

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
May 17, 2018**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Thursday, May 17, 2018 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgieue, Connie Ulmer and Marshall Ashcraft. Staff present were Town Manager John Ward, Police Captain Andy LeBeau, Planning Director Jane Shook, Public Works Director Rick Miller, Deputy Public Works Director Josh Eller and Town Attorney Allison Meade.

ANNOUNCEMENTS

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

Police Captain Andy LeBeau on behalf of the department recognized Corporal Dennis O'Neal for fulfilling the requirements and obligations to acquire his Advanced Law Enforcement Certification.

Program Coordinator Lane Weiss presented awards to the winners of the "Every Drop Counts" second grade poster contest and noted that the program had 100% participation this year.

First Place:	Kiera Butler
Second Place:	Halleigh Peele
Third Place:	Blakely Woolard
Honorable Mention:	Grey English

TENTATIVE AGENDA ADOPTION

Council Member Furgieue asked that the proposed Fire Separation Lease Agreement with Michael Vetro, Sr. be moved to number fourteen under "Council Matters" for discussion.

Council Member Clawson made a motion, which was seconded by Council Member Mason to approve the agenda as amended.

VOTE:	Aye:	All
	Nay:	None

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Mason, seconded by Council Member Furgieue, Council voted to approve the minutes for the regular Town Council Meeting on April 26, 2018 with the changes reflected in the packet online.

APPROVAL OF MINUTES - REGULAR TOWN COUNCIL MEETING APRIL 26, 2018

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

COUNCIL MATTERS

CONSIDERATION OF APPROVAL OF HARPER CORPORATION CHANGE ORDER

#4

Deputy Public Works Director Josh Eller outlined changes in proposed Changed Order #4 with the Harper Corporation for work performed in regards to the water intake project which would address maintenance needs which have been deferred for a number of years. Council Member Furgieue asked Ryan Hager of W.K. Dickson what the hourly rates were for different personnel involved in the amendment, to which Mr. Hager

responded that he did not remember. After brief discussion and upon a motion by Council Member Mason, seconded by Council Member Ashcraft, Council voted to approve Change Order #4 with the Harper Corporation in the amount of \$14,392.

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

CONSIDERATION OF APPROVAL OF AMENDMENT TO OWNER-ENGINEER AGREEMENT

Deputy Public Works Director Josh Eller presented Council with a proposed amendment to the Owner-Engineer Agreement between the Town of Boone and WK Dickson for the design and administration of changes approved in Change Order #4 with the Harper Corporation. Ryan Hager of WK Dickson confirmed that this change in contract would not exceed \$61,000. Upon a motion by Council Member Mason, seconded by Council Member Ulmer, Council voted to approve the proposed amendment to the Owner-Engineer Agreement between the Town of Boone and WK Dickson in the amount and terms stated, not to exceed \$61,000, with hourly rates that are consistent with those expressed within the agreement. After a vote was taken, Council Member Furguele noted that he abstained from voting due to hourly rate info being excluded in the information presented to Council.

RESULT:	APPROVED [3 TO 0]
MOVER:	Lynne Mason, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Ulmer, Ashcraft
ABSTAIN:	Clawson, Furguele

REQUEST TO REZONE - GRAND BOULEVARD

Planning Director Jane Shook presented a request to rezone a vacant lot owned by John Cooper on Grand Boulevard from R3 Multiple-Family to R1 Single-Family. She explained that in 2014, a change was made to the Table of Principal Uses to remove "Use 1.01 Single-Family Dwelling" as an allowable principal use in the R3 Multiple Family zoning district and all commercial districts to allow for residential uses in residential districts and commercial uses in commercial districts with the understanding that staff would forward to Council any cases where someone wanted to build a single family home in an R3 district so that Council may consider initiating a rezoning rather than the property owner. Ms. Shook informed Council that the property owner was in agreement with the rezoning. She added that staff would be willing to contact the adjacent property owner to see if they would be interested in rezoning at the same time. Ms. Shook clarified that staff planned to send this case to public hearing and added that Mr. Cooper intended to construct the home on the rear portion of the property. Ms. Shook clarified that the .07 acre portion in the rear of the property was zoned R3 Multiple Family and would not meet the 5,000 square feet minimum needed for subdivision should someone wish to pursue such in the future. Upon a motion by Council Member Furguele, seconded by Council Member Clawson, Council voted to send the request to public hearing and proceed with the addition that staff proceed with rezoning the adjacent parcel at the same time, after contacting the property owner.

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

POSSIBLE REVISIONS TO TOWN CODE CHAPTER 110

Town Attorney Allison Meade outlined possible revisions to Town Code Chapter Taxi Cabs and Other Vehicles for Hire which included allowing permits to be issued by the Town Manager, fortified background checks, renewal period of two years. Council Member Furgiuele suggested adding an appeals mechanism for permit denials and revocations. Ms. Meade answered that while she did not disagree with this suggestion, it may be more appropriate to add a generic section in the Town Code providing the same. Upon a motion by Council Member Furgiuele, seconded by Council Member Mason, Council voted to approve the revisions to Town Code Chapter 110, with the stipulation to address appeals rights and to make changes to insurance requirements in order to be consistent with state laws.

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

REQUEST FOR DIRECTION - SIGN ORDINANCE

Town Attorney Allison Meade asked Council for direction on changes to the sign ordinance requirements for temporary signs. After reading a memo submitted by Ms. Meade, Council Member Furgiuele voiced concern about realtors or others paying citizens to put advertising signs in their yard for other properties. Discussion ensued regarding governmental exceptions, political signs and the possibility of limiting temporary signs to one per house rather than banning all temporary signs as other communities have done. Council Member Furgiuele suggested staff investigate off premise signs advertising commercial establishments and asked that a distinction be made between commercial and residential signs. Ms. Shook noted that signs were the department's number one enforcement issue. After further brief discussion, it was the consensus of Council to direct staff to move forward with language which would allow residents to have one temporary sign at a time and to look into ways to prohibit off site advertising.

Mayor Brantz declared a break at 7:48 p.m. Council reconvened at 7:58 p.m.

RESULT:	CONSENSUS
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TOWN MANAGER UPDATE

Town Manager John Ward updated Council on the following topics:

- Glendale sanitary sewer project
- Water intake project
- Veteran's memorial
- Upcoming Quasi-Judicial training opportunities for Council Members
- Upcoming Town and State Dinner with the NCLM
- ASU Campus housing and parking
- Wellness Center Greenway
- Appalachian Theatre construction/Town Hall parking lot
- Upcoming budget workshops

- New intern starts on June 1
- Howard Street status update scheduled for late May
- Morningside Drive property donation by Watauga County
- Asked for public comment regarding the water and sewer fee study prepared for the Town
- High Country Mitigation Plan approved by FEMA
- Announced Public Works Director Eric Gustaveson's retirement on July 31st
- Four open positions in the police department, one open position in the finance department
- Downtown Boone Development Coordinator Brittney Clark tendered her resignation. Council Member Furguele asked that staff hold off on filling positions other than police positions until after budget meetings take place.
- RFP for solid waste services has been published

REVIEW OF COUNCIL LIAISON POSITIONS

Town Manager John Ward presented Council with a list of questions (see below) received from members which will then be passed along to Town boards and committees. Mr. Ward suggested that staff proceed with sending questions to staff to present to their respective committees, which could also be seen as an educational tool for board/committee members. Council Member Furguele suggested that Council members who are the liaison to a board/committee remove themselves physically from the meeting and not participate, even if quorum is not possible without their attendance, when the committees discuss the list of questions to avoid undue influence on the board/committee responses. It was the consensus of Council to proceed as stated above.

1. Approximately how long has this committee been in existence (e.g., over 20 years, between 15 and 20 years, etc.)?
2. How many members of town staff generally attend meetings of this committee?
3. How often does this committee meet?
4. How many members are there on this committee?
5. How many positions on the committee are currently vacant?
6. How many meetings have been canceled in the last two years due to a lack of quorum?
7. How many meetings in the last two years were able to achieve a quorum only because of the inclusion of members of the Town Council?
8. Is the chair of this committee chosen by the committee itself or the Town Council?
9. What specific tasks, if any, has this committee been charged with?
10. What are the committee's major accomplishments in the last year?
11. What are the projects this committee is currently working on?
12. Are there activities of the committee which could be handled by town staff alone?
13. What role do Town Council members on this committee serve?
14. Do Town Council members of this committee receive special deference because they are on the Town Council?

RESULT:	CONSENSUS
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ANNOUNCEMENTS OF BOARD VACANCIES

Mayor Brantz announced the following board vacancies:

ABC BOARD

Two positions

BOARD OF ADJUSTMENT

Five positions (three alternates)

COMMUNITY APPEARANCE COMMISSION

Three positions

CULTURAL RESOURCES ADVISORY BOARD

Three positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Four positions
HISTORIC PRESERVATION COMMISSION
Four positions
OUTSIDE AGENCY FUNDING REVIEW COMMITTEE
One position
PLANNING COMMISSION
Six positions
SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE
One position
TRANSPORTATION COMMITTEE
One position (community member)
WATER ADVISORY COMMITTEE
Three positions

APPOINTMENT TO ABC BOARD

Council Member Furgiuele nominated Scott Casey to fill one vacancy on the ABC Board and Council Member Clawson nominated Ronnie Holste to fill the second vacancy on the ABC Board.

VOTE: Aye: All
 Nay: None

APPOINTMENT TO BOARD OF ADJUSTMENT

Council Member Mason nominated Rich Crepeau for reappointment to the Board of Adjustment. Council Member Ulmer nominated Andy Brooks for reappointment to the Board of Adjustment.

VOTE: Aye: All
 Nay: None

Mr. Crepeau's term will expire on June 30, 2021
Mr. Brooks' term will expire on June 30, 2021

APPOINTMENT TO PLANNING COMMISSION

Council Member Furgiuele nominated Nancy LePlaca and Eric Plaag to fill the vacancies with the two longest terms on the Planning Commission and stated that he needed additional information on Michael Sanchez. Council Member Ashcraft agreed, asking for affirmation that he will be able to fulfill his term, if appointed. After clarifying with staff that Mr. Sanchez has voiced his plan to remain in Boone for the duration of his term, if appointed, Council Member Furgiuele nominated Mr. Sanchez to complete the term of former member Alan Lee.

VOTE: Aye: All
 Nay: None

Ms. LePlaca's term will expire on June 30, 2021
Mr. Plaag's term will expire on June 30, 2021
Mr. Sanchez's term will expire on June 30, 2019

APPOINTMENT TO SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Council Member Clawson nominated Nancy LePlaca to serve on the Sustainability, Economics and Environment Committee.

VOTE: Aye: All
 Nay: None

Ms. LePlaca's term will expire on June 30, 2021.

APPOINTMENT TO WATER COMMITTEE

Council Member Furgiuele nominated Amanda Lago to serve on the Water Use Committee.

VOTE: Aye: All
 Nay: None

Ms. Lago's term will expire on May 17, 2021.

FIRE SEPARATION LEASE AGREEMENT - MICHAEL VETRO, SR.

Council adjourned the meeting without addressing this agenda item.

ADJOURNMENT

Upon a motion by Council Member Clawson, seconded by Council Member Furgiuele, Council voted to adjourn the meeting at 8:54 p.m.

Nicole Worley, Town Clerk

Rennie Brantz, Mayor