

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
May 9, 2019**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Thursday, May 9, 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 (entered the meeting at 7:11 p.m.), Sam Furguele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Deputy Public Works Director Todd Moody, Fire Chief Jimmy Isaacs, Police Chief Dana Crawford, Planning Director Jane Shook and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENT

PRESENTATION OF PROCLAMATION - NATIONAL LAW ENFORCEMENT WEEK

Mayor Brantz presented the following proclamation to Police Chief Crawford in honor of National Law Enforcement Week.

NATIONAL LAW ENFORCEMENT WEEK

WHEREAS, in 1962 President John F. Kennedy proclaimed May 15th as National Peace Officer's Memorial Day and the week in which it fell National Law Enforcement Week to pay special; attention to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and,

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Boone Police Department; and,

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and,

WHEREAS, National Law Enforcement Week will be observed this year from May 13th through May 19th; and,

WHEREAS, all citizens of Boone should remember and recognize the men and women who serve and protect them, and keep in mind that there are law enforcement officers working in the Town every hour of every day to ensure that they remain safe.

THEREFORE, BE IT RESOLVED that I, Rennie Brantz, Mayor of the Town of Boone, formally designates May 13-19, 2018, as National Law Enforcement Week in the Town of Boone, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted this the 9th day of May, 2019.

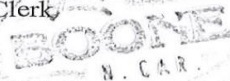


Rennie Brantz, Mayor

ATTEST:


Nicole Harmon, Town Clerk

(SEAL)



ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the following board vacancies:

BOARD OF ADJUSTMENT

One regular position
One alternate position

COMMUNITY APPEARANCE COMMISSION

Five positions

CULTURAL RESOURCES ADVISORY BOARD

Two positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Four Council appointed positions

HISTORIC PRESERVATION COMMISSION

Two positions

OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

One position

PLANNING COMMISSION

One position

SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Three positions

WATER ADVISORY COMMITTEE

One position

TENTATIVE AGENDA ADOPTION

Mr. Ward noted the addition of Item 13 Consideration of Additional Revisions to Town Code Chapter 96 which was tabled at Tuesday's meeting to allow members additional time to review. Ms. Meade also asked that her update be moved to the end of the agenda for the sake of time. Upon a motion by Ms. Ulmer, seconded by Mayor Pro-Tem Clawson, Council voted to approve the agenda as amended.

VOTE: Aye: Ulmer, Clawson, Furguele, Ashcraft
 Nay: None
 Absent: Mason

PUBLIC COMMENT

There was no one signed up to speak during public comment.

REQUESTED APPEARANCES

MATT COOPER - WATAUGA COUNTY FARMER'S MARKET

Matt Cooper with the Watauga County Farmer's Market stated that the 2019 market had just recently opened and that on a nice day, the customer count was approximately 1,500 on average, with a maximum of 2,200 and minimum for 400 during poor weather. Mr. Cooper indicated that last year's market was successful and that the market had grown tremendously in the last decade. He stated that the board was thankful for Council's support and noted the loss of a manager due to her relocation. In response to a question by Mr. Furguele, Mr. Cooper stated that the market had approximately 50-58 vendors, with a list of around 8 who could not be accepted at this time due to lack of space and duplication of goods. Mr. Cooper finished by adding that he would love to see the market evolve into a year-round market, and that the board had discussed design and a potential change in location to accommodate that, though he was unsure that all board members were in favor of relocating.

CHRIS SEITZ - APPALACHIAN STATE UNIVERSITY

Chris Seitz of Appalachian State University presented Council with information gathered by his public health students regarding smoking and vaping at AppalCART bus stops. Mr. Seitz announced that during a survey of 685 ASU students who were waiting at various bus stops in Boone, roughly 70% of students were exposed to second-hand smoke and aerosols at least once per week at a bus stop, and that 73% indicated that they would prefer if smoking was not allowed within a 6 foot entrance to bus stops. Mr. Seitz inquired whether signs could be installed prohibiting smoking and the use of e-cigarettes in bus stop shelters. Ms. Meade felt that the Town had limited or no jurisdiction, unless the bus stop shelter was on a Town street or right of way, and believed that the shelters were privately owned by AppalCART. She added that for shelters on NCDOT rights of way, she felt that they would be happy for signs to be installed if the Town or ASU provided them, though she questioned who would enforce the rule. Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to direct the Town Attorney to research and report back on the Town's authority on the matter, and that if it was clear that the bus stops that were on Town rights of way could be regulated, then to consider amending the ordinance and to discuss signage on a later date.

VOTE: Aye: Furguele, Clawson, Ulmer, Ashcraft
 Nay: None
 Absent: Mason

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Mr. Furguele, seconded by Mr. Ashcraft, Council voted to approve the following items on the Consent Agenda:

1. March 19, 2019 Regular Town Council Meeting Minutes
2. March 21, 2019 Special Town Council Meeting Minutes
3. March 21, 2019 Regular Town Council Meeting Minutes

VOTE: Aye: Furguele, Ashcraft, Clawson, Ulmer
 Nay: None
 Absent: Mason

COUNCIL MATTERS**TOWN MANAGER UPDATE**

Town Manager John Ward updated Council on the following topics:

1. Pervious concrete test section: Mr. Ward and Deputy Public Works Director Todd Moody stated that the price differential on the installation of a pervious concrete sidewalk would be approximately double that of a regular concrete sidewalk. Mr. Moody stated that there had been some clogging on the test sidewalk, but that the debris was easily removed. He added that when the surface was clean, it performed well at removing water and that there was an additional 14 inches of washed stone underneath the surface for the additional filter of water runoff. Mr. Furguele felt that once the Town had learned enough about how to properly install and maintain pervious sidewalks, that it should consider making that a UDO requirement.
2. King Street traffic signals and pedestrian crossings
3. Notice prior to construction: Highland Avenue
4. Street resurfacing update
5. Junaluska Road: Resident Eric Plaag had attempted to work with DOT to stripe the road, but was denied due to the width of the road. Mr. Ward asked Council whether they wanted staff to move forward in reaching out to the DOT district engineer on the Town potentially taking over maintenance of the road. Mr. Furguele felt that the Town should hear from the people in the community before any decisions were made and to hear any suggestions they might have.
6. Green Street sanitary sewer update
7. Water Intake: Final approval received by NCDENR on public water supply section at water intake. Per warranty, Harper Construction or their subcontractors will perform additional grading for further

stabilization at the site. Barn quilt project underway, and dedication ceremony is planned for late summer or fall to allow for greenery to be planted.

8. 194 Sidewalk: Have engaged surveyor for easements on sidewalk from the Speedway gas station to Perkinsville Baptist Church. Staff was still having difficulty obtaining a right of way from one property owner, but discussions were continuing. Perkinsville Baptist Church will be undergoing upgrades soon and will have sidewalks and curb and guttering added into their design. Mr. Furgiuele felt that condemnation should be discussed in the future, if the one property owner would not voluntarily give the Town a right of way for the project.

9. Stormwater Ordinance: Changes have been accepted by the stormwater management agency to the proposed contract, and review is in progress.

10. Parking Deck: Staff recently met with ASU on the project, and a design firm has been engaged at ASU's cost. Information obtained through ASU's parking consultant is being used to design the structure as a multi-use building with store fronts facing Howard Street and a possible expansion of the ASU business school on the top floor. This will allow Boone Creek to be opened up and would allow for buses in the vicinity. He added that a tremendous amount of greenspace was planned for the existing Raley parking lot.

11. NRLP/NTE solar array: Nothing new to report.

12. Boone has been invited to participate in the environmental defense fund phase two grant in the Cities Initiative program.

13. Sustainable Cities Fund grant opportunity: Staff would like to work with the Sustainability Committee to come up with ideas to submit.

14. Bike share program: ASU is looking into a bike share program that would provide bicycles for rent. Staff would like to take this idea to the Sustainability Committee for discussion, and will plan to bring back to Council afterward. Early thoughts include a docking area at the Health Sciences building, Clawson-Burnley Park and the Greenway parking area near the Waste Water Treatment Plant. It was the consensus of Council to pursue this initiative.

15. Budget update: Hope to provide members with a recommended budget on May 24. Accelerating insurance claims may result in a cost increase, but staff was working with Blue Cross Blue Shield. Mr. Ward noted the recently discussed increase in County tipping fees, and noted that the County's proposed property tax increase of five cents would work against the Town and decrease sales tax revenue. The parking enforcement contract with McLaurin Parking was discussed, with Mr. Ward indicating that if the Town took over parking enforcement at the end of its contract with McLaurin, he anticipated approximately \$44,000 above existing costs, though some of that increase included one-time equipment purchases and upfitting. He noted that the projected revenue would cover the cost increase, and felt that a monetary value could not be put on the improved morale, direct line of supervision and additional flexibility. Mr. Furgiuele, who originally proposed this idea, stated that even though it was the more expensive option, he believe that the Town should move forward with it due to concerns over the treatment by McLaurin of it's employees, as well as their questionable business practices. Mr. Ward anticipated having DBDA in charge of parking enforcement, and stated that staff would work to put parking revenue trends together, and the additional cost of implementing a monthly permit parking program for Downtown employees for Council's review. Mr. Ashcraft was in favor of moving forward with this plan, but wanted to take a phase-in approach to the new \$15/hour wage minimum. Mr. Furgiuele did not feel that this approach would save much money. Mr. Ward noted that this would lead to disparity across the board and did not recommend any changes. It was the consensus of Council to move forward with the Town taking over parking enforcement at the conclusion of the contract with McLaurin Parking.

16. Calendar update

17. Bill update: Tree bill has been withdrawn in the NC General Assembly which would prevent municipalities from protecting trees; ABC bill has seen changes and is not as extreme as it once was; Outdoor advertising bill causes concern, lobbyists have been notified.

BOARD LIAISON REPORT

Mr. Furgiuele reported that the Transportation Committee had been working on the walking audit proposal and the Community Appearance Commission had been working on downtown design standards along with an associated reorganization to make the UDO more user-friendly.

Ms. Mason announced that the DBDA would soon be launching its new brand and logo, and that the proposed mural on the side of the Anna Banana's building was moving forward. She stated that TDA reported steady revenue, though hoteliers had expressed concern that increased vacancies could be related to Airbnb.

Mr. Ashcraft announced a series of short films that would be airing on PBS that profiled Boone residents, and that in the upcoming months, a co-working group space would be on King Street as part of a project to boost new businesses and encourage economic development.

Mayor Pro-Tem Clawson reported a successful anniversary event for the Linville River Railroad.

Mr. Ward noted that progress was being made at the Bolick Farm, and staff had ordered updated appraisals for the Police Department and Public Works buildings. He believed that 911 grants could be obtained to help with the communications component of the municipal complex. He added that, due to the success of the current ABC store, the ABC Board had suggested a second store. Mr. Ward felt that the Bolick Farm property may be a good location for a second store.

APPOINTMENT TO ABC BOARD

Mr. Furgiuele nominated Scott Casey to serve on the ABC Board. There being no other nominations, a vote was taken.

VOTE: Aye: All
 Nay: None

Mr. Casey's term will expire in May of 2022.

APPOINTMENT TO BOARD OF ADJUSTMENT

Mr. Furgiuele nominated David Welsh to serve on the Board of Adjustment. There being no further nominations, a vote was taken.

VOTE: Aye: All
 Nay: None

Mr. Welsh's term will expire on May 30, 2022.

APPOINTMENT TO CULTURAL RESOURCES ADVISORY BOARD

Mr. Furgiuele was concerned that all of the applicants lived outside Town limits, though he felt that some of the applicants would be beneficial to have on the board due to their jobs. He felt that since the board was an expenditure of Town taxpayer money, the board members should live in Town as well. Cultural Resources Director Pilar Fotta believed that many of the applicants worked for organizations that supported Boone and its events. Ms. Mason expressed concern with applicant Danny Wilcox in that he had missed every meeting of the Tourism Development Authority this year. Brief discussion ensued regarding the possibility of waiting to vote on these applications and to try to recruit Town residents to apply, with Ms. Fotta stating that since the vacancies had been open for a while, she was unsure whether there would be any applications from Town residents. Mayor Pro-Tem Clawson indicated that she knew of a person who lived within the Town who had expressed interest in applying and would reach out to them. Ms. Mason nominated Laura Kratt and Candice Cook to serve on the board. Mr. Ashcraft nominated David Jackson for a position, and Mayor Pro-Tem Clawson nominated Daniel Wilcox to serve on the board. It was the consensus to bring the remaining applications back to Council for consideration in June for the two open spots on the board to allow additional time for Town residents to apply.

VOTE: Aye: All
 Nay: None

Ms. Kratt, Ms. Cook, Mr. Jackson and Mr. Wilcox's terms on the board will expire on May 30, 2022.

APPOINTMENT TO PLANNING COMMISSION

Mr. Furguele nominated Chris Behrend to serve on the Planning Commission. There being no further nominations, a vote was taken.

VOTE: Aye: All
 Nay: None

Ms. Behrend's term will expire on May 30, 2023.

Mayor Brantz declared a break at 8:15 p.m. Council reconvened at 8:24 p.m.

REQUEST FOR DIRECTION AND PRESENTATION OF PROPOSED FEE SCHEDULES

Council was presented with proposed fee schedules for the Fire Department, Public Works and Planning and Inspections. Mr. Furguele felt that in regards to the Fire Department fee schedule, a fee should be charged for repeated false alarms due to equipment malfunction. Fire Chief Jimmy Isaacs stated that the department saw very few fire alarms that could be attributed to a malfunctioning system, and added that the Town code needed to be amended to be in compliance with the state fire code. Mr. Furguele clarified that a fee and a fine should be charged for nuisance alarms in order to reimburse the department's cost of responding repeatedly. Mr. Isaacs noted that there was an apparatus fee charged in order to reimburse the cost of the use of equipment, except for responses to vehicle accidents. Ms. Meade agreed that the department should list the ability to charge a fee for nuisance alarms. Chief Isaacs stated that realistically, these calls would utilize one hour with the engine and one hour with two personnel, which would come out to approximately \$300. Mr. Furguele felt that this was a reasonable cost for the services rendered. Mr. Furguele expressed concern with the mention of zoning compliance letters in the Planning and Inspections fee schedule, and believed that the Town should no longer be issuing such letters. Ms. Shook confirmed that the letters only pointed out the zoning jurisdiction for a certain property, and were completely different from the letters the department sent in the past. Mr. Furguele suggested that the letters be referred to as zoning confirmation letters instead to avoid confusion. Discussion turned to the Public Works fee schedule, with Mr. Furguele asking whether the changes made would offset the increase by the County for commercial solid waste disposal fees. Deputy Public Works Director Todd Moody stated that the new fee schedule would eliminate commercial pick-ups, but that residential pick-ups would remain the same. Ms. Meade felt, and all were in agreement, that the encroachment agreement fee listed should be at least \$50 to justify the work that went into the documents. Mr. Furguele made a motion, which was seconded by Ms. Mason, to approve the fee schedules as amended, that they be adopted as part of the budget and become effective at the start of FY2019/2020.

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

REQUEST FOR DIRECTION - PROPOSED LAND SWAP WITH COUNTY (TURNER HOUSE PROPERTY)

Mr. Ward asked Council for direction regarding the proposed land swap of the Turner House with Watauga County, and stated that Historic Preservation Commission Chair, Eric Plaag had approached the County Commissioners on the previous Tuesday. Mr. Ward recommended that Council authorize him, Dr. Plaag and two Council liaisons to schedule a meeting with the County to discuss options. He added that the proposal of a trade for property along Queen Street concerned him due to the loss of revenue with the permitted parking spaces, as well as the displacement of downtown employee parking. In response to a question by Mr. Furguele, Mr. Ward stated that the County was willing to negotiate terms, but was not sure they were willing to save the

house on their own. Mr. Furguele found it to be disturbing that the County did not care about the historic value of the property, and made a motion to amend the agenda to discuss negotiating terms in closed session. Mr. Ward asked whether Council approved of the suggestion to schedule a meeting with the County, Town Manager, Dr. Plaag and two Council liaisons. Mr. Furguele withdrew his first motion and made a substitute motion to add an item to the agenda to discuss terms relating to property acquisition during the night's closed session, and to appoint two Council members to meet with the County, (along with the Town Manager and Dr. Plaag) to act as delegators to negotiate on behalf of the full Council. Ms. Mason seconded the motion.

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

CONSIDERATION OF CASES HEARD AT THE APRIL 29, 2019 PUBLIC HEARING

Case PL02285-021419 Appalachian State University - General Use Zoning Map Amendment

Mr. Furguele began discussion by asking Council to remind themselves that, although the plans offered by ASU were attractive, the decision being made was not on a specific plan. He added that he would continue to push ASU to consider submitting itself to conditional district zoning because it was the only way for people to know for sure what type of development was going to happen on a property. Mr. Ashcraft felt that in looking at the table of uses, it seemed like what was being requested would still be permitted under the existing zoning regulations. Ms. Meade clarified that the use would not be allowed, since the applicant was a public university and were a separate use category themselves. Mr. Furguele made a motion to approve the proposed amendment to the Town's zoning map and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan University: Emphasize cooperative planning among the Town, County, and University; Comprehensive Plan Policy 2.1.1 Economic Development D: Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas; H: The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged. I: Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses; J: Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills and 2.3.2 Community Character E: New Development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furguele made a second motion to approve the proposed amendment to the Town's Zoning map and that the Council believes that approval is reasonable and in the public interest because the amendment deals with property that is in an unused and dilapidated state and in need of redevelopment, would be an asset to the Town, and is in a key part of the Town with hopes that the location may encourage DOT to reconsider safety measures along the road. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02408-040419 Use T-13 Temporary Use 9.01 Public Colleges and Universities - Mod, UDO Text Amendment

Mr. Furguele felt that the temporary use in question should be allowed through 2029 instead of 2028 as listed in the proposed text. Ms. Meade stated that the code indicated that whenever the code was changed, the whole section had to be repealed and replaced. Mr. Furguele felt that this rule should be changed, and added that on the first page of the staff report, the fifth clause in the ordinance should read "Whereas, the Town Council also recognizes the importance of and wishes to protect...". Ms. Meade stated that if there was a case of a conditional or planning district approved application where uses were specified, such a property would have to come back to Council to take advantage of this temporary use. She added that if Council was interested, they could consider adding language to continue the temporary use in section 9.01 shall be allowed for any conditional or planned district, or special use permit zoned property with underlying zoning if office space was already allowed, or in which a comparable principal use was already allowed. Mr. Furguele felt that planned district zoning did not need to be mentioned in the text with the proposed change. Mr. Furguele made a motion to approve the proposed amendment to the Town's zoning ordinance in that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, because it is consistent with Comprehensive Plan Policy 2.3 The Community D: Coordinated intergovernmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furguele made a second motion to approve the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because this amendment would allow for a temporary solution for ASU to accommodate growth and expansion in that the plans express a short term need for expansion of some uses outside the normal university zoning districts, and because the Town has emphasized mixed use development in order to protect the commercial corridor, and there is a glut of unused commercial space in that corridor, and because it serves the Town's long-term needs to make sure the corridor is protected. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02338-030719 Permit Processing - UDO Text Amendment

Mr. Furguele felt that this amendment would allow more flexibility on the turn-around rate for permits. Ms. Shook added that it would allow staff to request additional information if needed, as well as the ability to work out details. Mr. Furguele believed that in the past, applicants would extend the permit process in order to take advantage of previous UDO regulations. Ms. Meade pointed out an error in section 4.07.01, the first clause should be stricken. Mr. Furguele made a motion to approve the amendment to the Town's zoning ordinance in that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a second motion to approve the proposed amendment to the Town's Zoning ordinance and that approval is reasonable and in the public interest because it recognizes the variety of complexity Town staff is confronted with, and it will allow flexibility and certainty, and is a more realistic approach to try and plan and facilitate development in Boone. Ms. Mason seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02337-030719 Awnings/Canopies in the B1-UDO Text Amendment

Mr. Furgiuele stated that since there were clearance expectations for sidewalks and streets in the Town code, these should be incorporated into this section of the UDO as well, so that when people want to install awnings and canopies in the B1, they will have to adhere to height expectations. Ms. Meade suggested that all awnings and canopies over public sidewalks be at least eight feet clear of the sidewalk, and asked whether if a situation like the one at the former PNC Bank arose where there were windows along the side of the building, would awnings be allowed over those windows. She added that the intent was not to allow awnings from the second floor, but only over the first floor. Mr. Furgiuele added that a more fully realized version of these regulations would be released once the Community Appearance Commission had completed the design standards. Ms. Meade also suggested that the parenthesis in the first line of paragraph three should be removed. Mr. Furgiuele made a motion to approve the amendment (with the listed changes) to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 1.1 Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings. Mr. Ashcraft suggested that Mr. Furgiuele consider including Comprehensive Plan Policy 2.3.2 Community Character A: The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area; D: The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged. Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. Mr. Furgiuele accepted this amendment. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Ashcraft made a second motion to approve the amendment to the Town's Zoning ordinance and believes that approval is reasonable and in the public interest because it is important to preserve key elements of downtown development. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02336-030719 Wireless Communication Facilities - UDO Text Amendment

Mr. Ashcraft made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development H: The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged; and 2.3 The Community A. Urban type development within the Urban Growth Area shall meet appropriate Town standards. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All

Nay: None

Mr. Ashcraft made a second motion to approve the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it is necessary to facilitate new communications technology. Mr. Furgiuele seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02333-030719 Burden of Proof/Transitional Zone Clarification-UDO Text Amendment

Mr. Furgiuele made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Ms. Mason seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a second motion to approve the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest in order to make sure the requirements applicants have to meet are filled. Ms. Mason seconded the motion.

VOTE: Aye: All
 Nay: None

Case PL02333-030719 Initiation of Amendments-UDO Text Amendment

Mr. Furgiuele noted that the requirement for map amendments to go before Council was listed in the text amendment by mistake. Ms. Meade agreed that this language was added in the wrong place and should be removed. With that change, Mr. Furgiuele made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, with changes to 9.02.01A1Text Amendments with the last sentence of the first paragraph reading Such request shall be scheduled for Council consideration at the next available regularly-scheduled meeting and 9.02.01B2 reading Upon the initiative of the Administrator, Town Attorney, or Town Manager, with concurrence of all three, because the proposed amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E1: Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a second motion to approve the proposed amendment to the Town's Zoning ordinance and believes that approval is reasonable and in the public interest because it will expedite the map amendment process and clarify text amendments. Mr. Ashcraft seconded the motion.

VOTE: Aye: All
 Nay: None

CONSIDERATION OF JAMES HEDRICK'S MEMBERSHIP ON THE PLANNING COMMISSION

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to excuse Mr. Hedrick's extended absences, and to retain his membership on the Planning Commission.

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

REQUEST TO CONSIDER UDO SECTION 4.16

Ms. Shook outlined the request by the Historic Preservation Commission to revise UDO Section 4.16 regarding the modification of permits. Mr. Furgiuele felt that 4.16.03 made no sense and should be struck entirely. After brief discussion, Mr. Furgiuele made a motion to direct that this text be re-drafted to include two categories including minor and major modifications, and that everything else which is not minor go back to the permit issuing authority for approval. Mayor Pro-Tem Clawson seconded the motion.

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

CONSIDERATION OF ADDITIONAL REVISIONS TO TOWN CODE CHAPTER 96, STREETS AND SIDEWALKS

Ms. Meade presented proposed revisions to Town Code Chapter 96, with Mr. Furgiuele commenting that there were several areas in the older portion of the text that needed to be revisited. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to table this item until the June regular meeting after changes had been made throughout the text.

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

TOWN ATTORNEY UPDATE**CLOSED SESSION**

Mayor Pro-Tem Clawson made a motion, which was seconded by Ms. Mason to enter into closed session at 10:15 p.m. pursuant to:

1. Pursuant to 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. Pursuant to N.C.Gen.Stat.§ 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s).
3. N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (Turner House property).

ADJOURNMENT

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor