

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

CALL TO ORDER

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

ANNOUNCEMENTS

Mayor Brantz made the following announcements:

- Welcomed Alexander and Silas, local boy scouts in attendance for a merit badge project.
- Summer Concerts at the Jones House to begin in June and go through August.
- Presented Bill Moretz with a proclamation celebrating Greening My Plate Month for April 2016.
- Dedication of Boone Community Solar Station to be held Friday, April 22 from 4 to 6 p.m.

Council Member Lynne Mason made a statement regarding her concerns with House Bill 2, which was passed by the General Assembly.

Mayor Brantz noted that anyone wanting to speak during the public comment session should fill out the public comment sign-up sheet.

TENTATIVE AGENDA ADOPTION (FOR ACTION)

ADOPTION OF TENTATIVE AGENDA

Town Manager John Ward noted one addition to the agenda:

1. Item 6.M. - Approval of Deed of Easement - The Standard at Boone.

Town Attorney Allison Meade advised Council that she reviewed and finalized this agreement for their approval.

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

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

PUBLIC COMMENT

Ben Massey of the Watauga County Farmers' Market appeared before Council to introduce himself at the new manager and thanked Council for their support. He also extended an invitation for Council to attend opening day of the farmers' market on May 7 from 8 a.m. to 12 p.m.

Quint David of Boone appeared before Council to thank them for the online meeting minutes and agenda management system.

REQUESTED APPEARANCES (FIVE MINUTES EACH)

REQUEST FOR UNUSUAL CIRCUMSTANCES WAIVER OF WATER AND SEWER CHARGES - BOB YOUNG APPLIANCES

Jose Huezo of Bob Young Appliances appeared before Council to request an unusual circumstances waiver of the water and sewer charges on their account due to two recent leaks. Mr. Huezo indicated that both leaks were repaired as soon as they became aware of the issues. Public Works Director Rick Miller recommended waiver of the charges, noting that due to it being an older building and having received grandfathered-in status, there is one meter shared between the residential and commercial sides of this location.

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mizelle, Council moved to approve an unusual circumstances waiver for Bob Young Appliances totaling \$3,083 for the water charges and \$2,548.30 for the sewer charges reflected on the bill in order to bring the bill in question back to its average monthly usage.

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

HOWARD STREET VENTURES, LLC - REQUEST TO SCHEDULE SPECIAL PUBLIC HEARING

Jim Deal appeared before Council representing Howard Street Ventures, LLC to request that Council schedule a special public hearing in order to consider a potential Planned Development Map Amendment for a planned development located at the site of the Market Place building, fronting King and Howard Streets and adjacent to Water Street. Mr. Deal requested that Council schedule this special public hearing for Monday, June 6, 2016, so the Planning Commission could consider the amendment at their June 13 meeting in advance of the June 16, 2016, regular Town Council meeting.

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to send the Planned Development Map Amendment submitted by Howard Street Ventures, LLC to a special public hearing scheduled for June.

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

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to adopt the Consent Agenda as presented.

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

TOWN COUNCIL - WORKSHOP/RETREAT - MAR 11, 2016 8:30 AM**TOWN COUNCIL - REGULAR MEETING - MAR 17, 2016 5:30 PM**

REQUEST TO SEND ITEMS TO MAY QUARTERLY PUBLIC HEARING

1. Removal of references to Protest Petitions, consistent with changes in state law.
2. Removal of provisions relating to the Tree Board, consistent with the recent reorganization of Town boards.
3. Fire Code Coordination.
4. Revised amendments for the UDO text and zoning map amendment process in follow-up to the April 4th public hearing.
5. Recommended revisions to the requirements for neighborhood meetings for PD applications.
6. Changes to address possible uses not specifically listed in the UDO's Table of Uses, including (i) a "catch-all" incorporated reference list of prohibited uses, and (ii) provisions to govern consideration of unlisted uses, and to specifically list motor vehicle racing as a prohibited use.

APPROVAL OF DBDA'S FY 2016/17 FACADE IMPROVEMENT GRANT

Copy of grant program and application on file with Downtown Development Coordinator.

CONSIDERATION AND APPROVAL OF PUBLIC RECORD POLICY AND RECORD REQUEST PROCEDURES

**Town of Boone
Public Records Policy**

1. Purpose

The purpose of this policy is to assist Town officials and employees in understanding and complying with the public records law, including record retention, record disposition, and record inspection, examination and copying in response to proper public record requests. This policy is designed to provide guidance only, and in the event of conflict between this policy and law, the law prevails. For purposes of this policy, the term "Town officials" means all Town officers and Council, board and commission members, and "employees" means all Town employees, including temporary and part-time employees. Volunteers and those working for a temporary employment service (temp) are also subject to this policy, but the Town employee supervising the volunteer or temp is also responsible with regard to public records.

2. Public Records**2.1. Definition of Public Records**

With few exceptions, all records, including e-mails, created or received by Town officials and employees while transacting Town business are public records and must be retained, stored, or disposed of, and made available to the public in accordance with the law. The law is primarily contained in North Carolina General Statutes 132.

Public records are defined in N.C.G.S. 132-1 as:

"...all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business..."

There are certain records that are exempt from the above definition, and there are certain public records that do not have to be disclosed. The record may be a protected or confidential record if there is a federal or state statute, or some other legal authority which exempts it from the definition of a public record or protecting it from disclosure. Generally, protected records are those that fall within one of the specific legal exemptions set forth in the General Statutes.

2.2. Retention and Disposition of Public Records

The Town has adopted the retention and disposition schedule as provided by the North Carolina Department of Cultural Resources, which can be found through the following link:

<http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>

All Town officials and employees are responsible for ensuring no records are destroyed unless allowed by this schedule. If there is any concern regarding this, the official or employee should contact the Town Clerk or Town Attorney for further direction before destroying any records. All records should be managed to meet all retention requirements set forth in the disposition schedule and legal requirements. Any record that is maintained electronically should be maintained in a secure system that controls access, storage, retrieval, alteration and deletion.

Public records can and should be destroyed after they have been retained for the correct time period as determined by the disposition schedule unless there is some reason that record should be retained. After the retention period is met, records may be purged in accordance with the guidelines set forth by the N.C. Department of Cultural Resources.

If you decide to retain records beyond the retention period, you must disclose them upon proper request, even if you would no longer be required to have the record by law.

When a public record reaches its retention period required by law, notice must be provided to the town clerk detailing which records have been destroyed.

2.3. Transitory Records

Records that are ephemeral, temporary or transient in nature and only have a short-term administrative value are considered transitory records. These include messages with short-lived or no administrative value such as some (but not all) voicemail and telephone message notes, post-it notes or other memory aids, facsimile cover sheets or other routing slips, calendar appointment requests, fax cover sheets, reference copies, and reservations and confirmations that do not contain substantive information. These are records created for the primary purpose of informal communication of information and not to perpetuate or formalize knowledge. These records are public records, but due to their nature, they do not have to be retained. Transitory records often serve the simple purpose of notifying recipients that information is attached or forthcoming, and may be treated as having a reference or administrative value that ends when you no longer need the information in the record. Under the law, transitory records may be erased or purged when their reference value has ended. However, if a record request is received for a transitory record before that record has been erased or purged, that transitory record must be disclosed.

2.4. Drafts and Notes

A document that is being drafted and has not yet been circulated to others for review and notes intended only for personal use likely do not constitute public records and likely would not have to be disclosed if there were a public record request. However, once a draft document has been circulated to others, it becomes public record. Officials and employees should consult with the Town Attorney about the public record status of a draft document prior to denying inspection of that document.

In order to provide clarity in the event drafts are released as public records, Town officials and employees are encouraged to label each page of draft documents that are circulated to others as "DRAFT ONLY" by utilizing the watermark feature available on various document applications.

2.5. Protected and Confidential Records

Certain records are exempt from the definition of public records, and certain records that are public nonetheless are protected and do not have to be disclosed or may not be disclosed. A list of records and information that are considered exempt or protected can be found under N.C.G.S. 132, and include but are not limited to: social security numbers, certain communications within the scope of attorney-client privilege, employee personnel files and personnel-related information, criminal investigation records and 911 database information, personal tax information, certain electronic payment and public enterprise billing information, and sensitive public security information, including detailed plans and drawings of public buildings and infrastructure facilities.

Protected records should not be disclosed. Town officials and employees may have a duty not only to not disclose protected records, but to affirmatively protect their privacy. Any Town official or employee who has concerns regarding whether a record is exempt or protected by law should contact the Town Clerk or Town Attorney.

2.6. Responsibility for the Record

The town clerk is the official custodian of all Town records and is responsible for ensuring that public records are made accessible. However, each Town official, employee, and board or commission member is responsible for retaining their records that constitute public records and for abiding by the North Carolina Department of Cultural Resources' Retention and Disposition Schedule for public records. Doing so ensures that public records are being maintained in accordance with law.

In order to avoid unnecessary expenses and burden on the computer network, please refrain from keeping duplicates of records. As to copies of records received or maintained by more than one person, if you are able to obtain assurances that your record is kept elsewhere, then you may not need to personally retain your copy of that record. In general, the following chart sets forth your responsibility for maintaining records received by you and/or other Town officials or employees:

If the record is...	*Keep it	**Do not keep it
Sent to you from an official/employee of the Town		X
Sent to you from someone outside the Town (not a Town official or employee)	X	
From you	X	
Sent from an official/employee of the Town and you are cc'd		X
Sent from someone outside the Town (not a Town official or employee) and you are cc'd	X	
Sent from an official/employee of the Town and you are bcc'd		X
Sent from someone outside the Town (not a Town official or employee) and you are bcc'd	X	

2.7. Records of Departing Employees and Officials

Employees who terminate their employment with the Town and officials who leave an elected or appointed office should deliver possession of all records to their successor or the town clerk. Records must not be destroyed simply because the relationship between the records holder and the Town ends.

3. Public Record Requests

The Town of Boone's procedures for requesting public records and responding to public records requests is available on the Town's Web site and can be obtained by the town clerk. Requests for public records should be directed to the town clerk.

4. E-mail Records

All e-mails to and from @townofboone.net email addresses are stored in an electronic database and retained in accordance with the lawful retention schedule. Town officials and employees must use their @townofboone.net email addresses for all Town business to ensure that email records are properly retained and producible as public records.

5. Litigation Holds

A 'litigation hold' is notice from the Town Attorney that a lawsuit has been or is reasonably anticipated to be filed against the Town. When a litigation hold notice is sent, ALL records that may be relevant to the claim or lawsuit must be retained, and not purged until the lawsuit is resolved and the applicable retention period has expired. Transient records (including telephone voice mail messages), duplicate records, electronic versions of printed records and other records for which there is no duty to retain under the Schedule must be retained once a litigation hold is issued.

A litigation hold may also result if an official or employee receives a letter or other notice from an attorney for an adverse party that specific records be preserved. The Town Attorney's office should be consulted if such notice is received.

6. Recommendations

Town officials and employees are encouraged to make thoughtful decisions about the medium used to convey information. The creation and retention of unnecessary printed and electronic records places burdens on the Town's physical and electronic storage systems. Please avoid creating records that are not necessary, and dispose of duplicate and transitory records. Also, recognize that e-mails are not secure and should not be used to transmit or convey protected information.

Please avoid mixing public and protected records. Treat protected records with a heightened concern for security and never share protected records with a person who should not have access to that record or information. Segregate protected records from others, if possible.

Time spent creating a records retention and management system that meets the requirements of this policy and works for the custodian is time well spent. Appropriately label and store records so they can quickly and easily be retrieved in the event of a public record request. Label those records that are protected records or that contain protected records in a manner that clearly indicates their status. Dispose of transitory records, duplicate records and records that have exceeded their retention period.

Town of Boone Public Records Requests Procedures

North Carolina public records law is found in General Statutes Chapter 132. The custodian of the records bears the responsibility of maintaining the records and also permitting the public inspection, or providing copies of the records upon request. The statute authorizes a fee to be charged for copying of records. These procedures also include a fee schedule to cover the reasonable cost of responding to public record requests, consistent with North Carolina's public records laws.

1. How to Request Copies of Public Records

Public records requests should be submitted to the Town Clerk. To process requests in a timely, consistent and orderly manner, the Town requests that these be submitted using the Town of Boone's Public Records Request

Form and be mailed, hand-delivered or e-mailed to the Town Clerk. Requests may be made in person at Town Hall during normal business hours.

Town of Boone
Town Clerk
567 W. King Street
P.O. Drawer 192
Boone, NC 28607

E-mail: christine.pope@townofboone.net

When making a record request, please include the following information:

1. Date of the request.
2. Requestor's name.
3. Requestor's full mailing address (name, organization, street address, city, state, zip code).
4. Requestor's day-time phone number.
5. A complete description of the record(s) requested.
6. The title and date of the requested record(s), if known.
7. Whether the requestor intends to inspect the records or obtain a photocopy. A fee is required for photocopies as set forth below.

<http://www.townofboone.net/images/Documents/departments/admin/RecordRequestForm.pdf>

2. What to Expect After a Request is Made

Within two business days of receipt of the request, the Town will provide an acknowledgment of the request. For requests that do not require extensive research or extensive clerical resources, the Town will provide a follow-up response to the request as soon as possible, normally within five business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day. The follow-up response may include:

- Providing or making available the record after the payment of applicable fees, if any;
- An estimate of the time necessary for further response;
- Denying the request accompanied by an explanation of the basis for the denial;
- Requesting a deposit; or,
- Requesting clarification of the request, and if the follow-up response asks for clarification on the request, no further response will be made to the requestor until the clarification is received by the Town Clerk. If no response is received within 14 calendar days, the request will be dismissed and the requestor must submit a new request.

Where the request for public records is extraordinarily large such that extensive use of information technology resources and/or extensive clerical or supervisory assistance by personnel is required as set forth in G.S. 132-6.2(b), then the Town shall respond to the requestor to discuss the most appropriate procedure to efficiently meet the request and the cost associated with the request.

A public record request is not continuing in nature. Therefore, it only applies to public records available at the time of the request. If additional records are created after the date of the requestor's original public records request, the requestor must submit a new request for those records. If the requestor specifies a preference for a specific format, the records will be produced in the preferred format if:

- It is determined that the records exist and are subject to release;
- The Town is capable of providing the records in the format requested;
- The format requested is consistent with how the record is maintained or is otherwise reasonable; and,

- The requestor pays all fees associated with fulfilling the request.

A record request will be considered fulfilled upon:

- The requestor's receipt of or inspection of the records;
- Notification to the requestor that the photocopies requested are available for payment and pick-up (if photocopies were requested); or,
- A denial of the request.

3. Fulfillment of Public Record Requests

In accordance with North Carolina law, all requests will be fulfilled in a timely and reasonable manner. In order to ensure that normal Town operations are not delayed due to a large volume of requests, Town staff will set aside up to six hours per work week for the compilation and fulfillment of record requests. This time will be divided equally between (i) requests that can be fulfilled without extensive research and under four hours, and (ii) requests that are extraordinarily large or otherwise demanding and/or that require extensive use of information technology resources and/or extensive clerical or supervisory assistance by personnel. When a request is received, the Town will determine in which of these two categories it falls. The requests in each category will be fulfilled in the order in which they are received. This procedure is intended to ensure that equal time is spent on all record requests received, while also ensuring all requests are fulfilled in a timely manner.

4. Redactions

If a record subject to a public records request is a protected record, it will not be made available. However, a public record may contain information that is protected, while the entire record is not protected. In those instances, the protected information will be deleted in a manner that shows a deletion has been made. If the Town is providing an electronic copy that includes protected information that must be redacted, the Town will export and edit that portion of the record in such a way as to protect it.

5. Requests for Inspection-Only of Records

If a requestor chooses to only inspect records, the Town will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the Town. Any appointment to inspect records is limited to no more than two hours on any given day, unless otherwise mutually agreed upon between the Town and requestor. Records will be made available to the requestor for up to 14 calendar days. If the requestor fails to contact the Town within 14 calendar days of being notified that the records are available for inspection, the requestor will need to submit a new request for the records. Should the requestor fail to appear for an agreed-upon time for inspection of the records on more than one occasion with respect to any particular records request, the requestor will need to submit a new request for those records.

6. Duplication and Mailing Fees; Special Service Charges

If the requestor has asked for copies of the public records to be produced, then prior to the release of copies, the Town will collect any applicable duplication and delivery fees. The Town will not charge for the costs of paper copies unless it exceeds 25 pages. The following is the current fee schedule for copies of public records:

8 ½ x 11" single-sided hardcopy: \$0.25 per page

DVD Duplication of Meeting: \$5.00 per DVD

USB flash drive: at-cost for purchase of the USB flash drive, dependent on size of the USB flash drive needed

Standard US Postal Service first-class mailing fees will be charged for mailing copies of public records to any requestor, except that the Town will not charge for mailings that cost less than \$1.00.

A special service charge may apply if (1) responding to the records request requires extensive use of information technology resources or extensive clerical or supervisory assistance by Town personnel, and/or (2) producing the records in the particular medium requested results in a greater use of information technology resources than that established by the Town for reproduction of the volume of information requested. See G.S. §132-6.2(b). Multiple requests within a short period of time from the same individual or organization may be considered a single request for purposes of determining whether a special service charge is applicable. The special service charge will be reasonable and no greater than the actual costs incurred. The Town will work with the requestor to execute a contract agreeing to the special service charge, with a 50-percent deposit required prior to staff beginning the process of fulfilling the request.

7. Deposit for Duplication and Mailing Fees or Special Service Charge

If it is estimated that the duplication fees or special service charge applicable to a particular records request exceed \$25, the Town shall require the requestor to deposit a sum equal to 50 percent of the estimated cost prior to duplication of the records.

If a deposit is required, the Town will notify the requestor of the necessity of the deposit. In the event that the actual duplication and deposit fees are less than the amount deposited, the Town will return the sum in excess of the actual amount to the requestor. If, during the compilation process, it becomes evident that the original estimate was too low, Town staff will suspend the process and ask the requestor whether the process should continue at a new agreed upon estimated cost or cease, in which case the requestor will pay for and receive only the records that have been retrieved within the initial estimate.

8. Payment of Required Fees

Payment of duplication and delivery fees and special service charges must be made prior to the release of public records. When required, the payment of a deposit must be made prior to the duplication of any records. Payments can be made by cash, credit or debit card, or check payable to Town of Boone.

If a requestor fails to pay a bill owed for fees incurred within 14 calendar days, the Town may require the requestor to pay in full any past due amount owed before it will begin processing a new or pending request from the delinquent requestor. In addition, the Town may require advance payment for any future requests of the full amount of the estimated fee before the Town begins to process a new or pending request from that requestor.

If the Town is unable to collect the duplication fees from the requestor, the Town may, upon providing 14 calendar days prior written notice to the requestor, destroy the duplicated set of records made available for the requestor to avoid storage concerns. Although the duplicates are destroyed, the requestor will still be responsible for the costs the Town incurred in duplicating the records originally requested.

9. Exceptions to these Procedures

▪ Government Entities

In the event that another local government agency requests access to the Town's public records, it will be at the discretion of the Town Manager to determine whether that request is to be treated as a request for public records in accordance with the Town's policy and procedures for public records requests, or if the request is to be treated with priority above any existing requests due to the purpose of the request.

▪ Police Records

All requests for police records should be directed to the Boone Police Department to be fulfilled.

Public Records Request Form**Date of Request:** _____**Name of Requestor:** _____**Address:** _____**Telephone Number(s):** _____**E-mail Address:** _____

Initial responses will be sent to the above e-mail address, so please check for accuracy.

Complete description of the record(s) requested:

Title of Record Requested (if known): _____**Date of Record Requested (if known):** _____**Please indicate the format in which you prefer to receive the requested record(s) (*not all formats may be available for all record types*):**

- ☐ I prefer to receive the record by e-mail.
- ☐ I prefer to receive the record in electronic format on a flashdrive or CD (*may be subject to charge*).
- ☐ I prefer to inspect the record.
- ☐ I prefer to receive a photocopy of the record (*photocopies may be subject to copy charges*).

NOTE: *To the extent any of the records provided are copyrighted, take notice that these records remain subject to copyright law. The use, reproduction, downloading or distribution of copyrighted materials and works may subject you to applicable penalties and damages under state and federal laws.*

Please review the Town's procedures for public records requests available on our Web site. If you have any questions, contact Town Hall at 828-268-6200.

APPROVAL OF LICENSE AGREEMENT RENEWAL - KINGSWOOD CONDOMINIUMS

STATE OF NORTH CAROLINA

PARKING LICENSE

COUNTY OF WATAUGA

THIS PARKING LICENSE is made this the ____ day of April, 2016 by and between Town of Boone, a North Carolina Municipal Corporation, as Licensor (hereinafter referred to as "Town") and Kingswood

Condominiums, Inc., as Licensee (hereinafter referred to as “Kingswood”) collectively referred to as the “parties.” Town reserves all rights not specifically granted hereunder.

1. **Parking Areas Provided:** For the term of this License, Town shall make available to Kingswood, and Kingswood shall have the right to use, twenty-four parking spaces (hereafter, the “premises”) in Town’s parking lot behind the “Brown Building,” Town’s Public Works building located at 321 East King Street, Boone, North Carolina, to wit: that certain parking lot (hereafter the “Brown Lot”) leased by Town from Bonnie Jean Brown pursuant to a certain lease agreement dated April 1, 2016, and ending March 31, 2019 (hereafter, the “Brown Lease”), the Brown Lot being a 1.004 acre tract of land, more or less, lying on the north side of Tracy Circle and being a portion of the Council Grove Subdivision. Town is free to designate any of the spaces it chooses within the Brown Lot for Kingswood’s use.
2. **Term:** The term of this License shall be for the three (3) year period commencing July 1, 2016, and extending through June 30, 2019; *provided, however*, that (i) Town shall have the right to terminate this license at the end of any one (1) year period upon 30 days advance notice to Kingswood, and (ii) this License shall terminate immediately upon the termination of the Brown Lease should that occur prior to expiration of the term of this License. Licensee understands and acknowledges that the Brown Lease is due to expire on March 31, 2019 and further, that the Brown Lease is terminable at any time by either party with 90 days written notice. Licensor shall provide to Licensee at least 30 days written notice of such termination of the Brown Lease.
3. **License Payment:** License payments shall payable in advance on an annual basis, and subject to an increase of \$125 per year, as follows:
 - a. For July 1, 2016 through June 30, 2017: the sum of \$4,750
 - b. For July 1, 2017 through June 30, 2018: the sum of \$4,875
 - c. For July 1, 2018 through June 30, 2019: the sum of \$5,000

Kingswood’s failure to timely pay the license payment prior to the first day of each one year period shall constitute a forfeiture of this License. Should the License be terminated prior to the end of the License term per paragraph 2 above, Licensee shall be entitled to refund of a prorated portion of the license payment made, based upon application of a factor with the number of days of licensed use during the term as the numerator and the total number of days of the license period as the denominator, multiplied by the amount of the full payment made for the period.

4. **Repairs and Maintenance:** Kingswood shall be responsible for all damages to the premises which result from the activities of its invitees or licensees. Kingswood will undertake no repairs to the premises without first notifying Town in writing, at least ten days in advance, of its intention to undertake or make such repairs and will undertake no repairs without approval of Town Manager. Any approved repairs made to the premises by Kingswood shall be done in a workmanlike manner. In making any repairs, Kingswood shall comply with all ordinances of Town of Boone and Watauga County, and any relevant federal and State laws. Town shall be entitled, at its sole option and whether or not requested to do so by Kingswood, to make any repairs to the premises and conduct any maintenance to the premises as it deems necessary or expedient.
5. **Alterations:** Kingswood shall make no alterations to the premises.
6. **Assignments, Subleases and Licenses:** Kingswood shall not assign its rights to this License to another party without the prior written consent of Town. The parking spaces provided herein may only be used by Kingswood, its licensees and invitees.

7. **Town's Right to Enter and Use Premises:** Town reserves the right and may enter the premises at any time for any purpose, including inspecting the premises, making such repairs as it, in its sole discretion, desire to make, maintaining the premises, removing snow from the premises, keeping the premises secure, and for any other purpose Town may have in carrying out its responsibilities under the Brown lease or may otherwise deem necessary.
8. **Indemnity by Kingswood:** Kingswood shall defend, indemnify, and hold harmless Town from any and all claims, actions, damages, and liability associated with personal injury and/or damage to property and/or any other matter arising out of any occurrence in, upon or at the premises, associated with any act or omission by Kingswood, its agents, employees, licensees or invitees, or associated with Kingswood's, or its licensees or invitees use of the premises. In the event that Town is made a party to any litigation brought against Kingswood related to Kingswood's use or occupancy of the premises, Kingswood shall defend, protect and hold Town harmless from any and all liability that may result therefrom, including Town's costs in defending itself against any claim, action, litigation or other assertion of liability.
9. **Indemnity by Town:** Town shall defend, indemnify and hold harmless Kingswood from any and all claims, actions, damages, and liability associated with personal injury and/or damage to property and/or any other matter arising out of any occurrence in, upon or at the premises, associated with any act or omission by Town, its agents, employees, licensees or invitees, or associated with Town's use of the premises. In the event that Kingswood is made a party to any litigation brought against Town related to Town's use or occupancy of the premises, Town shall defend, protect and hold Kingswood harmless from any and all liability that may result therefrom, including Kingswood's costs in defending itself against any claim, action, litigation or other assertion of liability.
10. **Kingswood's Use of Premises:** The License is for the sole purpose during the term of this License of allowing Kingswood to use the designated parking spaces for himself, his employees and his invitees. Kingswood shall provide the Town's Public Works Director (hereafter, the "Director") with such information as may be acceptable to him to be able to determine whether people parked in the designated spaces have parked with the proper authority to do so. Persons who wrongfully park in said spaces, or for whom the required information is not provided to the Director may be cited for violation of Town's parking ordinances, and Town may undertake its normal procedures for violation, including immobilization and towing.
11. **Modification:** This License contains all of the terms and conditions agreed to by Town and Kingswood concerning the use of the above-described premises. There are no oral terms or conditions agreed to by the parties which are not contained herein. There shall be no modification of this License unless the modification is in writing and signed by both parties, and it cannot be extended beyond the stated term without approval by the Boone Town Council.
12. **Waiver:** Town's failure to strictly enforce its rights under this License shall not constitute a waiver of such rights with respect to any violation of the terms, and the parties agreed that this provision may itself not be waived by the conduct of the parties.
13. **Governing Law and Venue:** This License shall be governed by and construed in accordance with the laws of the State of North Carolina, and venue of any dispute between the parties shall be in Watauga County, North Carolina.
14. **Notices:** All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, to the following addresses:

If to Town, to:

John Ward III

Town Manager
Town of Boone
P.O. Drawer 192
Boone, NC 28607

If to Kingswood, to: Harold C. Tilley
768 W. King Street
Boone, NC 28607

IN WITNESS WHEREOF, Town and Kingswood have executed this License in duplicate originals, and agree to all of the terms and conditions set forth above, the day and year first above written.

Town of Boone

BY: _____
Rennie Brantz, Mayor

Attest:

_____(Seal)
Town Clerk, Town of Boone

Kingswood Condominiums, Inc.

BY: _____
Roy Donnoe, President

Attest:

_____(Seal)
Glenda Andrews, Secretary Kingswood Condominiums, Inc.

**ADOPTION OF ORDINANCE - LEGAL ACTION AGAINST MICHAEL E. PERRY
FOR UDO VIOLATIONS**

ORDINANCE # 16-03

WHEREAS, the Town of Boone ("Town") has duly adopted a Unified Development Ordinance (hereinafter, the "UDO"); and

WHEREAS, Michael E. Perry ("Perry") owns certain property located at 1291 Old 421 South, Boone, North Carolina, 28607, also identified by Watauga County Tax Administration PIN# 2921-73-0192 -000 (hereinafter the "Property");

WHEREAS, following complaints and an inspection by personnel from the Town of Boone Planning & Inspections Department, and upon determination that Perry is a "repeat violator" under the UDO, the Town's Planning & Inspection Administrator issued a Notice to Cure Violations and Notice of Violation and Penalty (hereinafter, "Notice of Violation") dated February 23, 2016;

WHEREAS, the Notice of Violation was served on Perry by certified mail, return receipt requested on March 3, 2016;

WHEREAS, the Notice of Violation set forth 17 violations of the UDO, including among others: illegal use of certain structures as residences, illegal construction or installation of various structures, illegal demolition work, and an illegal landfill, and ordered Perry to cease and correct the violations, obtain required permits, and remove the illegal structures;

WHEREAS, the Notice of Violation informed Perry that he had 10 days to cease illegal uses, remove illegal structures, and take other specified action, and that after expiration of the ten-day period, should the violations remain uncorrected, he would incur a daily penalty of at least \$100.00 for each continuing violation of the UDO; and

WHEREAS, the Notice of Violation also notified Perry of his right to appeal within 30 days, but Perry took no action within 30 days of service to make such an appeal; and

WHEREAS, it appears that the violations at the Property have not ceased or been corrected, and penalties continue to accrue unpaid;

NOW, THEREFORE, PURSUANT TO THE TOWN'S UNIFIED DEVELOPMENT ORDINANCE AND BY THE AUTHORITY GRANTED BY N.C. GEN. STAT. §§ 160A-175, 365, 389, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA AS FOLLOWS:

1. Michael E. Perry is the owner of that certain property located at 1291 Old 421 South, Boone, North Carolina, 28607, also identified by Watauga County PIN# 2921-73-0192-000. Said real property is located within the planning jurisdiction of the Town of Boone.
2. Michael E. Perry is in violation of the Town of Boone Unified Development Ordinance by maintaining illegal residences, illegal structures, an illegal landfill, and as otherwise detailed in the above-referenced Notice of Violation. Said violations are continuing in nature and constitute repeated violations of the UDO.
3. The Town Attorney is authorized and directed to initiate a legal action in the General Court of Justice in Watauga County, North Carolina against Michael E. Perry to enjoin and abate ongoing violations of the UDO, and to collect unpaid penalties for his violations of the UDO, including attorney's fees and costs.
4. This Ordinance shall be recorded in the registry of the Watauga County Register of Deeds under the name Michael E. Perry.

Adopted this 21st day of April, 2016.

Rennie Brantz, Mayor

Attest:

Christine Pope, Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 4, PAGE 84)

**APPROVAL OF SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET
AMENDMENT - 2016 HUNTER'S HEROES MEMORIAL RUN**

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

APPROVAL OF BUDGET AMENDMENT - HWY. 105 EXT./STATE FARM ROAD CROSSWALK SIGNAL

Description:	Account Number:	To:	From:
Sidewalk Construction – Supplies	010-600-405-514304	\$35,000	
Sidewalk Capital Reserve Fund	010-000-000-498019		(\$35,000)

APPROVAL OF BUDGET AMENDMENT - REPLACEMENT OF WIRELESS LINK

Description:	Account Number:	To:	From:
Network – Special Projects	010-411-000-549111	\$16,000	
Appropriated Fund Balance – General Fund	010-000-000-499900		(\$16,000)

APPROVAL OF BUDGET AMENDMENTS - CULTURAL RESOURCES AND LAW SEPARATION ALLOWANCE FUNDS

Description:	Account Number:	To:	From:
Cultural Resources – Special Projects/Events	010-418-000-549121	\$8,500	
Cultural Resources Revenue – Fees	010-000-000-484111		(\$8,500)
Transfer to Law Enforcement Separation Allowance	010-500-300-598042	\$19,009	
Appropriated Fund Balance – General Fund	010-000-000-499900		(\$19,009)

HISTORIC PRESERVATION COMMISSION REQUEST - FUNDING FOR A MARKER DESIGNATING THE DOWNTOWN POST OFFICE AS THE FIRST LOCAL LANDMARK IN THE TOWN OF BOONE

APPROVAL OF DEED OF EASEMENT - THE STANDARD AT BOONE

Exhibit A following the official minutes.

COUNCIL MATTERS

PRIORITIZATION OF HIGH COUNTRY RPO TRANSPORTATION PROJECTS

Town Manager John Ward advised Council that NCDOT has released a list of eligible transportation projects for Prioritization 4.0. The High Country Council of Governments sent out a memorandum requesting that the Town select one project from the list as their priority. Mr. Ward noted the projects that would affect the Town, which included upgrades to Hwy. 194, Deerfield Road and Rivers Street/Poplar Grove Road. Discussion ensued regarding the coordination of the possible Rivers Walk development along Rivers Street as well as the Safe Routes to School project planned along Hwy. 194. It was the consensus of the Council to bring this item back for discussion later in the evening following Item 7.D. Consideration of Rivers Walk Case.

RESULT:	CONSENSUS
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CONSIDERATION OF AMENDMENT TO CHAPTER 35 OF TOWN CODE: BOARDS, COMMISSION, COMMITTEES AND OTHER SUCH ENTITIES

Town Attorney Allison Meade presented a draft amendment to Chapter 35 of the Town Code in order to clarify the default that Council liaisons on Town boards can vote. Brief discussion ensued regarding whether or not to default to voting or non-voting Council liaison positions. Following additional discussion, Council was in consensus to direct the Town Attorney to draft text amendments in order to allow committees to create subcommittees without requiring Council approval and to allow the Council liaisons to hold the chair and vice-chair positions on Town boards. Mayor Brantz asked that Ms. Meade also look into the authority for boards to revise their agendas prior to the meetings.

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to adopt the revisions to Chapter 35 of the Town Code as presented:

Chapter 35: Boards, Commissions, Committees and Other Such Entities

Section

- 35.01 Grant of authority
- 35.02 Procedure for creation
- 35.03 Powers
- 35.04 Meetings
- 35.05 Resignation
- 35.06 Duration

...

§ 35.04 MEETINGS.

(A) Every board, commission, task force, advisory body, committee and other entity (hereafter "town body") created by the Council, including any committee of a town body, sub-committee or working group, by whatever name or designation (hereafter referred to as a "sub-committee") and whether created by the Council or other town body with Council approval, must operate in compliance with the State Open Meetings Law, codified as G.S. §§ 143-318.9 et seq. (hereafter, "the law"). At a minimum, all meetings of a town body or sub-committee shall require all of the following:

(1) Notice of all official meetings, other than an emergency meeting, by posting of the date, time and name of the town body or sub-committee at least 48 hours in advance, on the bulletin board for that purpose in Town Hall. If an agenda has been distributed to members of the town body or sub-committee prior to the meeting, it shall also be posted. When an agenda has not been distributed prior to the meeting, it shall be distributed at the beginning of the meeting before the meeting is called to order and additional copies shall be available for members of the media and public. An **OFFICIAL MEETING** occurs whenever a regularly scheduled meeting of the town body or sub-committee occurs, whether or not a quorum is present, or when a majority of the town body or sub-committee meet, whether in person or by electronic means such as conference call or e-mail, to conduct a hearing, deliberate, take action or otherwise transact public business. **DELIBERATE** includes examining, weighing or reflecting upon the reasons for or against a possible decision and also includes the collective acquisition and exchange of facts preliminary to a decision. An **EMERGENCY MEETING** is one that concerns generally unexpected circumstances which require the immediate consideration of the town body

or sub-committee. In the event of an emergency meeting, a local news medium must be notified prior to the meeting;

(2) A meeting which is open to the public, except as to closed session conducted in accordance with the law for the reasons authorized by the law; and

(3) Full and accurate minutes of the meeting, a copy of which shall be provided, once approved by the body or sub-committee, to the Town Clerk.

(B) Unless the Council adopts procedures specific to the body or sub-committee, it will conduct its meetings in compliance with the following procedures.

(1) A quorum shall be 50% of the persons initially appointed to the body or sub-committee.

(2) In the absence of the Chair, the Vice-Chair shall conduct any meeting of the body or sub-committee, and in the absence of both officers, the Mayor may designate a person to act as chair for the meeting in question.

(3) The agenda of the body or sub-committee shall include only those matters within the responsibilities and powers of the body or sub-committee which have been conferred upon it by the Council. Once an agenda is distributed to the members of a body or sub-committee, no new item may be added to the agenda for action at that meeting, except for the scheduling of an emergency or special meeting.

(4) The business of the body or sub-committee shall be conducted in a manner as to afford all members an opportunity to speak. However, no member shall generally address the body until first recognized by the chair, and members of the committee, task force or advisory body shall be respectful to each other and shall avoid interrupting each other.

(5) ~~The role of a Town Council member appointed as liaison or ex officio, non-voting member shall be:~~ Town Council may appoint Council members and/or the Mayor to serve as liaisons on various Town boards, commissions, committees and other Town bodies so long as the number of such liaison members does not exceed two per body. Unless otherwise provided by Council, these liaisons shall be voting members of such bodies, and their role shall be:

(a) To provide direction to the body or sub-committee regarding the relationship between the Town Council and the body or sub-committee;

(b) To assist with procedural matters;

(c) To serve as a resource; and

(d) To communicate concerns and initiatives of the body back to the full Town Council.

(6) Minutes of the body or sub-committee shall be subject to revision and adoption by the group as a whole.

(7) All actions or recommendations of the body or sub-committee shall require the presence of a quorum and are only effective or adopted upon majority vote, following a motion and second. When the action is to be reported to the Town Council, the committee, task force or advisory body shall not only report the action or recommendation adopted, but the vote by which it was adopted.

(8) Meetings of the body or sub-committee shall proceed in the following order: adoption of an agenda, approval of the minutes, unfinished business, new business, informal discussion and public comment, when public comment is to be accepted. By majority vote of the members of the body or sub-committee in attendance, the order of business may be altered.

(9) At any meeting of the body or sub-committee, if the meeting is opened for public comment, any person wishing to address the body or sub-committee shall state his or her name and whether or not he or she is a resident of the town.

(a) If there is a sign up sheet provided for speakers, speakers shall be recognized in the order in which they have signed up.

(b) Unless by motion, second, and majority vote a different time limit is adopted by the committee, task force or advisory body, no person shall be allowed to speak for more than five minutes.

(c) Should more than one person wish to make substantially the same comments regarding the same subject, or where a group of persons supports or opposes the same positions, the Presiding Officer may require that all persons designate a spokesperson for their group to address the committee, task force or advisory body, and the Presiding Officer may allot a larger amount of time for the presentation of the group position by the spokesperson.

(d) All persons addressing the body shall be treated respectfully by other persons in attendance at the meeting, and all speakers shall conduct themselves with proper decorum. Should any person present during a public comment period substantially interfere with the ability of a person offering public comment or engage in behavior which violates norms of accepted decorum, or should a person offering public comment engage in

behavior which violates norms of accepted decorum, after warning the person(s) and, except in a situation where there is a risk of harm to any person present, providing the person(s) the opportunity to alter their behavior to bring it into conformity with norms of accepted behavior, the Presiding Officer may direct that the person(s) be removed from the meeting.

(Ord. passed 6-18-2009; Ord. passed 9-21-2010; Ord. passed 6-21-2011)

§ 35.05 RESIGNATION.

A member of a board, commission, task force, advisory body, committee or other entity may resign by notifying the Mayor, Town Manager or relevant department head.

(Ord. passed 6-18-2009)

§ 35.06 DURATION.

Unless a different duration is specified by the Council at the time of creation of a board, commission, task force, advisory body, committee or other entity, including a sub-committee, the duration of the body shall be one year, but it may be extended by action of the Council.

(Ord. passed 6-18-2009)

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

REQUEST TO SEND CASE TO MAY QUARTERLY PUBLIC HEARING - MODERN AUTOMOTIVE

Town Manager John Ward noted that Modern Automotive has filed for a general use zoning map amendment to rezone a portion of their property adjacent to the new facility on Hwy. 421 from R3 Multi-Family to B3 General Business.

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to send Case 20160058 Modern Automotive General Use Zoning Map Amendment to the May Quarterly Public Hearing.

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

CONSIDERATION OF CASE 20160136 - RIVERS WALK PLANNED DEVELOPMENT ZONING MAP AMENDMENT

Case 20160136 Rivers Walk Planned Development Zoning Map Amendment

Jeff Githens with McKinley Boone, LLC filed a Zoning Map Amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, including a parking deck for properties located at 178 South Water Street, and 190 and 208 Poplar Grove Road. The building would contain 119 dwelling units with 380 bedrooms with the following uses proposed to be allowed for the commercial portion of the building: 11.06 Restaurant $\leq 2,500$ ft² open to the public during 10 p.m. to 6 a.m., 11.07 Other Restaurants $\leq 2,500$ ft², 11.08 Restaurant $> 2,500$ ft² open to the public during 10 p.m. to 6 a.m., 11.09 Other Restaurants $> 2,500$ ft², 11.12 Personal Service Establishment open to the public during 10 p.m. to 6 a.m., 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft², 11.15 Retail Store more than 5,000 but less than 25,000 ft², 11.18 Business or Profession Office open to the public during 10 p.m. to 6 a.m., 11.19 Other Business or Professional Office, 11.23 Medical Office, Category 4, 12.10 Recreation

Facility, Category 1, and 14.02 Brewpub.

Planning Director Bill Bailey advised Council that the Planning Commission, when discussing this case, focused on the design and parking of the development. He stated this new design, if approved, would negate the previously approved design of the conditional district process. He added that the new design received less than satisfactory responses by the Planning Commission, with a recommendation that it be taken to the Community Appearance Commission who has the authority to enforce the ordinance requirements. Mr. Bailey also indicated that the parking in the new design decreases the number of spaces by 20. He also advised Council that in the proposed plan, the trail that would be constructed for the Greenway system would go from Water Street up to the parking garage entrance with a final pedestrian access, and the dumpster location would be in an enclosure, not visible from the trail. Town Attorney Allison Meade stated she was concerned with which plan the Council was actually considering, since a new rendering was submitted after the Planning Commission's meeting and recommendation.

Lengthy discussion ensued regarding the various concerns several members of Council voiced about this planned development including the exterior design, the height, the parking available and number of bedrooms per apartment unit. Council Member Mason stated she'd like the development to conform with downtown standards. Council asked Ms. Meade to look into whether or not Council could prohibit the "rent-by-the-bedroom" concept, and voiced concern with the number of projects happening in that vicinity at the same time and its impact on traffic. Members of Council also voiced their support of an updated housing study being completed in the near future. Ms. Meade advised Council that it would be inappropriate to hear from the applicant at this time due to notice requirements for a hearing to occur, but they could deny or approve this request, or could choose to send the case back to the Planning Commission and/or public hearing to continue negotiations. She stated that should Council choose to deny the request, the applicant still has an approved plan from the conditional district process that they could move forward with, or they could choose to come back to Council with a Planned Development in 12 months.

MOTION TO DENY REQUEST

Council Member Clawson moved to deny the Rivers Walk Planned Development Zoning Map Amendment. Council Member Mason seconded the motion.

Council members Teague and Mizelle indicated they would like to hear from the developers in order to give them an opportunity to address the issues voiced. Council Member Mason stated she felt the height needed to be addressed.

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

MOTION TO SCHEDULE PUBLIC HEARING

Upon a motion by Council Member Teague, seconded by Council Member Mizelle, Council moved to schedule a special public hearing for the next regular Council meeting on Thursday, May 19, 2016, at 5:30 p.m. in the Council Chambers located at 1500 Blowing Rock Road in order to hear the Rivers Walk Planned Development Zoning Map Amendment case.

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

APPROVAL OF EASEMENT AGREEMENTS - PUBLIX SUPER MARKET

Town Manager John Ward presented a request by Publix for Council to approve five easements for the new development. Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to approve five easement agreements for the new Publix location for utilities, streets, sidewalks, a postal service access and the Greenway Trail (**Exhibit B following the official minutes**).

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

PRIORITIZATION OF HIGH COUNTRY RPO TRANSPORTATION PROJECTS

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to select the upgrades to Deerfield Road as their priority among the list of eligible projects for NCDOT's Prioritization 4.0.

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

TOWN MANAGER UPDATE

Town Manager John Ward provided updates regarding upcoming street closures and areas in town with construction, events in town and on ASU's campus, and new businesses to downtown Boone.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the list of current vacancies being solicited. He also announced Yogi Collins' resignation from the Community Appearance Commission, and 18 additional positions set to expire through June 30, 2016, on the ABC Board (1), Board of Adjustment (6), Cultural Resources Advisory Board (3), Historic Preservation Commission (3), Planning Commission (4) and Water Use Committee (1).

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Council Member Underdown Collins nominated Sarah Davis Cagle to serve on this commission. Ms. Cagle's term will expire June 30, 2019.

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

APPOINTMENT TO OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

Council Member Mason nominated Daniel Byrd to serve on this committee. Mr. Byrd's term will expire July 31, 2019.

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

REQUEST FOR WATER AND SEWER SERVICE (QUASI-JUDICIAL)

Town Attorney Allison Meade opened a public hearing at 7:38 p.m. to hear sworn testimony regarding a request for water and sewer service by Ms. Elizabeth Carroll. There was no one present to speak on behalf of the applicant. Ms. Meade closed the hearing at 7:38 p.m. Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to continue this hearing until the May regular Council meeting.

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

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to enter closed session at 7:40 p.m. in order to hear the following items:

1. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider or give instructions to the attorney concerning the lawsuit involving LMSP, LLC et al. Versus the Town of Boone.
2. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider or give instructions to the attorney concerning a potential claim involving the Town.
3. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider or give instructions to the attorney concerning the condemnation cases filed by the Town of Boone, file numbers 15 CVS 462-475 (Watauga County).
4. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider or give instructions to the attorney concerning the lawsuits involving Ronald Cooper et al. against the Town of Boone.
5. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider or give instructions to the attorney concerning a potential claim involving the Town.

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

EXITING CLOSED SESSION

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mason, Council moved to exit closed session at 8:43 p.m.

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

POSSIBLE ACTION FOLLOWING CLOSED SESSION

ACTION TAKEN

Upon a motion by Council Member Mizelle, seconded by Council Member Mason, Council moved to authorize the Town Attorney to enforce the Unified Development Ordinance with respect to racing at the fairgrounds (racetrack) in any fashion authorized by the Unified Development Ordinance or statute.

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

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to adjourn the meeting at 8:45 p.m.

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

Christine Pope, Town Clerk

Rennie Brantz, Mayor