

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL MAY
21, 2013**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Tuesday, May 21, 2013, 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 Furguele 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 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, along with Public Utilities Director Rick Miller and Program Coordinator Lane Weiss, recognized the 2013 “Every Drop Counts” poster contest winners:

2013 Town of Boone “Every Drop Counts” Poster Contest

1st Place Winner- Miss Gwendolyn Anderson
(Mrs. Krause’s Class Hardin Park Elementary)

2nd Place- Miss Zea Joy Marty
(Ms. Ali Zick’s Class Two Rivers Community School)

3rd Place- Miss Zoey Alber
(Ms. Ali Zick’s Class Two Rivers Community School)

Honorable Mention- Charlize Bowen
(Ms. Ali Zick’s Class Two Rivers Community School)

- ❖ 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 8th annual poster contest had a total of 100 participants from Two Rivers Community School and Hardin Park Elementary.
- ❖ This year we had 100% Participation from all five classes!
 - **1st Place wins a brand new bicycle and helmet**
 - **2nd Place wins an art kit complete with easel**
 - **3rd Place wins an outdoor exploration kit**

TENTATIVE AGENDA ADOPTION

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

1. Amend Item 6.A. – Adoption of 2013 Watauga County Comprehensive Transportation Plan to “For Information.”
2. Addition of Item 6.J. – Approval of Budget Amendments.

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)

CONSENT AGENDA ADOPTION

Minutes: April 16/18, 2013 – Regular Meetings.
 April 18, 2013 – Special Meeting.

Adoption of Resolution – Retirement Resolution for Captain Jim Wilson:

RESOLUTION

The members of the Boone Town Council, meeting in regular session on May 21, 2013, do hereby adopt and pass the following resolution:

WHEREAS, the following person has served the citizens of Boone for a number of years:

Captain James H. Wilson began employment with the Town of Boone in 1985, with a total of 28 years of service.

WHEREAS, Captain James H. Wilson will be retiring on July 1, 2013, after serving as a leader in the Boone Police Department in an exemplary fashion; and

WHEREAS, his contribution in the service of Boone and its citizens will always be appreciated;

NOW, THEREFORE, BE IT RESOLVED, that Captain James H. Wilson shall be awarded his Police badge and service weapon as follows:

James H. Wilson

**Glock, Model 22 Serial
#PLK622**

Furthermore, a copy of this Resolution shall be given to Captain Wilson.

Adopted this the 21st day of May, 2013.

Loretta Clawson, Mayor

ATTEST:

Kimberly S. Brown, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 201)

Approval of Lease Agreement – Bonnie Jean Brown. **(Lease permanently on file at Boone Town Hall.)**

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

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

PUBLIC COMMENT

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

ADOPTION OF 2013 WATAUGA COUNTY COMPREHENSIVE TRANSPORTATION PLAN

Mayor Clawson noted that Dean Ledbetter of the NC Department of Transportation and David Graham, Transportation Planner with the High Country Council of Governments were both in attendance if the Council had any questions about the plan. Council Member Mason asked that this issue be on the June agenda for action so that all members of the Council have time to review the plan. It was the consensus of the Council to consider the adoption of the 2013 Watauga County Comprehensive Transportation Plan at the June regular meeting.

CONSIDERATION OF ZONING MAP AMENDMENTS

- **Case 20130064** – AMB Holding Co., LLC has filed a petition for a Conditional District Map Amendment modification for Appalachian Mountain Brewery at 163 Boone Creek Drive (Watauga County PIN 2910-23-6493-000) to allow an outdoor observation area to the rear of the lot and to allow independent food trucks to operate within the development.

Planning Director Bill Bailey presented the request and noted that the Planning Commission recommended approval with conditions.

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 supports economic development through new and expanding industries and businesses to encourage and to diversify the local economy and train a skilled labor force and also supports small business start-ups, expansions, and spinoffs.

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 with the following conditions and believe approval is reasonable and in the public interest because of the existing staff conditions that have been agreed to by the applicant:

1. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a

condition of the permit, and a basis for a stop work order and/or permit revocation if

2. The AMB operational plan shall be modified to include provisions for the “outdoor observation area” and “food trucks.”
3. A detailed plan, including traffic circulation and parking, shall be submitted for approval by the Planning and Inspections Staff and Fire Marshal.
4. Applicant must demonstrate compliance with UDO, Article XVII, Section 303 [f] prior to the use of the “outdoor observation area.”
5. The applicant shall have adequate parking with a formal agreement with the Employment Security Commission.
6. The applicant will provide sufficient evidence from a competent source that the bar top will not impede the floodway.
7. This plan will allow for further economic development in the town in reference to Section 303 [f].

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

- **Case 20130155** – Boone Hospitality Associates, LLC has filed a petition for a Conditional District Map Amendment modification to allow an attached sign on the east side of the Courtyard Marriott building at 1050 Highway 105 to be lighted (Watauga County PIN 2910-13-8946-000.)

Planning Director Bill Bailey presented the request for the lighting of existing sign. He noted that the Planning Commission recommended denial of the request. Council discussed the impact of the lighted sign on the adjacent neighborhood.

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 not consistent with the Town’s Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the proposed amendment to the conditional district zoning map does not occur in the manner that is consistent with the adjacent neighborhood and does not adequately protect the adjacent transitional neighborhood.

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

condition of the permit, and a basis for a stop work order and/or permit revocation if

Vote #2

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to deny the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest for the following reasons:

1. No lighting above the first floor as outlined in condition 14 of the previous approval. Bollard type (low profile) lighting is to be used as much as possible. Pole/carriage lights are to be kept at a minimum. No exterior lights on the building higher than the first floor. The building will not be "uplighted." On the back and two ends of the building, no lights will be installed above first floor and no grounds lights shining up will be installed. The Highway 105 elevation facing the street can be lighted per the developer's and architect's discretion, within the requirements of the UDO. The architect and engineer will continue to develop the site lighting plans to minimize off-site light pollution. "Low to the ground" lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape.
2. The building will not be uplighted.
3. The agreement to minimize off-site light pollution.

Council Member Leigh stated that the request is a reasonable way to mitigate lighting that goes into the neighborhood and does not feel it would be harming the neighborhood.

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

- **Case 20130163** – Mountaineer Crossing LLC has filed a petition for a Conditional District Map Amendment modification to allow phasing and extended vesting for the Mountaineer Crossing development located at the corner of NC Highway 105 and High School Drive (Watauga County PINs 2900-92-2629-000, 2900-92-5257-000, 2900-91-4847-000.)

Planning Director Bill Bailey presented the request. He noted that the Planning Commission recommended approval of the request with conditions.

Vote #1

Upon a motion by Council Member Mason, 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 urban type development within the Urban Growth Area will meet the town's standards 2.3 A and 2.3.3 D Innovative and flexible land planning development practices shall be encouraged to create livable developments and the overall housing unit density will be

a change of use, but to break the project into two phases.

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

Vote #2

Upon a motion by Council Member Mason, seconded by Council Member Leigh, 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 promotes mixed-use development, it makes the project more economically feasible, and the applicant has agreed to the following conditions:

1. Where there is a conflict between the application information and the plans and supplemental information (bearing a received date of April 5, 2013), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. Vesting is extended for two years.
4. Revised plans meeting the requirements of the Town Code, UDO and other applicable plans shall be submitted for review and approval.
5. Applicant shall install the infrastructure, landscape and streetyard as presented at the public hearing and that failure to complete phase II of the project will result in revocation of the Certificate of Occupancy (CO.)

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

- **Case 20130201** – United Developers have filed a Conditional District map modification for property owned by Wayne Clawson and Dana Clawson located at and near 170 Clawson Street (Watauga County PINs 2911-61-0160-000, 2911-60-3647-000, 2911-60-2100-000.) The request is to modify the parking for the approved Watauga Green multi-family project.

compatible with the average density of existing areas, and because the applicant is not proposing Planning Director Bill Bailey presented the request. He noted that the Planning Commission recommended approval of the request with conditions.

Vote #1

Upon a motion by Council Member Mason, seconded by Council Member Leigh, 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 promotes Affordable Housing and economic development and is consistent with the initial use of land.

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

Vote #2

Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest for the following reasons and includes the following staff conditions:

1. The applicant in the original public hearing for this matter said the target was one space to one and one-half space per unit. This alternative request does not go outside that original statement.
2. The applicant could have perused other parking strategies that would have resulted in many as 180 spaces in a project that is located very close to other amenities. This was a responsible and reasonable request.
3. It is the Town's responsibility to provide the reasonable assistance for the success of the project being grant funding from NCFHA and testimony presented at the public hearing indicates that this change will be viewed positively by the Finance authority.
4. Reference staff conditions 1, 2, 3 found on page eight of the staff report:
 - a. Approval is subject to the following:
 1. Zoning Map Amendment Petition Conditional District Zoning, dated 4-29-13.
 2. "Watauga Green-Preliminary Development Plans for Conditional Use Zoning Application" Sheet C-2, dated received 4-29-13.
 - b. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop-work order and/or permit revocation if violated.
 - c. All conditions of the original approval (Case 20120682) are still applicable.

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 2013 Town Council packet.)**

PRESENTATION OF QUARTERLY REPORTS – CULTURAL RESOURCES, DBDA AND APPALACHIAN THEATER

Cultural Resources Director Pilar Fotta presented the 2013 First Quarter reports for the Cultural Resources Department, the Downtown Boone Development Association, and the Appalachian Theater. **(Permanently on file at Boone Town Hall.)**

PUBLIC WORKS FUNDING REQUEST

Public Works Director Blake Brown presented the request for the release of funding from the “Fee-in-Lieu,” Capital Outlay for Sidewalks, and the vehicle tax to be moved into the Street/Sidewalk Construction line for spring and summer construction. He outlined the available funding as follows:

\$41,076 Fee-in-lieu

\$7,041 Capital Outlay

\$15,633 Vehicle Tax

\$63,750 Total.

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to approve the release of funding in the amount of \$63,750 from the following lines: Fee-in-lieu, Capital Outlay, and Vehicle Tax to be moved into the Street/Sidewalk Construction line for spring and summer projects.

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

WATER COMMITTEE RECOMMENDATION

Public Utilities Director Rick Miller presented a recommendation from the Water Committee that the Town contact the Town of Blowing Rock and Watauga County to verify their continued intentions to obtain water from the Town of Boone via the new raw water intake and financial

commitment confirmation. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to send a letter to the Town of Blowing Rock and Watauga County and to get feedback from both organizations.

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

SCHEDULE SPECIAL MEETING – WATER COMMITTEE

Public Utilities Director Rick Miller presented a request from the Water Committee to have a meeting in June to further discuss the raw water intake project. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to schedule a special meeting on Tuesday, June 11, 2013, at 5:30 p.m. in order to continue discussion of the raw water intake project.

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

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 2013 Town Council packet.)**

ADOPTION OF TDA EXPENDITURES

Town Manager Greg Young presented the following list of TDA expenditures for consideration:

Community Appearance	\$ 22,000
Cultural Resources	\$ 50,000
Downtown Police Officer	\$ 62,950
Downtown Services (Clean up, beautification, etc.)	\$ 200,000
Jones House	\$ 25,000
Maintenance - Greenway	\$ 14,000
Rivers Property (Rock House repairs)	\$ 50,000
Saturday Parking Enforcement	\$ 15,000
Seasonal Decorations	\$ 8,000
Sidewalk Construction	\$ 11,000
Snow Removal	\$ 45,000
Special Events (Parades, festivals, etc.)	<u>\$ 10,000</u>

Total

\$ 512,950

Council Member Mason had noted at the last TDA meeting that the board discussed supporting bigger projects and requesting an accounting of how the funds are used by the Town of Boone. Council Member Ball moved to table discussion of the matter until the May 29th Budget Retreat follow-up meeting. The motion was seconded by Council Member Leigh.

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

APPROVAL OF BUDGET AMENDMENTS

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

Description	Account#	To:	From:
SPECIAL PROGRAMS/EVENTS (CULTURAL RESOURCES)	010-418-000-549121	\$5,040	
MISCELLANEOUS REVENUE	010-000-000-489900		(\$5,040)
UNIFORM EQUIPMENT-POLICE DEPARTMENT	010-500-300-511220	\$3,041	
DEPT OF JUSTICE-BULLET PROOF VEST GRANT	010-000-000-461517		(\$3,041)
COMMUNICATIONS EQUIPMENT-POLICE DEPT	010-500-300-516300	\$13,489	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$13,489)
SIDEWALK CONSTRUCTION	010-600-405-514303	\$42,800	
APPROPRIATED FUND BALANCE-GENERAL FUND	010-000-000-499900		(\$42,800)
SIDEWALK CONSTRUCTION	010-600-405-514303	\$63,750	
TRANSFER FROM SIDEWALK CAPITAL RESERVE FUND	010-000-000-498019		(\$63,750)
CAPITAL OUTLAY-LINES	030-700-803-575000	\$217,072	
RURAL CENTER GRANT-PRIDE DRIVE LINE PROJECT	030-000-000-448026		(\$217,072)

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

RECESS MEETING

Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to recess the meeting at 8:05 p.m. until Thursday, May 23, 2013, 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 of the Boone Town Council was called to order at 6:30 p.m., Thursday, May 23, 2013, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason, Allan Scherlen, and Andy Ball. 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 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.

TENTATIVE AGENDA ADOPTION

Council Member Leigh requested that the agenda be amended for possible action on rescheduling the May 29th budget follow-up meeting to allow the Council time to review the budget document. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to reschedule the May 29th budget follow-up meeting to allow the Council time to review the budget document.

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

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

1. Addition of Item 12.C. – Planning Commission Recommendation.
2. Addition of Item 12.D. – Discussion and Possible Action Regarding Setting a Time for Presentation of the Housing Study.
3. Addition of Closed Session Pursuant to NCGS 143-318.11a(3)(5):
 - A. Legal Advice – To consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, to consider and give instructions concerning the handling or settlement of a claim or judicial action against Watauga County.
 - B. Property Acquisition - To instruct the Town's staff or negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating the material terms of a contract or proposed contract for the acquisition of Appalachian Theater property.

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

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

PUBLIC COMMENT

Quint Davey voiced his support of the event being proposed by Rio Tazewell and urged the Council to support local endeavors.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Clawson announced the following board vacancies:

Board of Adjustment – Four (4) positions expire on June 30, 2013:

- One resident position, one resident alternate position, and one ETJ position.
- Denise Lockett has resigned her resident position on the Board of Adjustment. Her term expires June 13, 2013.
- Craig Adams has resigned his position as a Resident Alternate member. His term expires June 30, 2014.

Boone Housing Authority – Two (2) positions expire on June 30, 2013.

Community Appearance Commission – Two (2) positions expire on June 30, 2013.

Historic Preservation Commission – One (1) position expires on June 30, 2013.

Planning Commission – Two (2) positions expire on June 30, 2013:
-Two resident positions. **BOARD**

APPOINTMENTS Affordable

Housing Task Force

Council Member Scherlen nominated Dr. Rosie Tighe to serve as the community member/neighborhood advocate on the Affordable Housing Task Force. With no other nominations, Mayor Clawson called for a vote:

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

Board of Adjustment

It was the consensus of the Council to delay nominations for the positions until more applications are received.

Outside Agency Funding Review Committee

There were no applications submitted for consideration for this committee.

Planning Commission

It was the consensus of the Council to delay nominations for the positions until more applications are received.

Tree Board

It was the consensus of the Council to delay nominations for the positions until more applications are received.

PLANNING COMMISSION RECOMMENDATION

Planning Director Bill Bailey presented the recommendation from the Planning Commission to have an additional Planning Commission representative on the Affordable Housing Task Force for a total of three representatives. It was the consensus of the Council that the current membership of eight members is a good working group and that the Planning Commission is

already well-represented with two members. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to deny the request from the Planning Commission to add another representative to the Affordable Housing Task Force. Town Attorney Sam Furgiuele stated that he feels this is not within the powers of the Planning Commission as set forth by the UDO.

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

DISCUSSION AND POSSIBLE ACTION REGARDING SETTING A TIME FOR PRESENTATION OF HOUSING STUDY

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to schedule a joint special meeting with the Planning Commission and the Affordable Housing Task Force in order to receive a presentation on the draft Housing Study on Tuesday, June 11, 2013, at 7:30 p.m. in the Council Chambers, 1500 Blowing Rock Road.

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

DISCUSSION AND RESCHEDULING OF ANNUAL RETREAT FOLLOWUP MEETING

Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to reschedule the annual retreat follow-up meeting to Friday, May 31, 2013, from 8:30 a.m. until 5 p.m. in the Council Chambers, 1500 Blowing Rock Road.

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

REQUESTED APPEARANCE – RONNIE HOLSTE – ABC BOARD

Ronnie Holste informed the Council that the Boone ABC Store presented the Town with a \$125,000 quarterly distribution check. He updated the Council on the status of renovation to the Boone ABC Store. He noted that the renovations will include 400 feet of extra sales space and 1,000 square feet of area in the back storage room.

REQUESTED APPEARANCE – STACY SEARS

Mary Sheryl Horine requested approval and fee waiver for the 3rd Annual Half Marathon Road Race. She noted that the event is scheduled for Saturday, August 4, 2013, from 7:30-8:30 a.m. Town Manager Greg Young presented the following information of the cost to the Town for staffing events:

- Public Works: personnel \$50.00 per hour
 Vehicle \$50.00 per hour
- Police Department: cost per officer \$52.55
 Administrative cost \$36.30
- Fire Department: \$150.00 per event

Ms. Horine stated that police assistance is only needed for this event in passing through the intersection of Highways 321 and 105. Chief Crawford stated that this can be handled using officers already on duty with no additional personnel. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to approve the special event permit for the 3rd Annual Half Marathon on Saturday, August 4, 2013, and to waive the permit fee.

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

REQUESTED APPEARANCE – RONNIE MARSH

Kent Graham, Blowing Rock Fire Chief, presented a request for approval of a special event permit fee for Emergency Fest 2013. He noted that this event is scheduled for Saturday, June 15, 2013, from 8 a.m. – 3 p.m. and that no additional town assistance is needed. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to approve the special event permit for Emergency Fest 2013 on Saturday, June 15, 2013 and to waive the permit fee.

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

REQUESTED APPEARANCE – RIO TAZEWell AND BEN LOOMIS

Rio Tazewell presented a request for approval for special event permits for the Howard Street Exchange, scheduled for June 9, July 14, August 18, and September 15, 2013, from 12-5 p.m. Additionally, Mr. Tazewell is asking the Council to waive the \$1,500 event fee for each event.

He explained that the event is part of a new initiative, the Boone Community Network, which is a new social network for the area. Sean Speigelman, of Appalachian Mountain Brewery, stated that he already holds a permit to serve alcohol for special events. Town Manager Greg Young noted the cost to the Town to provide services for this event are as follows:

- Public Works Department - \$600
- Police Department - \$561.80 (due to serving alcohol)
- Fire Department - \$150.00.

Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to approve the special event permit for the **June 9, 2013** only, to have the cost of service provided by the Town in the amount of \$1,250.00 come out of the Town's General Fund, and to have the applicants come back during the regular meeting in June for consideration of the additional dates for the event.

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

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 – JOHN WINKLER

Town Attorney Sam Furgiuele opened a public hearing at 7:36 p.m. to hear sworn testimony on a request for water and sewer service to property located at the intersection of US Highway 321 and Clement Street. Jason Gaston, of Valor Engineering and representing the applicant, 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 stated that he anticipates revisions to the overlay districts beginning in July. With no other testimony, Mr. Furgiuele closed the public hearing at 7:44 p.m. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to table consideration of this request until the regular meeting in August 2013.

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

WATER & SEWER REQUEST – CONNIE KELLER

Town Attorney Sam Furgiuele opened a public hearing at 7:45 p.m. to hear sworn testimony on a request for water and sewer service to property located at the intersection of Betsey's Drive and

Bamboo Road. Mike Smith, brother-in-law of the applicant, explained the request. He explained that the lot is low-lying, will not perk, and that there is no place to install a new septic system. He stated that there is a concern that this will cause a contamination of surrounding ground water. Public Utilities Director Rick Miller stated that the closest town line is at the intersection of Bamboo Road and Kellwood Drive. He stated that the applicant would have to bear the cost of a private extension of the line. Planning Director Bill Bailey stated that regarding the issue of possible annexation of the property, the entire subdivision would have to be annexed. Connie Keller stated that she just needs sewer service at this time. With no other testimony, Mr. Furguele closed the public hearing at 7:55 p.m. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to approve the request for sewer service at this time with the agreement that the applicant will connect to water service when available due to the fact that this is an emergency situation and a threat to public health.

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

CLOSED SESSION

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to enter Closed Session at 7:58 p.m. pursuant to NCGS 143-318-11a(3)(5) to hear the following items:

- A. Legal Advice – To consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, to consider and give instructions concerning the handling or settlement of a claim or judicial action against Watauga County.
- B. Property Acquisition - To instruct the Town's staff or negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating the material terms of a contract or proposed contract for the acquisition of Appalachian Theater property.

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

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to exit Closed Session at 9:57 p.m.

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

POSSIBLE ACTION FOLLOWING CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to authorize the Mayor to sign the deed on behalf of the Town to transfer ownership of the Appalachian Theater property to the Appalachian Theater of the High Country, Inc. once the conditions of transfer have been approved by the Town Manager.

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

ADJOURNMENT

Upon a motion by Council Member Ball, seconded by Council Member Leigh, Council moved to adjourn at 9:59 p.m.

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

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor