Attorney regarding the recently proposed senate bill to eliminate tree preservation. Mr. Furgiuele stated that he interpreted the proposed bill as overriding some of the Town's current tree preservation ordinances, with which Ms. Meade concurred. He asked that staff ask the Town's lobbyists to get involved to oppose this proposal. Ms. Mason stated that she had recently talked to Senator Ballard, who expressed that she knew nothing about the bill. Mr. Ward indicated that he would pull the bill to check on the status and would communicate to Council's wishes to the Town's lobbyists. Ms. Meade noted some recent changes to the bill and suggested that Council consider directing the drafting of an ordinance together in the event the bill became law. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to authorize staff to work with the Town's lobbyists to oppose the bill and to communicate Council's concerns with the bill to State Representatives.

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

REQUEST FOR DISCUSSION REGARDING AIRBNB

Board of Adjustment member Andrew Paletta presented research he had prepared regarding AirBnB's in the Town of Boone. He stated that although he had found over 600 properties with a Boone address on the various platforms, he could only confirm that approximately 50 of these operating in the Town limits. He anticipated there to be more that he was unable to find. He stated that he used three primary platforms including VRBO.com. Mr. Ward stated that the Town only received tax payments from AirBnB since they had a policy that taxes were paid through the website at the time of booking. He added that VRBO places the responsibility of the payment of taxes on the owner of the property, from which the Town did not receive payment for occupancy taxes. Mr. Paletta noted that the site did not disclose the exact location of a rental property until after the booking process, so some properties with a 28607 zip code may not necessarily be inside Town limits. He added that one consistency throughout these types of properties was that they usually utilized a realtor lock on the front with a keypad. Mr. Furgiuele expressed that he was disturbed at the large number of AirBnB type properties in the area. Mr. Ward stated that he believed people frequently purchased properties for the sole purpose of turning them into an AirBnB rental, and that this was impacting communities. Mr. Furgiuele felt that Boone was at the front-end of the problem, but believed that there were already significant impacts being felt throughout the Town. Ms. Meade felt that the key in this situation was not the ownership of the property, which state case law did not allow the Town to address, but the argument that could be made about the impact in terms of a resident versus non-resident landlord. After brief discussion regarding potential enforcement on the matter, Mr. Furgiuele stated that he was not ready to discuss a potential ordinance yet, and that he wanted to hear from the public first. He noted that many residents might need to depend on the income from such operations to be able to afford to live in Town and that there was an affordable housing aspect to the issue. Ms. Meade indicated that every rental property enforcement program she had seen during her research required registration. Mr. Ward suggested keeping any public hearing on the matter together with the amortization topic since they seemed to be related. Upon a motion by Mr. Furgiuele, seconded by Ms. Mason, Council voted to schedule a public hearing on AirBnB type rental properties and the proposed amortization ordinance on June 27, 2019 at 6:00 p.m. in Council Chambers located at 1500 Blowing Rock Road in Boone. The public should be invited to give input regarding short-term rentals such as AirBnB, then the proposed amortization ordinance affecting low-density residential areas. Mr. Furgiuele asked that the hearings be advertised by press releases in local

media, and asked that the Mayor announce the hearing at the beginning of each regular Council meeting between now and June 27. Ms. Mason encouraged all sides of the issue to attend the public hearing to voice their opinion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furguele, Council voted to enter into closed session at 10:00 p.m. pursuant to:

1. N.C.Gen.Stat.§ 143-318-11 (a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. 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 one or more potential legal claims or other legal matter(s).
3. N.C. Gen. Stat. §143-318.11 (a)(6), To consider the qualifications, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge or grievance by or against an individual public officer or employee.

VOTE: Aye: All
 Nay: None

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to exit closed session at 11:25 p.m.

VOTE: Aye: All
 Nay: None

ADJOURNMENT

Upon a motion by Mr. Ashcraft, seconded by Ms. Mason, Council voted to adjourn the meeting at 11:26 p.m.

VOTE: Aye: All
 Nay: None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor