

**MINUTES-REGULAR MEETING
BOONE TOWN COUNCIL MAY
15, 2012**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Tuesday, May 15, 2012, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason (arrived at 6:35 p.m.), Andy Ball, and Allan Scherlen. Town Attorney Sam Furguele was also present. Staff members present were Town Manager Greg Young, Town Clerk Kimberly Brown, Assistant to the Manager Jim Byrne, Finance Director Amy Davis, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Works Facilities Superintendent Eric Gustaveson, Public Utilities Director Rick Miller, Human Resources Director Peri Moretz, Planning Director Bill Bailey, Planner Jane Shook, Downtown Development Coordinator Pilar Fotta, and Program Coordinator Lane Weiss.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to sign up to speak during the public comment session would need to sign the public comment sign-up sheet.

Mayor Clawson, Public Utilities Director Rick Miller, and Program Coordinator Lane Weiss presented the winners of the 2012 Every Drop Counts 2nd Grade Poster Contest:

2012 Town of Boone “Every Drop Counts” Poster Contest

1st Place Winner- Miss Lily Brown

(Mrs. Krause’s Class Hardin Park Elementary)

2nd Place- Miss Makayla Barnes

(Mrs. Shaw’s Class Hardin Park Elementary)

3rd Place- Miss Katimac Green

(Mrs. Shaw’s Class Hardin Park Elementary)

Honorable Mention- Kazia Orkiszewski

(Mrs. Halle’s Class Two River’s Community School)

Honorable Mention- Grace Presnell

(Mrs. Krause’s Class Hardin Park Elementary)

- ❖ During the month of April, the second graders at Two Rivers Community School and Hardin Park Elementary participated in the Town of Boone’s “Every Drop Counts” 2nd Grade Poster Contest. This is an annual contest that is coordinated with National Drinking Water Week to help promote water conservation and protection.
- ❖ The 7th annual poster contest had a total of 86 participants from Two Rivers Community School and Hardin Park Elementary.
- ❖ This year we had 100% Participation from all 5 classes!
 - **1st Place wins a brand new bicycle, helmet and \$75 cash**
 - **2nd Place wins a \$40 gift card to K-Mart and \$50 cash**
 - **3rd Place wins a \$20 gift card to K-Mart and \$25 cash**

Mayor Clawson thanked the students and teachers of participating schools for their involvement in this event.

Mayor Clawson congratulated Darcy Grimes, a teacher at Bethel Elementary School, who has been chosen as the North Carolina Teacher of the Year.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young presented the following changes to the agenda:

- 1. Addition of Item 2.C. – NC Teacher of the Year Announcement.
- 2. Addition of Item 6.S. – Scheduling of Special Meetings – Budget Workshops and Public Hearing.
- 3. Addition of Item 6.T. – Consideration of Zoning Text Amendments – May Quarterly Public Hearing Cases.
- 4. Move Agenda Item 6.T. to be the first item considered under “Council Matters.”

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to approve the agenda, as amended.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

CONSENT AGENDA ADOPTION

Minutes: April 2, 2012 – Special Meeting.
 April 4, 2012 – Special Meeting.
 April 10, 2012 – Special Meeting.
 April 17/19, 2012 – Regular Meeting.

Tax Refunds & Releases:

**Tax Refunds
AUGUST 2011**

Taxpayer	Year	Amount	Description
ASU FOUNDATION	2011	24.27	EXEMPT
CACCIOLA, HOPI	2011	7.33	SOLD VEHICLE
STECKEY, LAURA JACQUELINE	2011	14.43	SOLD VEHICLE
SMITH, TIMOTHY M SMITH, WENDY W	2010	26.27	SOLD CAR
WHITE, RUSSELL TYRONE	2010	4.86	SOLD VEHICLE
DENNETT, THOMAS RUSSELL	2009	40.61	OVERLAPPING PLATES
		117.77	

**MSD
AUGUST 2011**

Taxpayer	Year	Amount	Description
		0	

**Tax Releases
AUGUST 2011**

Taxpayer	Year	Amount	Description
ASU FOUNDATION	2011	24.27	EXEMPT
CACCIOLA, HOPI	2011	7.33	SOLD VEHICLE
HAYWOOD, CHARLOTTE SWEENY	2011	63.34	INCORRECT SITUS
HEUSTESS, SARAH E	2011	16.22	SOLD VEHICLE
PEELE, SHAWN MICHAEL	2011	50.72	SOLD VEHICLE/TURN IN

ADAIR-PEELE, JENNIFER			TAG
QUIRK-GARVAN, EVAN PATRICK	2011	5.03	SOLD VEHICLE
STECKEY, LAURA JACQUELINE	2011	14.43	SOLD VEHICLE
SMITH, TIMOTHY M SMITH, WENDY W	2010	26.27	SOLD VEHICLE
SMOKY MOUNTAIN CENTER FOR MENTAL HEALTH	2010	2203.72	EXEMPT PROPERTY
WHITE, RUSSELL TYRONE	2010	4.86	SOLD VEHICLE
DENNETT, THOMAS RUSSELL	2009	40.61	OVERLAPPING PLATES
		2456.80	

**MSD
AUGUST 2011**

Taxpayer	Year	Amount	Description
		0	

**Tax Releases
SEPTEMBER 2011**

Taxpayer	Year	Amount	Description
CAMPBELL, RICHARD HALBY	2011	10.02	VEHICLE SOLD
CHILDRENS COUNCIL OF WATAUGA, VGA CO. INC.	2011	73.37	EXEMPT
COHEN, DEAN S. COHEN, PATRICIA	2011	48.54	BOAT IN PAMLICO CO.
EVERETT, TAMELA W	2011	835.83	MISSED TRANSFER
GULLEDGE, EDWARD GULLEDGE, LYNETTE	2011	26.64	CLERICAL ERROR
HENRY, NANCY WHANGER	2011	3.33	PLATE TURNED IN
HOWARD, ANDREW SETH	2011	7.77	SOLD/PLATE TURNED IN
HOYLE, SYLVIA S	2011	220.89	PROPERTY TRANSFERRED
KROLL, ROBERT E II KROLL, PATRICIA S	2011	93.61	CLERICAL ERROR
NC DOT	2011	70.67	EXEMPT PROPERTY
OWEN, SUSAN PRESTON	2011	1.39	SOLD VEHICLE
REGION D COUNCIL OF GOVERNMENTS	2011	3486.88	EXEMPT PROPERTY
REINS STURDIVANT FUNERAL DIRECTORS	2011	7.22	INCORRECT VALUE
SHULL, JETTIE	2011	18.24	FAILED TO RECEIVE OLD AGE EXEMPTION
SMALL, MILDRED	2011	40.03	FAILED TO RECEIVE OLD AGE EXEMPTION
STALLINGS, ANDREW H & EMILY B	2011	153.18	APPRAISAL ERROR
TOWN OF BOONE	2011	16.80	EXEMPT VEHICLE

WAMY COMMUNITY ACTION INC.	2011	1344.65	90% EXEMPT
WINSTEAD, LARRY STEVEN WINSTEAD, MARAGARET LIDDELL	2011	7.53	TOTAL LOSS VEHICLE
ZWETSLOOT, KEVIN ALLEN ZWETSLOOT, JENNIFER JANINE	2011	7.47	SOLD VEHICLE
		6474.06	

**Tax Refunds
OCTOBER 2011**

Taxpayer	Year	Amount	Description
JONES, SARAH JANE SIDES	2011	19.95	MOVED TO VA
LANGDON, CHARLES RAY	2011	2.13	SOLD VEHICLE
LEVIN, ADAM L.	2011	58.09	INCORRECT SITUS
FEDERAL EXPRESS CORP	2010	133.34	TAXED THROUGH DOR
		213.51	

**MSD
OCTOBER 2011**

Taxpayer	Year	Amount	Description
		0	

**Tax Releases
OCTOBER 2011**

Taxpayer	Year	Amount	Description
APPALACHIAN STUDENT HOUSING	2011	1402.67	EXEMPT PROPERTY
COUNCILL, LETHA	2011	302.66	INCORRECT DATA
DELL FINANCIAL SERVICES LP	2011	46.10	BILLED INCORRECTLY
ENGLAND, ROBERT LEWIS	2011	7.92	EXEMPT
ENLIGHTENED SPA SERVICES INC	2011	24.86	DOUBLE BILLED
FIRST PRESBYTERIAN CHURCH OF BOONE	2011	9.10	EXEMPT
HARLESS, MICHELLE ANN	2011	11.06	EXEMPT
HIGH COUNTRY HEALTH CARE SYSTEM	2011	855.81	EXEMPT PROPERTY
JONES, SARAH JANE SIDES	2011	19.95	MOVED TO VA
LANGDON, CHARLES RAY	2011	2.13	SOLD VEHICLE
LEVIN, ADAM L	2011	58.09	INCORRECT SITUS
LOOKING GLASS GALLERY	2011	11.17	BUSINESS CLOSED DEC'10
MODERN TOYOTA SCION OF BOONE	2011	444.38	EXEMPT
MOORMAN, GARY BROOKS MOORMAN, KATHLEEN SUE	2011	12.12	SOLD CAR
NC DOT	2011	2194.10	EXEMPT/STATE OWNED
RAYMOND, LOREN A & MARGARET	2011	26.90	TURNED IN TAG/MOVED TO CA
SMITH, KARL GREGOR	2011	15.46	TURNED IN PLATE
SMOKY MOUNTAIN CENTER	2011	2203.72	EXEMPT PROPERTY

FOR MENTAL HEALTH			
SUMMIT FUNDING GROUP INC.	2011	415.58	INACTIVE PROPERTY FOR 2011
TURNER, NICHOLAS BRANDON	2011	34.94	SOLD VEHICLE
WORLD STONE OF BOONE LLC	2011	47.92	BUSINESS MOVED TO ASHE CO.
FEDERAL EXPRESS CORP	2010	177.00	TAXED THROUGH DOR
		8323.64	

MSD
OCTOBER 2011

Taxpayer	Year	Amount	Description
LOOKING GLASS GALLERY	2011	6.34	BUSINESS CLOSED DEC’2010
		6.34	

Tax Refunds
NOVEMBER 2011

Taxpayer	Year	Amount	Description
TEMPLETON, MAURICE A MAURICE A TEMPLETON LIVING TRUST	2011	1622.82	BILLED FOR TOB IN ERROR
	2010	1622.82	BILLED FOR TOB IN ERROR
	2009	1622.82	BILLED FOR TOB IN ERROR
	2008	1622.82	BILLED FOR TOB IN ERROR
	2007	1622.82	BILLED FOR TOB IN ERROR
TEMPLETON, MAURICE ALLEN	2006	1622.82	BILLED FOR TOB IN ERROR
US BANCORP EQUIPMENT FINANCE	2011	550.01	BILLED INCORRECTLY
		10286.93	

MSD
NOVEMBER 2011

Taxpayer	Year	Amount	Description
US BANCORP EQUIPMENT FINANCE	2011	53.89	BILLED INCORRECTLY
		53.89	

Tax Releases
NOVEMBER 2011

Taxpayer	Year	Amount	Description
BATES, RILLA ANN	2011	8.94	SOLD CAR
BROWN, SHELIA DOTSON	2011	8.14	SOLD VEHICLE
GOLDEN-FIELDS, COCHETA KAAINA	2011	6.49	SOLD VEHICLES
JONES, GARRETT MYRON	2011	144.63	SOLD CAR
LO, JESSICA RAMEY	2011	29.64	TURNED IN PLATE
MAIN, GERDA INGRID	2011	4.46	SOLD VEHICLE
NENOW, PAMELA JEAN	2011	17.51	SOLD VEHICLE
OMEGA TEES & SCREENPRINTING	2011	290.97	BUSINESS PERSONAL PROPERTY LEASED
POWERS, LYNN M & BETTY	2011	185.00	FAILED TO RECEIVE FULL

			OLD AGE EXEMPTION
RAZA, ALI IQBAL, SAMINA	2011	6.32	SOLD VEHICLE/TURNED IN TAG
SILVERS, MITCHELL JORDAN	2011	41.29	INCORRECT FIRE DISTRICT
SMITH, KARL GREGOR	2011	18.84	SOLD VEHICLE
SUMMERFORD, WILL WRIGHT	2011	20.15	MOVED OUT OF NC
WATAUGA YOUTH NETWORK	2011	36.82	EXEMPT
WELLS, BETTY C	2011	2.07	SOLD CAR
YATES, DOROTHY C	2011	29.49	NOT IN TOB
US BANCORP EQUIPMENT FINANCE	2011	550.01	BILLED INCORRECTLY
FURGUIELE, SAMUEL F FURGUIELE, PEGGY	2010	17.91	SOLD VEHICLE/TURNED IN TAG
HORTON, BARRY HORTON, INGRID	2010	22.20	ADJ PER BILL OF SALE
TEMPLETON, MAURICE A MAURICE A TEMPLETON LIVING TRUST	2011	1622.82	BILLED FOR TOB IN ERROR
	2010	1622.82	BILLED FOR TOB IN ERROR
	2009	1622.82	BILLED FOR TOB IN ERROR
	2008	1622.82	BILLED FOR TOB IN ERROR
	2007	1622.82	BILLED FOR TOB IN ERROR
TEMPLETON, MAURICE ALLEN	2006	1622.82	BILLED FOR TOB IN ERROR
		11177.80	

MSD

NOVEMBER 2011

Taxpayer	Year	Amount	Description
OMEGA TEES & SCREENPRINTING	2011	165.14	BUSINESS PERSONAL PROPERTY LEASESD
US BANCORP EQUIPMENT FINANCE	2011	53.89	BILLED INCORRECTLY
		219.03	

Tax Releases

DECEMBER 2011

Taxpayer	Year	Amount	Description
TEITLEMAN, MICHAEL HERBERT	2011	11.88	BILLING ERROR
JPS PA	2011	80.07	DOUBLE BILLED
SMITH, TIMOTHY M SMITH, WENDY W	2011	23.27	REGISTERED IN IREDELL CO
LAWRENCE, JACK D & MARY ANN	2011	10.24	TURN IN PLATE
ELMORE, DANIEL MICAH	2011	13.92	VEHICLE NEVER REGISTERED
CLOYED, KEITH & LEOTA	2011	9.43	PLATE TURNED IN/SOLD
WENDY WATSON INC.	2011	25.77	SOLD VEHICLE
GRACE EVANGELICAL LUTHERN CHURCH	2011	7.18	EXEMPT
ISAACS, KENNETH DEAN	2011	54.50	IN ETJ
AUNELL-FRASER, NANCY	2011	93.31	DOUBLE BILLED
WENDY WATSON INC	2011	12.90	SOLD CAR

FRAZIER, HAROLD NICHOLS III	2011	9.50	VEHICLE STOLEN
NEW RIVER BUILDING SUPPLY	2011	10.29	PLATE TURNED IN
COLVARD OIL CO INC	2011	55.50	PROPERTY TOOK FOR ROAD
EGGERS, JOHN LEE	2011	4.48	NOT IN TOB
NEW RIVER BUILDING SUPPLY	2011	53.02	INCORRECT FIRE DISTRICT
YATES, DOROTHY C	2011	61.53	INCORRECT SITUS
BAKER, SUZANNE WILLIS	2011	40.11	INCORRECT FIRE DISTRICT
FANKHAUSER, GABE NEYHOUSE, TERESA J	2011	39.71	ADJ PER BILL OF SALE
HENSON, HAROLD	2011	74.00	OUTBUILDING TORN DOWN
FARMER, KEVIN GALE	2010	15.39	SOLD CAR
ROSEMAN, VIRGINIA NORDMAN ROSEMAN, KARL HEINZ	2010	2.40	TURN IN TAG
CORNERSTONE SUMMIT	2010	32.89	DOUBLE BILLED
EASTERLING, EMILY RUTH	2010	7.25	TURN IN TAG
KRAUSE COMPANY INC.	2010	71.15	BILL OF SALE
WARD, DONNA CAROL WARD, LARRY DOYLE	2010	86.10	PLATES TURNED IN
WHITE, RUSSELL TYRONE	2010	4.86	SOLD VEHICLE
		910.65	

**Tax Refunds
JANUARY 2012**

Taxpayer	Year	Amount	Description
LENTZ, CHARLES LEWIS LENTZ, DEBORAH BEAVER	2011	5.11	SOLD VEHICLE / TURNED IN TAG
LENTZ, CHARLES LEWIS LENTZ, DEBORAH BEAVER	2010	1.30	SOLD VEHICLE / TURNED IN TAG
MORROW, ZAWADI JONATHAN	2010	8.08	SOLD CAR
		14.49	

**MSD
JANUARY 2012**

Taxpayer	Year	Amount	Description
		0	

**Tax Releases
JANUARY 2012**

Taxpayer	Year	Amount	Description
ADAMS, ARTHUR THOMAS	2011	7.83	TURN IN TAG
ALPINE CLEANING & RESTORATION INC	2011	85.38	SOLD CAR
BARKER, KATHY WALLACE	2011	39.85	IN AVERY CO

BOWIE, RONALD L BOWIE, BARBARA B	2011	42.25	SOLD CAR
CARROLL, JEANETTE MARGARET	2011	25.96	PLATE TURNED IN
HOLTON, ROBERT & BERVERLY	2011	.59	BUSINESS CLOSED IN 2010
HONEYCUTT, VIRGINIA	2011	17.91	SOLD CAR
HYATT, BETTY WATSON	2011	2.22	SOLD CAR
JONES, JOHN T JONES, NANCY	2011	7.36	NOT IN TOB
LEONARD, CARLTON KEITH	2011	17.83	INCORRECT OWNER / PLATE TURNED IN
MARLAND, KIMBERLY C MARLAND, ERIC S	2011	4.44	HIGH MILEAGE
MEADOWVIEW ENTERPRISES	2011	6.92	BUSINESS CLOSED 2010
REGION D COG	2011	7.81	EXEMPT
RAM, INC	2011	4.63	EXEMPT VEHICLE
SMITH, MARTHA BARRETT	2011	1.11	INCORRECT YEAR
WATSON, DONALD MINOR JR WATSON, LAURA MCKINNEY	2011	1.48	SOLD/ PLATE TURNED IN
WILSON, BRIAN CLARK	2011	19.84	MOVED OUT OF NC
LENTZ, CHARLES LEWIS LENTZ, DEBORAH BEAVER	2011	5.11	SOLD VEHICLE/TURNED IN TAG
	2010	1.30	SOLD VEHICLE/TURNED IN TAG
MORROW, ZAWADI JONATHAN	2011	43.51	SOLD CAR
	2010	8.08	SOLD CAR
HINDMAN, GINGER NICOLE	2010	24.46	IN BURKE CO
		375.87	

MSD

JANUARY 2012

Taxpayer	Year	Amount	Description
RESORT AREA MINISTRIES, INC	2011	2.63	EXEMPT VEHICLE
		2.63	

Tax Refunds

FEBRUARY 2012

Taxpayer	Year	Amount	Description
TEMPLETON, JEFFREY BROOKS	2011	87.99	BILLED IN ERROR
	2010	88.43	BILLED IN ERROR
	2009	93.20	BILLED IN ERROR
KIRKPATRICK, JOAN C	2011	4.92	PLATE TURNED IN
		274.54	

MSD

FEBRUARY 2012

Taxpayer	Year	Amount	Description
		0	

Tax Releases

FEBRUARY 2012

Taxpayer	Year	Amount	Description
SCHNEPP, CHRISTOPHER KENNETH	2011	2.29	SOLD VEHICLE
DAVIS, ROBERT MATTHEW	2011	6.28	SOLD/PLATE TURNED IN
BEAUCHAMP, DORA COLLINS	2011	3.17	SOLD CAR
MORGANS, LELAND BRADLEY MORGANS, LELAND MATTHEW	2011	95.05	IN HARNETT CO
YATES, BENNIE BAXTER	2011	5.55	IN IREDELL CO
GREENWAY BAPTIST CHURCH	2011	11.10	EXEMPT
HIGH COUNTRY VENDING	2011	232.95	BILLED INCORRECTLY
TENNILLE & ASSOCIATES INC	2011	62.88	PLATE TURNED IN
HIGH COUNTRY COG	2011	129.80	EXEMPT
PITT, AMANDA MARIE	2011	21.09	TOTALLED
POYNER, CLINTON ROY	2011	2.29	TURN IN TAG
WINKLER, JOHN THOMAS III	2011	5.08	SOLD VEHICLE
BARKER, CLARA SHEPHERD	2011	65.15	SOLD VEHICLE
KIRKPATRICK, JOAN C	2011	4.92	PLATE TURNED IN
EASTERLING, JOSHUA JAMES	2011	11.09	SOLD CAR
TEMPLETON, JEFFREY BROOKS	2011	87.99	BILLED IN ERROR
	2010	88.43	BILLED IN ERROR
	2009	93.20	BILLED IN ERROR
		928.31	

**Tax Refunds
MARCH 2012**

Taxpayer	Year	Amount	Description
COLLINS, JEANNINE UNDERDOWN UNDERDOWN & ASSOCIATES	2011	45.03	SOLD VEHICLE
COTTLE, ELWOOD COTTLE, JUDY C	2011	24.08	SOLD / PLATE TURNED IN
		69.11	

**MSD
MARCH 2012**

Taxpayer	Year	Amount	Description
		0	

**Tax Releases
MARCH 2012**

Taxpayer	Year	Amount	Description
BROWN, SHEILA DOTSON	2011	4.07	TURN IN TAG
COFFEY, A WADE	2011	362.79	MISSED TRANSFER TO NCDOT
COLLINS, JEANNINE UNDERDOWN UNDERDOWN & ASSOCIATES, INC	2011	45.03	SOLD VEHICLE
COTTLE, ELWOOD	2011	24.08	SOLD / PLATE TURNED IN

COTTLE, JUDY C			
DEHAVEN, KEVIN THOMAS	2011	3.07	SOLD VEHICLE
FURMAN, THOMAS H FURMAN, RENEE	2011	30.66	SOLD CAR
KOPPENHAVER, DAVID ALLEN KOPPENHAVER, JANICE ALCORN	2011	7.68	TURN IN TAG
KURTZ, BARRY L	2011	19.72	TRADED BOAT / NEW BOAT @ LAKE NORMAN
LIGHTFOOT, KATHERINE BALLANTINE	2011	2.98	SOLD CAR
MCGUIRE, TERESA ANN	2011	45.70	WRONG SITUS
MENA, JOHN J.	2011	16.14	SOLD/ PLATE TURNED IN
TAYLOR, KENNETH BRYAN	2011	5.29	LOST ADJ CODE
SCRUGGS, ASHLEY RHOADES SCRUGGS, MARK BRUCE	2008	116.92	DOUBLE BILL
		684.13	

Tax Releases
APRIL 2012

Taxpayer	Year	Amount	Description
ADVANCED REALTY INC	2011	54.95	TURN IN TAG
CAREFREE SERVICE INC PORTER, STANLEY SCOTT	2011	18.84	SOLD VEHICLE
CLEMENTS, VICTORIA MARY	2011	5.85	DOUBLE PLATE
CUMMINGS, WILFORD LEE II CUMMINGS, REBEKAH AINE RUTH	2011	9.07	OUT OF COUNTY
KING, CAROL EAST	2011	6.51	SOLD/PLATE TURNED IN
KINNAMON, GREGORY WAYNE JR JONES, CRYSTAL NICOLE	2011	54.98	DOUBLE BILLED
LOG HOMES OF AMERICA	2011	22.20	OUT OF COUNTY
MILLER, ANGELINA GABRIELLE	2011	12.06	TURN IN TAG
NEALY, WALTER BARRY	2011	44.14	WRONG FIRE CODE
VANCE, GLENDA BAIRD	2011	14.65	TURN IN TAG
MORGAN, SHANNON SUE	2010	4.50	OVERLAP TAGS
		247.75	

MSD
APRIL 2012

Taxpayer	Year	Amount	Description
		0	

Approval of Agreement – School Resource Officer:

AGREEMENT
between
Watauga County Board of Education
and
Town of Boone
for
The Police School Resource Officer Program

This agreement, entered into this 30th day of April 2012, between Watauga County Board of Education, a public body corporate organized and existing under the Constitution and laws of the State of North Carolina, hereinafter referred to as the “School Board,” and the Town of Boone, a municipal corporation organized and existing under the laws of the State of North Carolina, through its Police Department, hereinafter referred to as the “Police Agency.”

Witness that:

The School Board and Police Agency mutually agree as follows:

1. THAT THE SCHOOL BOARD SHALL:

- a. Provide funds, not to exceed \$75,373 for services rendered by Police Agency during the term of this agreement, to the Police Agency for providing, through a law enforcement officer employed by Police Agency, those services set forth in this agreement.
- b. Develop desired schedule of work for the School Resource Officer, understanding that the School Resource Officer will comply with the Town of Boone Personnel Policies as a Town of Boone employee.

2. THAT THE POLICE AGENCY SHALL:

- a. Cause to be provided for and on behalf of the School Board one school resource officer to carry out the duties and responsibilities listed in this agreement. The School Board or their representatives will approve the officer to be assigned.
- b. Cause to be completed and submitted to the School Board, as requested by the School Board, all student and program records.
- c. The Town of Boone will invoice the School Board on a monthly basis.
- d. Allow full access to the personnel file of the School Resource Officer to the School Board, provided the Resource Officer consents and signs a written release in accordance with N.C.G.S. 160A-168(c)(6).

3. REPORTING AUTHORITY:

- a. For issues of school policy, the School Resource Officer will follow recommendations and coordinate activities with Watauga High Administration.
- b. For all other law enforcement duties and general supervision as per Town of Boone and Boone Police Department Personnel Policy, the School Resource Officer will report to the Boone Police Department.

4. This agreement shall remain in effect from July 1, 2012, until June 30, 2013, unless terminated sooner pursuant to Section 9 of this agreement.

5. PERFORMANCE RESPONSIBILITIES:

The general duties of the School Resource Officer shall be to protect students, staff, visitors and property of the school. He/she will investigate criminal activity, assist other law enforcement agencies as requested, assist social services and mental health agencies, patrol areas as directed or needed, and provide police protection to special and athletic events.

He/she will attend required training, assist in medical emergencies, assist counseling staff in crisis intervention and prevention, work in the conflict resolution program, conduct formal and informal counseling, and classroom instruction to students on areas of expertise. The School Resource Officer will take law enforcement action as necessary and notify Watauga High Administration and the Boone Police Department within guidelines of the Boone Police Agency. Appropriate campus officials shall be notified of any law enforcement action by the School Resource Officer in a timely fashion for proper school action related to the offender's behavior.

6. PREVENTION:

- a. Establish positive relationships between the officer and the student population.
- b. Assist other agencies such as social services, mental health and other organizations, which provide services and care to school system employees, students and families.
- c. Receive training in Conflict Resolution and Peer Mediation.
- d. Assist students and teachers through Conflict Resolution classroom activities, assemblies and informal discussion.
- e. Work with training team to conduct staff development in Conflict Resolution strategies.
- f. Assist in training students in Peer Mediation.

7. INTERVENTION:

- a. Identify causes of violence in the schools.
- b. Educate students on legal aspects of violence and criminal behavior.
- c. Investigate criminal activity against school property, personnel, students and visitors.
- d. Provide and/or coordinate law enforcement at school activities.
- e. Assist local law enforcement authorities in school-related matters as requested.
- f. Serve as liaison between law enforcement and school officials, students and parents.
- g. Keep a log of activities relating to class, student and parent contacts.
- h. Any other duties assigned by the Boone Police Department.

8. CRITICAL KNOWLEDGE, TRAINING OR CERTIFICATION:

- a. Basic Law Enforcement training.
- b. Certified as a North Carolina Law Enforcement Officer sworn by the Boone Police Department.

- c. General experience in law enforcement with specialized knowledge of and/or experience in dealing with substance abuse, juvenile law and operating standards of accepted School Resource Officer procedures.

9. TERMINATION:

Either party may terminate this agreement without cause on 30 days notice in writing to the other party; further, either party may terminate this agreement immediately for cause, upon giving written notice to the other party, provided such notice is accompanied by a written opinion from the general counsel of the party terminating the agreement, stating that it is not legally permissible for that party to continue to substantially comply with this agreement.

IN WITNESS WHEREOF, the parties set their hands and seals in Boone, Watauga County, North Carolina.

Approval of Agreement – CompassNC, LLC.

LEGISLATIVE AND REGULATORY SERVICES FOR TOWN OF BOONE, NORTH CAROLINA

This document for Legislative and Regulatory Services (“Services”) sets forth the general terms and conditions of the consulting and lobbying agreement between CompassNC, LLC (“Compass”) and the Town of Boone, North Carolina (“Boone”).

Section 1. Term. The term of this Service shall be for 8 (eight) months; beginning May 1, 2012, and ending December 31, 2012. This Service may be extended, upon mutual consent and under conditions agreed to in writing by Compass and Boone.

Section 2. Scope of Services. Compass will provide government relations, consulting, lobbying, monitoring and communicating in matters of interest to Boone in the North Carolina General Assembly, Raleigh, North Carolina. In addition, Compass will provide assistance in working with North Carolina state agencies, in cooperation with The Policy Group, and seek funding from federal agencies located in North Carolina, in cooperation with Compass Partner Brad Edwards.

Compass Services include the following:

- a) **Consulting:** Compass will: Assist and provide advice on obtaining grants and low interest loans with state and federal agencies in areas of need and as requested by Boone; Meet with health care organizations, boards and committees for support and enhancement of Boone; Attend Boone meetings to inform officials about issues of concern before the General Assembly; Attend meetings and receptions as requested by Greg Young, Town Manager of Boone, and Jim Byrne, Consultant.
- b) **Lobbying:** Maintain daily and weekly contact with as many members of the General Assembly as possible, as well as the staff of the General Assembly and regulatory agencies; Schedule needed appointments with legislators, legislative staff and administrative officials on an “as needed” basis; Develop goodwill through direct communication or activities, including the building of relationships with legislators, legislative staff and executive officials in North Carolina state government; Work for passage or defeat of specific legislation or executive actions, as agreed to by Compass and Boone.

- c) **State Monitoring:** Monitor activities of the North Carolina General Assembly (including Legislative Study Committees during periods when the General Assembly is not in Session) and Executive agencies through the review of bills and reports filed in the General Assembly; Attend hearings, committee meetings and legislative sessions; Report items and activities that would affect Boone in a timely, relevant manner.
- d) **Federal Matters:** Seek possible grants and low interest loans with United State Department of Agriculture Rural Development and other eligible federal agencies.
- e) **Communicating:** Provide information of importance to local, state and federal groups affecting the operation and service of Boone; Discuss with state and federal agencies issues of concern to Boone, including the scope of legislation enacted or pending before the General Assembly.

Section 3. Compliance with N.C. Law. Compass agrees to comply with all applicable statutes and regulations of North Carolina, and in particular with those statutes and regulations relating to lobbying, including the preparation and filing of all appropriate lobbying and contribution forms and reports required by law.

Section 4. Fees and Expenses. Boone agrees to pay Compass twenty-four thousand dollars (\$24,000.00) over the term of this agreement in eight (8) equal monthly installments of three thousand dollars (\$3,000.00) beginning May 1, 2012, and continuing through December 31, 2012.

If Boone or Compass undertakes action that would require additional work beyond the original scope of services anticipated, the parties agree to adjust the fees for such additional services that are provided.

In addition to the fees set out above, Boone agrees to reimburse Compass for expenses incurred for reasonable and normal travel, entertainment and other expenses incurred in connection with the services described in Section 2. Such expenses will be itemized and billed promptly at the end of each month as separate expenses to Boone. Boone agrees to reimburse Compass for all lobbying registration expenses, and Boone will pay the principal registration fees with the NC Secretary of State's Office.

Section 5. Scope of Authority. With respect to Compass' services enumerated in Section 2 hereof, Compass may represent and make statements on behalf of Boone in the performance of the services; provided, however, that such statements are made pursuant to directions, either specific or general, from Greg Young and/or Jim Byrne.

Section 6. Confidentiality. During the term of this Service, Compass may have access to information of a confidential nature regarding Boone. Compass shall maintain such information in confidence during the term of this Agreement and for such time thereafter, as such information is not generally known to the public and shall not, without first obtaining approval from Boone, communicate in any fashion to anyone the substance content of any confidential written materials or conversations, or use such information for any purpose other than the performance of consulting and lobbying duties under this Agreement. Except to the extent required by law, Compass agrees not to disclose the terms of this Agreement.

Section 7. Notices. All notices required or permitted under this agreement shall be in writing and shall be delivered in person (when appropriate), sent via tele-facsimile with confirmation or receipt, e-mailed or mailed via overnight courier, postage prepaid, addressed as follows:

Company: Town of Boone

Attn: Greg Young
Town Manager
567 West King Street
Boone, NC 28607

Compass: CompassNC, LLC
Attn: John J. Cooper
128 E. Hargett Street, Suite 300
Raleigh, NC 27601
Federal Tax ID: 26-3802755

Section 8. Amendment and Termination. This agreement may be modified or amended, if the amendment is made in writing and is signed by both parties. This agreement may be terminated by either party upon sixty (60) days written notice to the other party.

Section 9. Applicable Law. These services shall be constructed in accordance with North Carolina Law, notwithstanding any conflict of laws provision that may be used to apply the laws of another state of jurisdiction.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the effective date.

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to adopt the Consent Agenda items.

VOTE: Aye – All
Nay – None
Absent – 1 (Brantz)

PUBLIC COMMENT

There was no one present who wished to speak.

CONSIDERATION OF ZONING AMENDMENTS – MAY QUARTERLY PUBLIC HEARING CASES

Case 20120038-Billy and Kathy Combs Conditional District Map Amendment: Billy and Kathy Combs have filed a Conditional District Map Amendment request for property at 592 Poplar Grove Road, further identified as Watauga County PIN 2900-68-0591-000. The request is to rezone the property from R-1, Single-Family Residential, to Conditional District R-3 Multi-Family Residential for a site-specific development plan for Use 1.110 Single Family Detached-Site Built Structure to allow up to five (5) unrelated occupants. Planner Jane Shook noted that the Planning Commission voted to recommend approval with one dissenting vote. Council Member Leigh asked why Planning Commission Member Cherry voted against the request. Ms. Shook explained that Mr. Cherry was concerned with the R-1 residential neighborhood across the road from the property. She noted that the Grandview Heights neighborhood is in a neighborhood conservation district, but those protections apply only in that district.

Vote#1

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved that the proposed amendment to the Town’s zoning map is consistent with the Town’s Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it is consistent with the Boone 2030 Land Uses Plan and with uses in the area.

VOTE: Aye – 3 (Scherlen, Mason, Ball)
 Nay – 1 (Leigh)
 Absent – 1 (Brantz)

Vote#2

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the proposed amendment to the Town’s zoning map and believe approval is reasonable and in the public interest because it is consistent with the Boone 2030 Land Use Plan, fits the direction of growth in the neighborhood, and with the following conditions:

1. Parking area for 4 additional spaces, making a total of 5.
2. Trash receptacles will be housed in the block garage building.
3. Rental of the property by a professional management company for unrelated occupancy only. This condition shall not apply if tenants are a single family.
4. Approval is subject to the site plan and supplemental information submitted by the applicant bearing a received date of January 30, 2012. Insignificant deviations may be permitted to comply with requirements of the UDO or State Building Code.
5. Any commitments or representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
6. Applications and final plans shall be submitted that are in compliance with the provisions the UDO and State Building Code.
7. Applicant must demonstrate the mitigation of impacts (parking, solid waste, recycling, noise) from the increased occupancy of unrelated persons.

VOTE: Aye – 3 (Scherlen, Mason, Ball)
 Nay – 1 (Leigh)
 Absent – 1 (Brantz)

Council Member Leigh stated for the record that she feels this is the way residential neighborhoods are infringed upon.

Case 20120185-Town of Boone General Use Map Amendment: The Town of Boone has filed a General Use District Map Amendment request for properties located at and near 376 Deck Hill Road and is further identified as Watauga County PINs 2910-20-2738-000, 2910-20-2953-000, 2910-21-3029-000, 2910-21-1038-000, 2910-21-2211-000, 2910-21-0289-000, 2910-11-9329-000, 2910-11-9213-000, 2910-11-9028-000, 2910-20-0908-000 and 2910-20-1804. The request is to rezone the properties from R-1, Single-Family Residential and B-2, Neighborhood Business to M-1, Light Industrial. Planner Jane Shook noted that the Planning Commission unanimously recommended approval of the request.

Vote#1

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved that the proposed amendment to the Town’s zoning map is consistent with the Town’s Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the site is located in the O-2 sector of the 2030 Plan, will bring the zoning into alignment with the parcel’s current use, and will allow the Town’s Public Utilities Department to complete any required improvements or upgrades to existing site infrastructure.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Council Member Mason stated that although the overall use of the property is not in alignment with the Boone 2030 Plan, the existing use of the property has been the Town’s water treatment

plant for many years. She stated that she would have preferred a conditional district rezoning for this property.

Vote#2

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest because the request will allow for the Town to undertake maintenance, improvements, and expansion of public facilities on the site without having to undertake the conditional district amendment process, and because the request is reasonable given the surrounding topography, existing land use, and the direction set forth in the 2030 Plan.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Case20120200-Watauga County Conditional District Map Amendment Modification:

Watauga County has filed a Zoning Map Amendment Petition for Conditional District Zoning for 300 Go Pioneers Drive and is further identified as Watauga County PIN 2910-88-3456-000. The request is to modify the existing site specific development plan for the Conditional District O/I, Office/Institutional zoning to the existing Watauga High School site to include the addition of a 20' x 40' picnic shelter to be located next to the tennis courts. In addition, the modification triggers the requirements for transitional zoning in accordance with UDO Section 198. Planner Jane Shook noted that the Planning Commission unanimously recommended approval of the request. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to reopen the public hearing on this request at 6:53 p.m. to ask the applicant's representative if the applicant agrees with the proposed conditions.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Ron Funk, project contractor, asked if the shelter can be downsized. Ms. Shook answered that a smaller shelter would not create any undue effects on the site. Ms. Linda Paige, representing Watauga County, agreed to the conditions. With no other testimony, Council Member Ball moved to close the public hearing at 6:55 p.m. Council Member Mason seconded the motion.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Vote#1

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the modification is for the benefit of the community, is self-contained on the site, and is not confronting any adjacent properties.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Vote#2

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is

reasonable and in the public interest because a shelter, as constructed up to 20'x40', is of reasonable size and will provide much needed coverage from inclement weather, as well as potential outdoor teaching space and with the following staff-recommended conditions:

1. Approval is subject to the site plan bearing the received date of April 20, 2012 and structure elevations bearing the received date of April 5, 2012 and project narrative bearing the received date of April 17, 2012. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.
2. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
3. Applications and final plans shall be submitted that are in compliance with the provisions of the UDO, Town Code and State Building Code.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

UPDATE ON TOWN/GOWN COMMITTEE

Dr. Susan McCracken, director of External Affairs and Community Relations at Appalachian State University, stated that the Town had requested assistance with the purchase of the new ladder truck. She noted that the current truck, which was purchased in 1987, has maintenance issues and is out of use. She announced that the university will provide funding in the amount of \$300,000 over the next two years and that the financial assistance will not cause an increase in the cost of tuition for students. Mayor Clawson and members of the Council thanked Dr. McCracken and Appalachian State University for the financial assistance and the spirit of cooperation and partnership in which it was extended.

DISCUSSION OF RULES & PROCEDURES – CONTRACTS, LEASES, SUBLEASES AND PUBLIC HEARINGS AS DEFINED BY STATE STATUTE

Council Member Mason stated that she feels there should be a process by which leases, subleases, and contracts are presented to Council. She also stated that if a hearing is needed for an appeal which could be lengthy, a special meeting should be scheduled during which to conduct the hearing. Town Attorney Sam Furguele stated that the Council could adopt rules to limit the time for presentations but that process would mean an amendment to the Town Code. Council Member Ball stated that he is hesitant to limit time when hearing from the public. Council Member Leigh agreed that the situation with leases and subleases needs to be addressed and that there should be a procedure that would allow enough time for the document to be reviewed by the Town Attorney and Town Manager before being presented to Council. After discussion, it was the consensus to task the newly-created Cultural Resources Board with a process for transitioning from leases to a licensing program for use of Town properties. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to direct the Town Attorney to draft language to address a more efficient procedure for consideration of leases, subleases, and agreements and a process for the scheduling of appeal hearings.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

CREATION OF AN INVENTORY OF HISTORICAL BUILDINGS

Council Member Scherlen explained this request on behalf of the Historic Preservation Commission. Planning Director Bill Bailey explained that the creation of such an inventory is part of the process of becoming a Certified Local Government. He indicated that the creation of an inventory of historic structures and districts will be built on the information previously compiled by an ASU intern a year ago. Mr. Bailey stated that hiring a consultant would be the easiest means of accomplishing the task but that staff can begin by searching on-line for information and use the services of student interns from ASU for the project. Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to direct the Planning Staff and Historic Preservation Commission to explore all options available for the creation of a historic structure and district inventory and to report the findings to the Council in August.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

CONSIDERATION OF SUBLEASE – SAHA AND KIWANIS CLUB OF BOONE

Michelle Ligon, president of the Southern Appalachian Historical Association (SAHA), presented a request for the Council's approval of a contract between SAHA and the Kiwanis Club of Boone. She explained the contract is for a "Weekly Concert Series" which will be held on Monday evenings. Town Attorney Sam Furguele advised that if this request is approved, the Council should require adequate liability insurance be provided for coverage of the event. He stated that the requirement should be based on what is now contained in the lease between the Town and SAHA. Planning Director Bill Bailey indicated that a rezoning of the property in 1998 may contain conditions which prohibit outdoor concerts. Town Attorney Sam Furguele stated that he would need to review the rezoning file. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council tabled consideration of this item until the Thursday, May 17, 2012 meeting to allow the Town Attorney to review the rezoning file for this property.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

AWARDING OF BID – ALTERATIONS, RENOVATIONS & REHABILITATIONS TO THE DOWNTOWN BOONE POST OFFICE

Randy Jones, of David Jones Architecture, presented information on the bids received on May 3, 2012, for renovation of the Downtown Post Office. He informed the Council of the three lowest bids:

- Greene Construction - \$1,189,454
- Wishon & Carter Builders, Inc. - \$1,191,967
- Boone Construction Company, Inc. - \$1,196,000

He explained that Greene Construction's base bid included three alternate options:

- Alternate #1: Deduct of \$2,200 – For the rerouting of a new sewer line to connect with the existing building sewer line, if the building line is viable for continued use. This alternate can only be evaluated after construction/excavation has been started.
- Alternate #2: Deduct of \$7,000 – For the deletion of the work surrounding the relocated information kiosk and newspaper racks. This includes the moving of the covered information kiosk to the north and installing a new concrete pad, steps, ramp and aluminum railing.

- Alternate #3: Deduct of \$1,765 – For the elimination of the white, vinyl, screen fence and gate surrounding the LP gas tanks located behind Melanie’s Restaurant when a sidewalk is planned to connect the Town’s parking lot with the site.

Mr. Jones stated that Greene Construction is a local business that holds an active, unlimited general contractor license. He stated that the company is experienced and that he has worked with Greene Construction before on other projects with no problems. Mr. Jones presented a budget review letter which listed project costs and other items provided from the Town. **(Copy of Project Budget Review Letter permanently on file in the May 2012 Town Council Meeting Packet.)** He informed the Council that Mountain Environmental has began demolition work in the basement. Council discussed contacting the property owner to discuss the relocation of the tanks and the possibility of connecting to natural gas at some point in the future. Town Attorney Sam Furgiuele advised that the Council may need to set guidelines for the number of newspaper racks that can be put at that site. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to award the bid for renovations to the Downtown Post Office to Greene Construction in amount of \$1,189,454.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

APPROVAL OF REVISED NOISE ORDINANCE TABLE

Town Attorney Sam Furgiuele presented a revised table for the noise ordinance. He explained that the new format will increase clarity and make it easier to make adjustments. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to approve the following table to be inserted in the noise ordinance:

TABLE 1

From . . . To	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
12 a.m. - 1 a.m.	70 dB	60 dB	60 dB	60 dB	60 dB	60 dB	70 dB
1 a.m. - 2 a.m.	70 dB	60 dB	60 dB	60 dB	60 dB	60 dB	70 dB
2 a.m - 3 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB
3 a.m. - 4 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB
4 a.m. - 5 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB
5 a.m. - 6 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB
6 a.m. - 7 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB	60 dB
7 a.m. - 8 a.m.	60 dB	70 dB	70 dB	70 dB	70 dB	70 dB	70 dB

8 a.m. - 9 a.m.	60 dB	70 dB	70 dB	70 dB	70 dB	70 dB	70 dB
9 a.m. - 10 a.m.	60 dB	70 dB	70 dB	70 dB	70 dB	70 dB	70 dB
10 a.m - 11 a.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
11 a.m. - 12 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
12 p.m. - 1 p.m	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
1 p.m. - 2 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
2 p.m. - 3 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
3 p.m. - 4 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
4 p.m - 5 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
5 p.m. - 6 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
6 p.m. - 7 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
7 p.m. - 8 p.m.	85 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
8 p.m. - 9 p.m.	70 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
9 p.m. - 10 p.m.	70 dB	70 dB	70 dB	70 dB	70 dB	85 dB	85 dB
10 p.m. - 11 p.m.	70 dB	70 dB	70 dB	70 dB	70 dB	70 dB	70 dB
11 p.m - 12 a.m.	60 dB	60 dB	60 dB	60 dB	60 dB	70 dB	70 dB

VOTE: Aye – 3 (Scherlen, Leigh, Mason)
 Nay – 1 (Ball)
 Absent – 1 (Brantz)

ADOPTION OF TDA EXPENDITURES

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to adopt the following list of TDA Expenditures:

Community Appearance	\$22,500
Cultural Resources Board	\$50,000

Downtown Development Coordinator	\$30,000
Greenway Expansion	\$25,000
Jones House	\$23,000
July 4 th Celebration	\$6,500
Maintenance-Greenway	\$15,000
Saturday Parking Enforcement	\$15,000
SAHA/Watauga TDA Capital Campaign	\$15,000
Seasonal Decorations	\$13,000
Sidewalk Construction	\$16,000
USPS King Street Building	\$198,000
Other Downtown Improvements	\$2,000
TOTAL	\$431,000

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Mayor Clawson declared a break at 8:46 p.m. Council reconvened at 8:58 p.m.

ADOPTION OF RESOLUTION – FIXING DATE OF PUBLIC HEARING FOR GTM MANAGEMENT LLC ANNEXATION REQUEST

Planner Jane Shook presented a resolution for adoption fixing the date of a public hearing for the GTM Management, LLC annexation petition. Douglas McGuire, president of GTM Management, LLC has submitted a petition for voluntary non-contiguous annexation for the Highland Woods Apartment project at 139, 148, and 168 Highland Woods Trail, which is further identified as Watauga County PIN 2901-21-2181-000. She stated that this is the second step in the annexation process for this request. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adopt the following resolution:

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
 OF ANNEXATION PURSUANT TO G.S. 160A-58.2
 (GTM MANAGEMENT LLC, HIGHLAND WOODS APARTMENTS.)**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency to the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Boone, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Council Chambers on Blowing Rock Road at 5:30 p.m. on June 21, 2012.

Section 2. The area proposed for annexation is described as follows:

Re: 2.627 acres on north side of US Hwy No. 321/421 for Annexation into Boone more particularly described as follows: A parcel of land lying on the north side of US Highway No.

321/421 and on the west side of North Carolina Secondary Road No. 1381, commonly known as Highland Hill Drive and being Tract 1-R as shown on plat recorded in Plat Book 22 at page 469 and bounded on the west by R. H. Loven, and Paul C. Gragg, on the north by GTM Management, LLC, on the east by NCSR No. 1381, and on the south by US Hwy. No. 321/421 as surveyed by Donald H. McNeil, P.L.S., L-2809, survey no. 12034, dated February 29, 2012 as BEGINNING on a 5/8 inch rebar found in the eastern line of the lands conveyed to R. H. Loven by deed recorded in Book of Records 580 at page 638, said rebar is located South 80 degrees 11 minutes 50 seconds East 232.56 feet from GPS control point established having coordinates of N= 911,021.345'; E= 1,201,857.682'; Z= 3,491.3' (NAD '83/2007); thence with the eastern line of the lands conveyed to R. H. Loven, North 24 degrees 37 minutes 40 seconds East 335.01 feet to an existing 5/8" rebar found in the southern line of the lands conveyed to Paul C. Gragg and shown on plat recorded in Plat Book 21 at page 125; thence with the line of said lands, South 72 degrees 27 minutes 10 seconds East 61.17 feet to an existing 5/8 inch rebar; thence North 01 degrees 53 minutes 45 seconds East 26.84 feet to an existing 5/8 inch rebar; thence North 01 degrees 56 minutes 00 seconds East 93.08 feet to a 5/8 inch rebar set, said rebar being a new corner for GTM Management, LLC and is located South 01 degrees 56 minutes 00 seconds West 86.20 feet from an existing 3/4 inch pipe found at the west end of a block wall; thence with the southern line of Tract 2-R of Plat Book 22 at page 469, South 86 degrees 08 minutes 50 seconds East 183.72 feet to a 5/8 inch rebar set on the west side of NCSR No. 1381; thence along the west side of NCSR No. 1381 the following three (3) courses and distances: (1) South 08 degrees 50 minutes 45 seconds West 213.73 feet to a 5/8 inch rebar set; (2) South 10 degrees 54 minutes 55 seconds West 101.63 feet to a 5/8 inch rebar set; (3) South 23 degrees 46 minutes 10 seconds West 191.07 feet to a 5/8 inch rebar set on the north side of US Hwy. No. 321/421; thence along the north side of said Highway, North 88 degrees 09 minutes 15 seconds West 64.70 feet to a 5/8 inch rebar set; thence North 00 degrees 57 minutes 25 seconds East 29.91 feet to an existing 5/8 inch rebar in the northern right of way line of US Hwy. No. 321/421; thence with the northern right of way line of said Highway, with a curve to the right having a radius of 3,166.17 feet, an arc length of 202.84 feet (chord: North 75 degrees 32 minutes 05 seconds West 202.81 feet to a point in the right of way line and the southeast corner of the aforesaid lands of Loven; thence with the eastern line of said lands, North 24 degrees 37 minutes 40 seconds East 10.55 feet to the BEGINNING and covering an area of 2.627 acres and having bearings relative to the North Carolina Geodetic Survey (NAD '83/2007) and all distances being horizontal measurements.

Section 3. Notice of public hearing shall be published once in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

ATTEST:

Mayor

Clerk

(RESOLUTION TO BE TYPED IN 3, PAGE(S) 177)

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

PRESENTATION OF P&I MONTHLY REPORT

Planning Director Bill Bailey presented the P & I Monthly report. **(Permanently on file in the May 2012 Town Council Packet.)**

APPROVE WAIVER OF BIDDING REQUIREMENTS – PURCHASE OF 100’ AERIAL PLATFORM FIRE TRUCK

Fire Chief Jimmy Isaacs appeared before the Council to request a waiver of bidding requirements in order to utilize the terms and pricing of a contract between Ferrara Fire Apparatus and the Florida Sheriff’s Association for the purchase of a 100’ aerial platform fire truck. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the request to waive the bidding requirement to allow for the purchase of a 100’ aerial platform ladder truck.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

TRANSPORTATION COMMITTEE RECOMMENDATION – 2012 SIDEWALK PRIORITIES PLAN

Facilities Superintendent Eric Gustaveson presented a recommendation from the Transportation Committee for Council’s approval of the 2012 Sidewalk Priorities Plan. He stated that the proposed plan mirrored the pedestrian plan approved by Council in July 2011. Council Member Leigh stated she feels that Perkinsville Drive should be made a higher priority on the list as many people walk on that road to get to New Market Center. Mr. Gustaveson stated that the last revision to this list was presented to Council in 2010 and that changes in circumstances can affect the list of priorities. Council Member Ball advised that the plan should be brought before the Council for consideration on a yearly basis. Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to approve the 2012 Sidewalk Priority Plan, as presented. **(Copy of 2012 Sidewalk Priority Plan permanently on file in the May 2012 Town Council meeting packet.)**

VOTE: Aye – 3 (Scherlen, Mason, Ball)
 Nay – 1 (Leigh)
 Absent – 1 (Brantz)

TRANSPORTATION COMMITTEE RECOMMENDATION – ADOPTION OF RESOLUTION OF SUPPORT FOR TRAFFIC IMPROVEMENTS TO NC HIGHWAY 105

Joe Furman, Planning Director for Watauga County, presented the request for approval of a resolution of support for traffic improvements to NC Highway 105. A choice of resolutions was presented in the meeting packet for consideration by the Council. Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to adopt the following resolution:

STATE OF NORTH CAROLINA
TOWN OF BOONE

**RESOLUTION IN SUPPORT OF TRAFFIC IMPROVEMENTS ON NC HIGHWAY 105
SOUTH**

WHEREAS, NC Highway 105 South in Boone is one of the most congested roads in Northwest North Carolina, with traffic counts exceeding capacity by 4600 in 2010 (29000 traffic count/25400 design capacity); and

WHEREAS, a student housing development exceeding 890 beds located on Poplar Grove Road South (NCSR 1552) near the intersection with NC Highway 105 South is scheduled to open August 2013; and

WHEREAS, the developer of said project, as a result of a traffic impact analysis, offered to construct a traffic light at subject intersection at developer’s expense; and

WHEREAS, “due to the proximity of a traffic signal at the intersection of NC 105/SR 1107 and the likely other locations along the corridor that meet signal warrants, NCDOT has been reluctant to add additional signals, but has instead expressed their long-term plans to re-develop this section of NC 105 into a superstreet design”; and

WHEREAS, Town of Boone is supportive of investigation of superstreet design, including but not limited to, realignment of NCSR 1552 to intersect with NCSR 1107 and NC Highway 105, but is aware that planning, design and funding is not in place at this time; and

WHEREAS, request for traffic lights in the vicinity of Poplar Grove Road (NCSR 1102) and Poplar Grove Road South have been denied by NCDOT; and

WHEREAS, congestion will continue to increase on an already over-capacity road.

NOW THEREFORE BE IT RESOLVED that the Town of Boone Council requests the NCDOT to consider constructing at minimum a temporary (during study of a superstreet design) traffic signal in the vicinity of Poplar Grove Road and Poplar Grove Road South on NC Highway 105 during Fiscal Year 2012-2013.

BE IT FURTHER RESOLVED that the Town of Boone Council supports investigation of superstreet design and realignment of NCSR 1552 as a more permanent solution for traffic issues on NC Highway 105.

ADOPTED this the 15th day of May, 2012.

ATTEST:

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 178)

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

PRESENTATION OF DBDA QUARTERLY REPORT

Development Coordinator Pilar Fotta presented the DBDA 2012 First Quarter Report. **(Copy of report permanently on file in the May 2012 Town Council meeting packet.)**

PRESENTATION OF QUARTERLY REPORT – APPALACHIAN THEATER ACTIVITIES

Downtown Coordinator Pilar Fotta introduced Frank and Claudia Mohler. Mr. Mohler delivered a power-point regarding the concept of the Appalachian Theater Renovation project. **(Copy of power-point presentation permanently on file in the May 2012 Town Council meeting file.)**

PRESENTATION OF MONTHLY NOISE REPORT

Police Chief Dana Crawford presented a noise report for the period of April 7, 2012 through May 1, 2012. **(Copy of report permanently on file in the May 2012 Town Council meeting packet.)**

REQUEST APPROVAL OF WEAPONS/PARTS EXCHANGE

Police Chief Dana Crawford presented a request to exchange 18 firearms that are in disrepair and not useable for patrol purposes. He also requested approval to trade firearm parts for firearms suitable for departmental use. **(Complete list of firearms and parts permanently on file in the May 2012 Town Council meeting packet.)** Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the exchange of unusable firearms and parts for firearms that can be utilized by the Boone Police Department.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

MONTHLY WATER USES STATUS REPORT

Public Utilities Director Rick Miller presented the monthly water status report. **(Copy permanently on file in the May 2012 Town Council packet.)**

APPROVAL OF BUDGET AMENDMENTS

Finance Director Amy Davis presented the budget amendments. Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the following budget amendments:

DESCRIPTION	ACCOUNT#	TO:	FROM:
Miscellaneous Supplies-Police Dept.	010-500-300-519900	\$2,061	
Appropriated Fund Balance-General Fund	010-000-000-499900		(\$2,061)
Maintenance & Repair-Vehicles P&I	010-500-360-525301	\$3,019	
Miscellaneous Revenue-General Fund	010-000-000-489900		(\$3,019)

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

SCHEDULING OF SPECIAL MEETINGS

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the following schedule of meetings:

- Budget Workshop – Monday, June 18, 2012, from 8:30 a.m. until 12:30 p.m.
- Budget Workshop – Tuesday, June 19, 2012, beginning at 3:00 p.m.
- Cancel the regular June council meeting scheduled for Tuesday, June 19, 2012
- Hold one regular council meeting for the month on June 21, 2012, beginning at 5:30 p.m. with the Budget Public Hearing as the first item on the agenda. Adoption of the FY2012-2013 will be placed on the June 21, 2012 meeting agenda for adoption, at some point after the public hearing. There will be no water requests scheduled for the June 21, 2012 meeting and any items that can be, will be placed on the July agenda.

VOTE: Aye – All
 Nay – 1 (None
 Absent – 1 (Brantz)

CLOSED SESSION

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to enter Closed Session at 10:30 p.m. pursuant to NCGS 143-318-11a(3)(5) to hear the following items:

- A. Legal Advice – To give instructions to staff regarding the contract between the Town of Boone and the Watauga County Arts Council.
- B. Legal Advice – To consult with the Town Attorney regarding the Raw Water Intake Approval Process.
- C. Property Acquisition – To instruct Town staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms for acquiring real property for the Chestnut Street Connector.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Upon a motion by Council Member Ball, seconded by Council Member Leigh, Council moved to exit Closed Session at 12:21 a.m.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

RECESS MEETING

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to recess the meeting at 12:22 a.m. until Thursday, May 17, 2012, at 6:30 p.m. in the Council Chambers, 1500 Blowing Rock Road.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

CALL TO RECONVENE

A recessed meeting from May 15, 2012 was called to order at 6:30 p.m., Thursday, May 17, 2012, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason, Andy Ball, and Allan Scherlen. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Town Clerk Kimberly Brown, Assistant to the Manager Jim Byrne, Finance Director Amy Davis, Police Captain Jim Wilson, Fire Chief Jimmy Isaacs, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Planning Director Bill Bailey, Downtown Development Coordinator Pilar Fotta, and Human Resources Director Peri Moretz.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to speak during the public comment session would need to sign the public comment sign-up sheet.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young announced the following changes to the agenda:

1. Addition of Item 14.D. – Rescheduling of July Council Meeting.
2. Continued discussion of the contract/sublease between SAHA and the Kiwanis Club of Boone.
3. Deletion of Item 16.B – Mike Winstead/Mega Builders, LLC water and sewer request.

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adopt the agenda, as amended.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

PUBLIC COMMENT

Steve Frank spoke in support of the Kiwanis Club of Boone’s request to use the Horn in the West amphitheater for a Monday evening concert system. He pointed out that this would bring people out on Monday evenings and will increase tourism in Boone.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Clawson announced the following vacancies:

Board of Adjustment – Four (4) positions expire on June 30, 2012:

-Two Resident positions, one ETJ position, and one Alternate ETJ position

Community Appearance Commission –Two (2) positions expire on June 30, 2012

Planning Commission – Four (4) positions expire on June 30, 2012:

-One ASU Student Representative, two Resident positions, one ETJ position.

BOARD APPOINTMENTS

Council directed the Clerk to begin sending a letter from Mayor Clawson notifying members of various town boards of the impending expiration of their terms along with an application to submit if they wish to be reappointed.

ABC Board

Mayor Clawson noted that two applications have been received for this position from Freida Van Allen and Bob Dunnigan. Council Member Leigh pointed out that the application from Mr. Dunnigan has not been signed. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to table this matter until the June regular meeting so that the application from Mr. Dunnigan can be signed.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Affordable Housing Task Force

There were no applications submitted for the vacant positions.

Board of Adjustment

There were no applications received for these positions.

Boone Tourism Development Authority

Mayor Clawson noted that three applications have been received from Stephanie O'Brien, Ben McKethan, and John Daniel Cook. Council Member Mason pointed out that, according to the TDA Bylaws and the conditions contained in the contract between the Boone TDA and the Town of Boone, members of this board must be residents of the state of North Carolina. She noted that Ms. O'Brien resides in Trade, Tennessee, thereby disqualifying her application for consideration. Council Member Mason nominated Ben McKethan to be appointed to the Boone Tourism Development Authority for the remainder of the term vacated by Doug Uzelac. Mr. McKethan's term will expire September 17, 2012.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Community Appearance Commission

There were no applications submitted for this position.

Cultural Resources Board

Mayor Clawson listed the applications and nominations received for this board:

At-Large Positions: Ms. Diane C. Terry, Mr. Raymond Christian, Ms. Kim L. Wangler, and Dr. Frank C. Mohler

ASU Nominations: Dr. Neva J. Specht and Dr. Wayne E. Williams

SAHA Nominations: Mr. Billy Ralph Winkler and Mr. Brian R. Fannon.

Council Member Leigh suggested that since the Watauga County Arts Council is pursuing its own events and activities, Council may want to revise the requirements for this board to remove the request for two nominations from the Arts Council. Council Member Leigh moved to amend the agenda to take action on the appointment requirements for the Cultural Resources Board. Council Member Ball seconded the motion.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Council Member Leigh moved that Council solicit two nominations from the following organizations: Appalachian State University (ASU), Downtown Boone Development Association (DBDA), Southern Appalachian Historical Association (SAHA), the Boone Historic Preservation Commission, and the Jones House Advisory Board, and if two nominations are submitted, Council will make an appointment from the nominations, but if no nominations or only one nomination is received from any of these organizations, Council may accept the nomination, or may reject the nomination and appoint that position as an at-large position from

the pool of at-large applications. Furthermore, she moved that the deadline for submitting an application for this board will be the next regular Council meeting date on June 21, 2012. Council Member Ball seconded the motion.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Council Member Leigh moved to change the nomination requirements for the Cultural Resources Board to remove the requirement for two nominations from the Watauga County Arts Council, for the other nominating organizations to remain as outlined in the original motion to create the board, and the position become an at-large position. Council Member Ball seconded the motion.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Development Coordinator Pilar Fotta asked the Council to clarify if the DBDA nominations need to be someone who is a member of the DBDA and owns property within the Municipal Service District (MSD.) Mr. Furguele advised that the nominations requirements as adopted by the Council only require that the nominations be affiliated with the organization. He also noted that an issue had been raised in regard to the ASU nominations on whether or not ASU employees are eligible for nomination. Discussion ensued on the matter. Council Member Mason moved to add language that nominations cannot be members of the organization's board or governing body or a current employee of the organization, exempting ASU from the employee requirement. Council Member Leigh seconded the motion.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved that nominations submitted by the organizations but not appointed, can be considered for at-large positions.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

ASU Appointment: Council Member Leigh nominated Neva Specht. With no other nominations, Mayor Clawson called for a vote on Dr. Specht's nomination:

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

SAHA Appointment: Council Member Mason nominated Billy Ralph Winkler. With no other nominations, Mayor Clawson called for a vote on Mr. Winkler's nomination:

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

At large appointments: Council Member Leigh nominated Kim Wangler and Frank Mohler. Council Member Mason nominated Raymond Christian and Wayne Williams. With no other nominations, Mayor Clawson called for a vote:

Kim Wangler	VOTE:	Aye – All Nay – None Absent – 1 (Brantz)
Raymond Christian	VOTE:	Aye – 3 (Scherlen, Leigh, Mason) Nay – 1 (Ball) Absent – 1 (Brantz)
Frank Mohler	VOTE:	Aye – All Nay – None Absent – 1 (Brantz)
Wayne Williams	VOTE:	Aye – All Nay – None Absent – 1 (Brantz)

Council agreed to assign the term lengths once all positions have been filled.

Jones House Advisory Board

There were no applications submitted for consideration for these vacancies.

Tree Board

There were no applications received for this position.

Water Study Committee

There were no applications received for this position.

TRANSPORTATION COMMITTEE RECOMMENDATION – COMMUNITIES PUTTING PREVENTION TO WORK (CPPW) GRANT

Public Works Director Blake Brown presented a request from the Transportation Committee for Council’s approval with the Appalachian District Health Department for the Communities Putting Prevention to Work (CPPW) Grant. Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the following contract:

**MEMORANDUM OF UNDERSTANDING
BETWEEN
APPALACHIAN DISTRICT HEALTH DEPARTMENT
AND
THE TOWN OF BOONE, NORTH CAROLINA**

Whereas the above-mentioned parties wish to recognize the mutual commitment, understanding and benefits of the relationship that exists between the **Appalachian District Health Department** and the **Town of Boone**, North Carolina. These two parties recognize the mutual benefits that will be achieved by pledging their commitment towards reaching the goals set forth in the Communities Putting Prevention to Work (CPPW) grant by supporting programs to promote policy, systems and environmental change. In recognition of this agreement:

The Appalachian District Health Department agrees to:

1. Grant \$45,000 to the town of Boone, North Carolina to be used exclusively for costs associated with the objectives listed below.
2. Designate an individual as the primary contact (Jennifer Greene, Director of Allied Health Services), who will have the authority to sign approvals or authorizations.
3. Provide technical assistance for policy changes for active living ordinances.
4. Participate in required promotion and evaluation processes involved with the grant objectives.
5. Provide timely feedback for progress reports and requests to amend the scope and/or amounts regarding the funds provided.
6. Regularly visit the project area to assess progress, discuss successes and determine action plans to overcome barriers.

The Town of Boone agrees to:

1. Install signage on the Boone Greenway Trail including entrance signs (\$11,200), emergency call boxes (\$10,000) and quarter-mile markers (\$1,000).
2. Contract for engineering/design plan (\$20,000) for multimodal pathway or sidewalk from Highway 194 (from New Market Blvd.) to Highway 421 (at intersection of highways 194-421) for the side located closest to the school.
3. Town staff and designated committees will collaborate with the Appalachian District Health Department Communities Putting Prevention to Work Leadership Team and other community partners to promote the development of these projects within Boone as deemed appropriate. Promotional and/or educational materials (\$2,800) may be utilized.
4. Submit a budget revision to the Appalachian District Health Department regarding any changes in budget from the outlined expenses above that support the completion of the objectives.
5. Provide receipts for all costs associated with completion of the objectives.
6. Submit monthly progress reports as requested accompanied by invoices regarding progress toward grant objectives. Open communication between all project partners will be maintained, including but not limited to: Watauga County Schools, NCDOT, Transportation Committee and the Communities Putting Prevention to Work Leadership Team.
7. Participate in all evaluation processes involved with the CPPW grant.
8. Send a representative to the Complete Streets Workshop to be hosted by Appalachian District Health Department prior to October 2012.
9. Town of Boone staff and designated committee(s) will collaborate with NCDOT Division II, NCDOT Safe Route to School Program, Watauga County Schools, Appalachian District Health Department and community members to support the development of a Safe Routes to School Program after infrastructure is developed.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

RESCHEDULING OF JULY REGULAR COUNCIL MEETING

Mayor Clawson noted that the Watauga County Board of Elections will be using the Council Chambers on July 17, 2012, for a statewide second primary. She asked the Council members if they would like to reschedule the meeting or find an alternate location. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to keep the July 17, 2012 meeting date and to direct the Clerk to investigate an alternate location for holding the meeting.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

CONSIDERATION OF SUBLEASE BETWEEN SAHA AND THE KIWANIS CLUB

Town Attorney Sam Furgiuele stated that, after reviewing the conditional rezoning case for that property [Case 9807RZ which was approved by the Town Council on May 28, 1998], he found that although the rezoning is valid, it did not limit the use of the property other than allowing for the placement of a shed for the Watauga County Farmers Market. He advised that if the Town considers approval of this contract, it should require proof of adequate liability insurance and that the Town be named as a co-insured party on the certificate. Furthermore, Mr. Furgiuele indicated that the Town may want to consider a general use rezoning for this property at some point in the future. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the following contract between the Southern Appalachian Historical Association and the Kiwanis Club of Boone, and to require proof of adequate liability insurance, naming the Town as a co-insured party, be provided to the Town Manager:

“Free Concert Series” Contract and Policies

Southern Appalachian Historical Association

P.O. Box 295, Boone, North Carolina 28607

(approved _____, 2012)

This agreement entered into on this the _____ day of _____, 20____ by and between
The Southern Appalachian Historical Association, Inc. (SAHA) and

for the rental of the _____ on the
_____ days of _____ for the purposes of free community concerts.

Free concerts may take place on the grounds of *Horn in the West* on Monday evenings, 5:00-8:30. The following policies are in effect for the use of the grounds for free concerts or similar events. Permission must be granted by the Executive Committee of the Board or other responsible person and a contract must be signed by both parties.

Before the concerts

- You may visit the property before booking a date and site. Please contact the administrative offices prior to your visit at 264-2120.
- Guests will have access to restroom facilities.
- For chair, tent and equipment rentals, we recommend a local rental company. All items are to be installed and removed on the day of the concert.
- Electrical service is provided, but extension cords and trash bags are the responsibility of the concert organizer.

Rates

- The rate charged shall be \$37.50 per Monday night event, June 18 through September 1, 2012.

On the event evening

- An attendant from SAHA will be on hand during each event, 5:30-8:30. There is no additional charge for this attendant.

After the event

- Please remove all trash, clean the restrooms, and leave the facilities, property and parking lot as you found them.

Miscellaneous

- By Town ordinance, alcoholic beverages are not allowed on the property.
- No pets are permitted, but service animals are welcome.

This contract may be considered null and void unless all signatures are affixed.

SAHA	Name	Title	Date
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Second Party Name	Address	Phone	Date
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VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

REQUESTED APPEARANCES – TALIA FREEMAN/BEECH MOUNTAIN RESORT, INC.

Talia Freeman, director of marketing and sales at Beech Mountain Resort, appeared before Council to request approval for signage for the USA Cycling Mountain Bike Gravity National Championship. She stated that she would like to promote this event in Boone. Town Attorney Sam Furgiuele advised that the Council could consider the request under UDO Section 338[a][1]b. – Commercial Community Events, which outlines the following criteria:

1. An application is properly completed and delivered to the Town of Boone Planning and Inspections Department at least forty-five days before the event.
2. The event is approved by the Boone Town Council as a “community event.”
3. As determined by the Boone Town Council, the event provides a significant economic benefit to the Town as a whole, and portrays or places the Town of Boone in a positive light.
4. The event is open to all citizenry of the Town of Boone and its planning jurisdiction.
5. The event has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone, such as, but not limited to, the Downtown Boone Development Association, the Boone Chamber of Commerce, or the High Country Host.
6. The sponsor of the event has completed a Community Event Sign Permit Application and paid the appropriate fee, and the application is approved by the Planning & Inspections Department. A representative of the organization must sign the permit application and will be jointly responsible with the organization for insuring that these regulations are followed.

Mr. Furgiuele stated that the non-profit has to be affiliated with Boone. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to approve the request for temporary signage to promote the USA Cycling Mountain Bike Gravity National Championship so long as the applicant meets all of the criteria of UDO Section 338[a][1]b. – Commercial Community Events.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

REQUESTED APPEARANCES – DAN MEYER/BOONE AREA CHAMBER OF COMMERCE

Dan Meyer, president of the Boone Area Chamber of Commerce, appeared before the Council to request approval of a special event permit for the Boone Area Chamber of Commerce Membership Event Pre-Event Parade. He explained that the event is scheduled for Monday, June 11, 2012, from 10:00 a.m. until 11:00 a.m. Mr. Meyer explained the request for closure of Horn in the West Drive and King Street from the intersection with Horn in the West Drive to Poplar Grove Connector and for waiver of the \$250 permit fee. He stated that a Certificate of Liability will be provided for the event. Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the Special Event permit for the BACC Membership Event Pre-Event Parade, to waive the permit fee of \$250, and to direct the applicant to supply to the Town proof of NC DOT approval of the road closure.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Before deliberating on the quasi-judicial requests, Town Attorney Sam Furguele questioned the members of the Council on whether or not they had contact with any of the applicants regarding the requests. All Council members stated that they had not had any significant contact with any of the applicants for any of the requests.

WATER & SEWER REQUEST – JOHN WINKLER

Town Attorney Sam Furguele opened a public hearing at 7:52 p.m. to hear sworn testimony from Jason Gaston and Planning Director Bill Bailey on a request for water and sewer service to property located at the intersection of US Highway 321 and Clement Street. Jason Gaston, Valor Engineering, explained the request. He explained that the applicant is still awaiting the adoption of the proposed corridor overlay district options before submitting final plans for this property. Planning Director Bill Bailey indicated that the planning staff is planning to present a draft to Council in August and to schedule a public hearing and approval process in September 2012. With no other testimony, Mr. Furguele closed the public hearing at 7:57 p.m. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to table this request until the September 20, 2012 meeting.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

ADJOURMENT

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to adjourn the meeting at 8:02 p.m.

VOTE: Aye – All
 Nay – None
 Absent – 1 (Brantz)

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor