MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL MAY
19, 2014

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Monday, May 19, 2014, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Lynne Mason and Quint David. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Town Clerk Kimberly Brown, Finance Director Amy Davis, Assistant to the Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Utilities Director Rick Miller, Interim Public Works Director Eric Gustaveson, Planning Director Bill Bailey, Human Resources Director Peri Moretz, Cultural Resources Director Pilar Fotta, and Downtown Development Coordinator Virginia Falck.

ANNOUNCEMENTS

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

TENTATIVE AGENDA

Town Manager Greg Young stated that the following item has been added to the draft agenda for consideration:

- Item 6.P. – Scheduling of Special Meeting – Joint Meeting with the TDA Board.

PUBLIC COMMENT

Jon Tate appeared before the Council to discuss the use of wheel-locking devices in private parking lots. He stated that his company has only had three ordinance complaints in the years he has been in business in downtown Boone and that those complaints were for identification violations.

Steve Frank appeared before the Council to state that the Town should reimbursement the Watauga Arts Council for approximately $208.

Brittney Johnson appeared before the Council to express her concern over an experience she had being wheel-locked in a private parking lot. She stated that the parking attendant was rude, threatening, and very unprofessional. She stated that she did not receive a receipt for payment to

remove the wheel-lock device, the car in which the parking attendant was in was not labeled or identified in any way, and that the parking attendant covered his name tag so that she was unable to clearly see his name.

ADOPTION OF RESOLUTION AND DISCUSSION OF TOWN ACTION ON POTENTIAL NC GENERAL ASSEMBLY TREE LEGISLATION

Mayor Ball informed the Council that proposed legislation is being introduced in the General Assembly that will eliminate statewide cities' authority to enact tree ordinances. Council Member Mason asked that additional language be added to the draft resolution such as that the town has been designated a "Tree City" for numerous years and that trees help to control water temperatures thereby promoting local trout populations. It was agreed to keep this matter under Council Matters for further discussion.

APPROVAL OF FUNDS FOR THE JUNE LUNCH & LEARN

Mayor Ball requested approval of funds designated to host a Lunch and Learn on tree preservation in the town of Boone. He stated the town will partner with the Boone Area Chamber of Commerce for the event and that Planning and Inspections staff will present the program. It was agreed to place this matter on the Consent Agenda.

DISCUSSION OF RE-ESTABLISHING THE SUSTAINABILITY TASK FORCE

Council Member David introduced discussion regarding the re-establishment of the Sustainability Task Force. He explained that the task force will establish short- and medium-term goals and recommendations that the town can implement to improve the sustainability and resilience of the community. He asked that the task force be comprised of five individuals from the community at large who have a background in sustainability initiatives and that two members of the council be representatives on the task force. It was agreed to keep this matter under Council Matters for further discussion.

CONSIDERATION OF TOWN CODE & UDO AMENDMENT – AFFORDABLE HOUSING TASK FORCE

Town Attorney Sam Furgiuele stated that it was he is still awaiting instructions from the Council regarding this matter. It was agreed to schedule this matter for the June meeting when all members of the Council will be in attendance.

PROPERTY APPRAISAL PROPOSAL

Town Manager Greg Young presented a proposal from Phillips Appraisals, Inc. for appraisals for the city hall property, the police station and town offices on Blowing Rock Road and the Public Works building on King Street. He noted that the proposal is in the amount of $17,000 for all three appraisal reports. It was agreed to place this matter on the Consent Agenda.

SCHEDULING OF SPECIAL MEETINGS – BUDGET WORKSHOPS AND PUBLIC HEARING

It was the consensus of the Council to schedule the following dates and times for the budget workshops and public hearing:

- Monday, June 9, 2014 at 8:30 a.m. – Budget Workshop
- Tuesday, June 10, 2014 at 3 p.m. – Budget Workshop
- Monday, June 16, 2014 at 5 p.m. – Budget Public Hearing.

All meetings will be held in the Council Chambers. It was agreed to place this matter on the Consent Agenda.

TRANSPORTATION COMMITTEE RECOMMENDATION

Interim Public Works Director Eric Gustaveson presented a recommendation from the Transportation Committee regarding sidewalk prioritizations based on the approved 2012 prioritization list. Council discussed the condition of the Leola Street/Pride Drive area and a short-term solution for improved pedestrian safety including a marked pedestrian walking area similar to what was implemented on Howard Street. Council Member Mason stated that this would be a short-term solution until adequate right-of-way can be secured. Additionally, Council discussed its support of High Country Pathways and the project in west downtown Boone. It was agreed to place this matter on the Consent Agenda.

P&I MONTHLY REPORT

It was agreed by Council to keep this item under Council Matters for further discussion.

PRESENTATION OF SUMMER CONCERT SERIES

Cultural Resources Director Pilar Fotta presented the itinerary for the 2014 Summer Concert Series.

DBDA REQUEST – PUBLIC ART PROJECT FAÇADE IMPROVEMENT GRANT

Downtown Development Coordinator Virginia Falck appeared before Council to request approval for a revised DBDA Façade Improvement Grant application. Council discussed placing a cap on the amount of funding for matches to the grant. It was agreed by Council to keep this item under Council Matters for further discussion.

MONTHLY WATER USE STATUS REPORT

It was the consensus of the Council to keep this item under Council Matters.

APPROVAL OF BUDGET AMENDMENTS

It was the consensus of the Council to keep this item under Council Matters.

ANNOUNCEMENT OF BOARD VACANCIES

It was the consensus of the Council to keep this item under Council Matters.

BOARD APPOINTMENTS

It was the consensus of the Council to keep this item under Council Matters.

SCHEDULING OF SPECIAL MEETING – JOINT MEETING WITH TDA BOARD

It was the consensus of the Council to schedule a joint meeting with the TDA Board on Wednesday, June 11, 2014, at 3 p.m. in the Council Chambers. It was agreed to place this matter on the Consent Agenda.

It was agreed that Requested Appearances, Water and Sewer Requests, and Closed Session items will be heard by the Council as is done each month at the regular meetings. Additionally, Council agreed to place an item on the agenda to address the demolition issue for the Scottish Inn Property.

RECESS MEETING

Mayor Ball recessed the meeting at 6:37 p.m. until Thursday, May 22, 2014, at 5:30 p.m. in the Council Chambers.

CALL TO RECONVENE

A recessed meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, May 22, 2014, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Lynne Mason, Quint David, and Fred Hay. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Town Clerk Kimberly Brown, Finance Director Amy Davis, Assistant to the Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Utilities Director Rick Miller, Public Works Director Blake Brown, Planning Director Bill Bailey, Human Resources Director Peri Moretz, and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENTS

Mayor Ball called the meeting to order and welcomed all in attendance. He 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 Ball, along with Public Utilities Director Rick Miller and Program Coordinator Lane Weiss, recognized the 2014 "Every Drop Counts" poster contest winners:

2014 Town of Boone "Every Drop Counts" Poster Contest

- **1st Place Winner – Addison Schoychid, Two Rivers Community School**
- **2nd Place Winner – Rowena Brown, Two Rivers Community School**
- **3rd Place Winner – Sebastian Howard, Two Rivers Community School**
- **Honorable Mention – Bynum Norris, Two Rivers Community School**

Mayor Ball and Police Chief Dana Crawford recognized Ms. Francesca Field and Ms. Janet Pepin for the donation of $11,000 to purchase and train a new Boone Police Department K-9 dog.

Mayor Ball, members of the Council and Interim Public Works Director Eric Gustaveson recognized L.E. Beach for his years of service and dedication to the town and the citizens of Boone.

TENTATIVE AGENDA ADOPTION

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

1. Deletion of Item 7.C. – Requested Appearance – Mark Patterson.
2. Addition of Item to Closed Session – Pursuant to N.C. Gen. Stat. §143-318.11a(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between

the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town.

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

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

CONSENT AGENDA ADOPTION

A. Minutes: April 1, 2014 – Special Meeting.
April 21 & 24, 2014 – Regular Meeting.

B. Rescheduling of Quarterly Public Hearing.

C. Approval of Tax Refunds & Releases. **(Permanently on file in the May 2014 Town Council Meeting Information Packet.)**

D. Approval of Encroachment Agreement – ASU at 104 Hill Street. **(Permanently on file at Boone Town Hall.)**

E. Approval of Encroachment Agreement – Art Mart Canopy Sign. **(Permanently on file at Boone Town Hall.)**

F. Request Permission to Negotiate Weapon Trade – Boone Police Department.

G. Approval of Funds for June Lunch & Learn.

H. Property Appraisal Proposal.

I. Scheduling of Special Meetings – Budget Workshops and Public Hearing.

J. Transportation Committee Recommendation.

K. Presentation of Summer Concert Series.

L. DBDA Request – Public Art Project at the Jones House.

M. Approval of DBDA Façade Improvement Grant.

N. Scheduling of Special Meeting – Joint Meeting with TDA Board.

O. To Authorize and Instruct Staff to Delay Enforcement of the Condemnation Order Relating to the Scottish Inn (the May 11, 2011 order to repair or demolish issued to AMP Enterprises, Inc. by Building Inspector Todd Miller) Including any Attempt to Collect any Penalties Which Have Accrued or May Hereafter Accrue, Until a Final Zoning Decision is Rendered on the Application for Conditional District Zoning Submitted by Standard of Boone, LLC, or the Proposed Project by Standard of Boone, LLC, is Abandoned, Whichever Occurs Earlier, so Long as the Security Measures Previously Imposed by the Town Council as a Condition of the Town's Previous Forbearance are Maintained.

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to adopt the Consent Agenda.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

PUBLIC COMMENT

Jeff Templeton appeared before the Council to address the order of sidewalk priorities within the town. He stated that the Greenway Drive, Leola Street, and Meadowview Drive areas should be placed as higher priority areas for installation of sidewalks. He offered pictures of persons using these streets which have a high traffic volume and no sidewalks.

ADOPTION OF RESOLUTION AND DISCUSSION OF TOWN ACTION ON POTENTIAL NC GENERAL ASSEMBLY TREE LEGISLATION

Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to adopt the following resolution and to forward the signed resolution to Governor McCrory and members of the General Assembly:

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, IN OPPOSITION OF THE PROPOSED LEGISLATION TO ELIMINATE STATEWIDE CITIES' AUTHORITY TO ENACT TREE ORDINANCES

WHEREAS, proposed legislation has been recommended to the 2014 North Carolina

General Assembly, endorsed by the Agriculture and Forestry Awareness Study Commission, to eliminate statewide cities' authority to enact tree ordinances, including those involving the protection of trees during construction, the protection of historic and "heritage" trees from removal, and replacement of tress in disturbed, regulated buffer areas; and,

WHEREAS, if this restriction is adopted, the Town will not be able to maintain the uniform standards for tree protection during construction even for developers who wish to protect site trees from harm; and,

WHEREAS, cities and towns utilize tree ordinances to maintain community character and appearance, which keeps property values high, and encourages businesses and residents to locate to those cities; and,

WHEREAS, the Town of Boone has recognized historic districts in which tree preservation and replacement are required; and,

WHEREAS, the Town of Boone has been a recognized Tree City for a repeated number of years; and,

WHEREAS, trees contribute to the community character that supports and promotes tourism and the quality of life in Boone; and,

WHEREAS, adequate riparian buffer zones and the shading provided by trees help to control water temperatures and support the trout population; and,

WHEREAS, federally-mandated local stormwater programs often utilize tree plantings to meet requirements to reduce runoff. A loss of local authority to regulate trees would inhibit the ability of cities to control flooding on private property and roadways.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Boone, North Carolina, hereby expresses its opposition to the proposed legislation eliminating cities' authority to enact tree ordinances, and urges the 2014 General Assembly not to enact legislation limiting municipalities' ability to protect trees.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Governor of North Carolina and to appropriate members of the General Assembly.

Adopted this 22nd day of May, 2014.

ATTEST:

_____ _____

Kimberly S. Brown, Clerk Andy Ball, Mayor

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 219)

VOTE: Aye – All
Nay – None

Absent – 2 (Peña, Brantz)

DISCUSSION OF RE-ESTABLISHING THE SUSTAINABILITY TASK FORCE

Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to re-establish the Sustainability Task Force for a time-limited basis to end on December 31, 2014 with the following guidelines:

Task force to: establish short (1-3 years) and medium term (5+years) goals and recommendations that the town of Boone may implement to improve the sustainability and resilience of our community. The task force will conduct focus groups in various areas of sustainability issues to research methods of community improvement, and present the town council with recommendations by the normal August meeting.

Example areas for initiative (the task force may add or remove these as they see fit):

- *Transportation*
- *Energy*
- *Local Food*
- *Building Efficiency*
- *Internal Administration Practices*
- *External Community/Business Support*
- *PR and Community Connectivity*
- *Recycling/Re-use*
- *Other Public Policy*

Subject research and reporting should take the form of:

1. *Examples from other communities.*
2. *Our existing community plans and goals.*
3. *Plans/goals to be recommended by the task force.*
4. *Adoptable measure language recommended by the task force.*
5. *Timeline and way to measure effectiveness of adopted measures.*
6. *Final report that contains all initial areas and recommendations for presentation by the normal August town council meeting.*

Research should take into account measures that affect internal sustainability processes (ex. energy efficiency in town owned buildings) as well as external sustainability processes (ex. energy efficiency in private residential buildings). The final research and recommendation report should coordinate with, and provide guidance to, the Planning Board regarding sustainability principles to be adopted as part of the 2014 Comprehensive Plan review/update process in coordination with the Boone 2030 plan.

The task force will also establish a yearly sustainability forum that representatives and citizens may participate in for the purpose of reporting effectiveness of current measures and receiving

broad public input for new measures. This forum will be a keystone to maintaining these programs and interest here in Boone. Recommendations on date/times and agenda for this forum will be given by the task force.

The task force will comprise of 5 individuals from the community at large who have a background in sustainability initiatives, along with two council representatives. Subcommittees may be formed and participation from the public highly encouraged.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

P&I MONTHLY REPORT

Planning Director Bill Bailey presented the P & I Monthly report. **(Permanently on file in the May 2014 Town Council meeting packet.)**

MONTHLY WATER USE STATUS REPORT

Public Utilities Director Rick Miller presented the monthly water status report. **(Copy of report permanently on file in the May 2014 Town Council meeting packet.)**

APPROVAL OF BUDGET AMENDMENTS

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to approve the following budget amendments:

MAINTENANCE & REPAIR-BUILDING (JONES HOUSE)	010-409-000-525101	$4,132	
EXPENDABLE EQUIPMENT (CULTURAL RESOURCES)	010-418-000-514110	$7,776	
SPECIAL PROJECTS & EVENTS (CULTURAL RESOURCES)	010-418-000-549121	$6,700	
CULTURAL RESOURCES FEES	010-000-000-484111		($18,608)
MAINTENANCE & REPAIR-VEHICLES (POLICE DEPT)	010-500-300-525301	$4,747	
MISCELLANEOUS REVENUE	010-000-000-489900		($4,747)

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Ball announced the following board vacancies:

Historic Preservation Commission – Three (3) positions expire on June 30, 2014.

BOARD APPOINTMENTS

Board of Adjustment

There were no applications submitted for consideration for this committee.

Community Appearance Commission

Council Member Mason nominated Brian Williams and James Buchanan for reappointment to this committee. With no other nominations, Mayor Ball called for a vote:

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

The terms for Mr. Williams and Mr. Buchanan will expire on June 30, 2017.

Outside Agency Funding Committee

There were no applications submitted for consideration for this committee.

Planning Commission

Council Member Mason nominated Susan McCracken for reappointment to the Planning Commission. With no other nominations, Mayor Ball called for a vote:

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

Dr. McCracken's term will expire on June 30, 2018.

Water Committee

There were no applications submitted for consideration for this committee.

REQUESTED APPEARANCE – THOMAS ELLIS

Thomas Ellis appeared before the Council to request approval of a special event for a 4th of July Block Party for the families of the Grand Boulevard neighborhood. The event is scheduled for July 4, 2014, from 3-9 p.m. The applicant is further requesting waiver of the event fee of $1,500 and the liability insurance requirement. Interim Public Works Director Eric Gustaveson stated that town staff will already be working that date for the 4th of July festivities and will be able to erect the barricades for the event. Council directed the Town Clerk to waive the insurance requirements for the event. Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to approve the special event application for the 4th of July Block Party on July 4, 2014, to waive the event fee and liability insurance requirement, and to have town personnel to set up barricades to close off the street.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

REQUESTED APPEARANCE – HARVARD AYERS

Dr. Harvard Ayers appeared before the Council to present the following statement regarding the "Carbon Free Boone" initiative:

Carbon Free Boone Council Presentation
May 22, 2014

I am here tonight to introduce the Council to a matter of utmost importance to Boone, to North Carolina, to the United States of America, and indeed to the Earth. I will suggest how our relatively small community can play a large role in stopping what is the first truly existential threat ever to face our world. I am, of course, referring to Climate Change.

We have all probably heard about the person who has champagne tastes on a beer budget. Well, right now, our country, as well as most of the world, is trying to solve the Climate Change existential challenge of the 21st Century based on 19th Century science. Good luck!

At both the state level, especially for North Carolina, and certainly at the national level, scientific ignorance is severely limiting our leader's ability to act effectively to address what is clearly settled science—what's needed is what I call a "Moon Shot Mentality." The leaders of the world, starting here in the most scientifically advanced and most powerful nation the Earth has ever known, need to drop much of what is being done, and quickly concentrate on shifting from a world-wide fossil fuel economy to one dominated by energy from the sun, including solar, wind, geothermal and related technologies.

Tonight, ironically we are only a few days past one of the most, if not the most geologically significant event in the history of human existence. To quote Nobel Prize Economist Paul Krugman in the New York Times about a week ago, "Recently two research teams, working independently and using different methods, reached an alarming conclusion: The West Antarctic ice sheet is doomed. The sheet's slide into the ocean, and the resulting sharp rise in sea levels, will probably happen slowly. But it's irreversible. Even if we took drastic action to limit global warming right now, this particular process of environmental change has reached a point of no return."

What does this mean? It means that within 100 years, the sea levels will rise from one-three feet based only on the contribution of the West Antarctic ice sheet's melting. Within 200 years, that amount will be from six to 10 feet sea level rise, again, based just on the melting of this one ice body.

What does this mean, say for Miami, for New Orleans, for Myrtle Beach, for NYC, for Boston, or for Washington, DC? Much of ***these cities will be gone from sight, under the ocean, and any even small storm, will gobble up even more of these near-ocean neighborhoods. The White House and our nation's capitol building will be reached by water.***

Since the late eighties, world-class scientists such as James Hansen, have been warning our country and the world that Climate Change could mean the end of life on Earth as we know it. But politics has obviously raised its ugly head. Those politicians are saying,

> *"Climate Change impacts will be in the distant future. Don't worry. Climate Change is way overblown, and besides, it's all natural. Humans have not caused the problem."*

This view, was recently expressed most ironically by Florida Senator and possible presidential candidate, Marco Rubio.

But based on the very latest scientific data developed by the 98% of the world's scientists who are not reading 19th Century text books, and based now on this first game-changing, Global Warming-caused, event in the Antarctic, Rubio and other such politicians are seeming foolish. Politics can be a dead end street, and were this not so important to the Earth's existence, it would almost be laughable.

So, what about little Boone and its potential role in helping to stop this world wide challenge? Whereas state, federal, and world political bodies have been hamstrung, not so with communities. Although good examples of City/Town communities taking meaningful actions to help stop Climate Change are few, there are several notable exceptions. Palo Alto, CA, is one. Boulder, CO, is another. And New Bedford, MA, is one closer to home.

All three of these communities realized that they could do what larger political entities could not. They figured out ways to reduce their consumption of fossil fuels for electricity. New Bedford is installing solar collectors on top of three schools, on two reclaimed waste dumps, and on five other municipal sites. Boulder established the nation's first carbon tax in 2006, and now the voters have authorized a major study to explore options for clean, reliable, low-cost, and local

electrical energy. Palo Alto, the most ambitious of renewable energy efforts will, by 2017, have 100% carbon free electricity. They have signed contracts with solar firms to sell them solar energy that will replace all their fossil fuel electricity.

Like Boone's own Appalachian State University, Palo Alto have a major university, Stanford. Besides moving to renewables as quickly as possible for its electricity—it's separate from the City in this respect—Stanford is divesting in all fossil fuel producing and burning companies such as EXXON, BP and Pacific Gas and Electric. ASU likewise has investments in companies like Exxon and Duke Energy, who intend to produce or burn fossil fuel till stopped by government law, this law being a certain outcome of this crisis if the Earth is to survive.

Palo Alto has its own city utility, much as Boone has only one utility, New River Light and Power, that provides all its electricity. New River is owned by ASU, and thus Appalachian has the potential to make a major contribution to Boone's ability to do its part in the battle against Climate Change by divesting and fuel switching.

Finally, given the above, Carbon Free Boone, a local non-profit of which I am the Chairman, is proposing ***that the Town of Boone authorize a taskforce to do a six to nine month study of the options by which the Town can reduce its carbon footprint in the most expeditious and efficient manner.*** *Thank you.*

Harvard Ayers, Chairman, Carbon Free Boone
346 Fieldstream Drive
Boone, NC 28607
828-262-5238 (o)
828-406-8200 (c)

Council thanked Dr. Ayers for his presentation on this critical issue and stated that this is an issue for the newly re-established Sustainability Task Force to consider.

ADDITIONAL PUBLIC COMMENT

Charles Brady, a local attorney, appeared before the Council to voice his displeasure with wheel-locking practices in private parking lots, particularly the parking lot adjacent to Murphy's Restaurant. He stated that the manner of the parking attendant was very unprofessional and questioned if the property owners were aware of the way in which the wheel-lock company was interacting with the public. Additionally, a citizen named Anne spoke to the Council about a situation in which her vehicle was booted and the rude and threatening demeanor of the parking attendant. Council Member Mason stated that this situation has been occurring frequently and that she is planning to bring it before the Council for consideration at the June regular meeting.

Before deliberating on the quasi-judicial requests, Town Attorney Sam Furgiuele questioned the members of 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 – THE STANDARD AT BOONE LLC

Town Attorney Sam Furgiuele opened a public hearing at 6:53 p.m. to hear sworn testimony on a request for water and sewer service to property located on Blowing Rock Road. Public Utilities Director Rick Miller stated that the applicant requested that this application be tabled until the June regular meeting. With no other public testimony, Mr. Furgiuele closed the public hearing at 6:56 p.m. Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to table consideration of this request until the June regular meeting.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to enter Closed Session at 7:00 p.m. pursuant to NCGS 143-318-11a(1)(3)(5) to hear the following items:

A. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town.

B. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town.

C. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct Town staff and negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating with Appalachian Theatre of the High Country, Inc., the price and other material terms of a proposed contract for the acquisition of real property involving a portion of the Town Hall parking lot.

D. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct Town staff and negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating the price and other material terms of a proposed contract for the acquisition of real property in the ETJ.

E. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to exit Closed Session at 9:51 p.m.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

POSSIBLE ACTION FOLLOWING CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to amend the agenda to discuss proposed legislation in the General Assembly regarding the elimination of cities' authority to enact tree ordinances.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

It was the consensus of the Council to issue an official statement regarding the proposed legislation.

ADJOURNMENT

Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to adjourn at 10:24 p.m.

VOTE: Aye – All
Nay – None
Absent – 2 (Peña, Brantz)

Kimberly S. Brown, Town Clerk

Andy Ball, Mayor