

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL JUNE
18, 2013**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Tuesday, June 18, 2013, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason, Rennie Brantz, 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.

TENTATIVE AGENDA ADOPTION

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

1. Addition of Item 7.K. – Approval of Stormwater Encroachment Agreement for Dr. Jerry Butler, 302 Faculty Street.
2. Addition of Item 7.L. – Scheduling of Special Meeting – Discussion of Parking Meter Implementation Downtown.
3. Addition of Item 7.M. – Information and Direction Regarding the Renewal of Contract between the Town of Boone and the Downtown Boone Development Association for 2013-2014.

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

VOTE: Aye – All
 Nay – None

CONSENT AGENDA ADOPTION

Minutes: May 1, 2013 – Special Meeting.
 May 1, 2013 – Special Meeting.
 May 6, 2013 – Quarterly Public Hearing.
 May 7, 2013 – Special Meeting.
 May 13, 2013 – Special Public Hearing.
 May 21 & 23, 2013 – Regular Meetings.

Approval of Tax Refunds – April & May 2013:

**Tax Refunds
APR 2013**

Taxpayer	Year	Amount	Description
JOHNSON, ADAM BARRETT	2012	2.55	TURN IN TAG
		2.55	

MAY 2013

Taxpayer	Year	Amount	Description
DENNIS, RACHEL ELIZABETH	2012	13.19	TURN IN TAG
FULMER, FRANCES STONE	2012	12.98	TURN IN TAG
ZEIDAN, DANIEL	2012	25.44	PLATE TURN-IN
		51.61	

Approval of Tax Releases – July 2012, April & May 2013:

**Tax Releases
CO2
JULY 2012**

Taxpayer	Year	Amount	Description
COX, SARAH ALYNN	2012	26.83	INCORRECT TAX BILLING
JESSEN, LEE THOMS	2012	1.22	WRONG SITUS
LOG HOMES OF AMERICA INC	2012	34.67	NOT IN TOB
PERRY, MEREDITH GARDNER	2012	4.05	PLATE TURN-IN
RAMSDELL SCIENTIFIC INC	2012	35.74	INCORRECT SITUS

RAMSDELL, JEFFREY EARL			
TALBOT, MAJEL MARGARET	2012	22.02	DOUBLE BILLED
WATAUGA MEDICS INC	2012	122.10	VALUE ADJ TO BILL OF SALE
BOYD, JOHN D	2011	6.73	INCORRECT TAX BILLING
BURGESS, TOMMY S BURGESS, KANDI	2011	3.37	SOLD VEHICLE
CHERRY, TODD L CHERRY, CARRIE ANNE	2011	50.43	INCORRECT TAX BILLING
CORUM, ALVIS L AND JOANN	2011	10.06	DOUBLE BILLED
EVANS, NATHAN WALLACE	2011	55.43	PLATE TURN IN
FLOYD, TONI W	2011	53.76	DUPLICATE BILL
LENTZ, COLTON MATTHEW	2011	27.49	DUPLICATE BILL
MCCOY, PATRICK JOSEPH MCCOY, MARGARET MUNDY	2011	43.33	DOUBLE BILLED
MOORE, ROGER VINSON MOORE, ROGER CRAWFORD JR	2011	39.66	DUPLICATE BILL
NORTHWEST GLASS & MIRROR INC	2011	45.55	INCORRECT TAX BILLING
NORTHWESTERN REGIONAL HOUSING AUTHORITY	2011	5.00	EXEMPT
PANTER, RENEE LYNN PANTER, GLENROSE	2011	29.12	NOT IN TOB
PARKER, GERALD LEE	2011	39.00	DOUBLE BILL
SHROYER, LAURA THERESA	2011	22.64	DUPLICATE BILLING
SMITH, SONJA	2011	35.30	WRONG SITUS
SMITH, TIMOTHY M SMITH, WENDY W	2011	11.84	DOUBLE BILLED
TEMPLETON, MARK ANTHONY	2011	7.77	DOUBLE BILL
WILSON, JAMES B	2011	48.40	INCORRECT BILLING
WOOD, DAVID DORROH	2011	3.12	PLATE TURN-IN
		784.63	

Tax Releases
APR 2013

Taxpayer	Year	Amount	Description
CORNECK, IAN CLEMENT	2012	2.18	TURN IN TAG

DEAL CONSTRUCTION CO INC DEAL, WILSON EDWARD	2012	55.81	PLATE TURN-IN
FRAZIER, HAROLD N JR FRAZIER, MARTHA G	2012	6.15	PLATE TURN-IN
FURMAN, RENEE MATTRAW	2012	36.09	PLATE TURN-IN
JOHNSON, ADAM BARRETT	2012	2.55	TURN IN TAG
KILKELLY CABINS LLC	2012	173.76	PROPERTY NOT IN TOB
KRAUSE, DIRK JOSEPH	2012	8.36	SOLD BOAT 5 YRS AGO
LYDA, JAMES VERNON JR	2012	43.99	OUT OF COUNTY
NEW RIVER LIGHT & POWER	2012	105.19	EXEMPT
QUINN, PATRICIA P	2012	10.58	INCORRECT VALUE
SCHLECHT, KATHY JEAN	2012	94.41	PLATE TURN-IN
SUMLER, CRYSTAL LYNN	2012	30.64	INCORRECT SITUS
TURNER, CATHERINE ELIZABETH	2012	28.93	INCORRECT TAX VALUE
WELLENSTEIN, BRAD MORGAN	2012	6.66	TAG TURN-IN
LAW OFFICE OF CAMERON FERGUSON	2011	101.90	OUT OF COUNTY
LAW OFFICE OF CAMERON FERGUSON	2010	109.48	OUT OF COUNTY
		816.68	

MAY 2013

Taxpayer	Year	Amount	Description
BOWLING, BRIANA RAE	2012	6.77	PLATE TURN-IN
DEFORREST, MARSHALL BARTON JR DEFORREST, SCOTT BAIN	2012	124.47	PLATE WENT INACTIVE
DENNIS, RACHEL ELIZABETH	2012	13.19	TURN IN TAG
FULMER, FRANCES STONE	2012	12.98	TURN IN TAG
JOHNSON, JOSEPH DANIEL	2012	39.11	INCORRECT FIRE DISTRICT
MOHLER, ROBERT WILLIAM	2012	13.65	2 PLATES OVERLAPPING W/ TEMP PLATE
SMITH, KURSTON ELIZABETH OLIVER, JAMES ALFRED JR	2012	7.30	PLATE TURN-IN

ZEIDAN, DANIEL	2012	25.44	PLATE TURN-IN
		242.91	

Approval of Encroachment Agreement – Mo’s Boots Projecting Sign. **(Agreement permanently on file at Boone Town Hall.)**

Approval of Encroachment Agreement – Mo’s Boots Canopy Sign. **(Agreement permanently on file at Boone Town Hall.)**

Approval of Special Event Permit – 2013 Grandfather Mountain Marathon.

Approval of Agreement – Police School Resource Officer. **(Agreement permanently on file at Boone Town Hall.)**

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

VOTE: Aye – All
 Nay – None

PUBLIC COMMENT

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

PUBLIC HEARING – FISCAL YEAR 2013/2014 BUDGET ORDINANCE

Mayor Clawson opened a public hearing at 6:33 p.m. to receive public input on the proposed FY2013-2014 Town of Boone Budget. Town Manager Greg Young stated that the budget ordinance will be on the Thursday night agenda for consideration. He listed the following funding amounts:

- General Fund \$12,369,962
- Emergency Telephone Systems \$120,945
- Narcotics Enforcement \$24,500
- Water & Sewer Fund \$6,940,397
- Health Insurance Fund \$1,745,500
- Municipal Service District \$167,161
- Rural Fire District \$914,624
- TOTAL \$22,283,089**

With no public input, Mayor Clawson closed the public hearing at 6:34 p.m.

ADOPTION OF RESOLUTION – ANNUAL HIGH COUNTRY FESTIVAL OF THE BOOK

Mayor Clawson presented a resolution of support for the annual High Country Festival of the Book. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adopt the following resolution:

RESOLUTION

Urging the Town of Boone to support the Friends of the Watauga County Public Library's Annual High Country Festival of the Book on June 22, 2013 at the Watauga High School

Whereas, the High Country Festival of the Book (HCFB) is organized by the Friends of the Watauga County Public Library to draw attention to the importance of books, reading, and literacy; and

Whereas, the Friends of the Watauga County Public Library are committed to raising the standard of excellence of our library by bringing people together who value the innumerable number of activities and resources provided by libraries; and

Whereas, HCFB promotes a meaningful engagement of the community with authors, publishers, and readers; and

Whereas, HCFB provides enriching, unique, world-class cultural experiences for families and individuals of all ages; and

Whereas, special children's programming and activities help to encourage young readers for years to come;

Now, Therefore, Be It Resolved that the Town of Boone supports the efforts of the Friends of the Watauga County Public Library and endorses the annual High Country Festival of the Book.

Loretta Clawson, Mayor

ATTEST:

Kimberly S. Brown, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 202)

VOTE: Aye – All
 Nay – None

ADOPTION OF 2013 WATAUGA COUNTY COMPREHENSIVE TRANSPORTATION PLAN

David Graham, Transportation Planner for the High Country Council of Governments, appeared before the Council to provide information and answer any questions regarding the 2013 Watauga County Comprehensive Transportation Plan. He introduced the following persons also in attendance: Phil Trew-High Country Council of Governments, Cooper Sellers-NC DOT Planning Branch, Pam Cook-NC DOT Planning Branch, Dean Ledbetter-NC DOT Division Planning Engineer, and Jordan Adams-Intern. He presented a brief background and overview of the process and plan and announced that the plan has been adopted by other municipalities and Watauga County. Council Member Mason, who served on the Comprehensive Transportation Plan Steering Committee along with Public Works Director Blake Brown, explained that a lot of discussion and consideration were involved in drafting the plan. She stated that the plan will help to accomplish the complete streets design which includes bicycle accessibility and sidewalk and intersection improvements. Public Works Director Blake Brown noted that the Transportation Committee unanimously endorsed the plan. Council Member Ball stated that he feels this is a deliberate and well-planned process; however, he does not support a by-pass around Boone. He feels that this will be bad for businesses and will not help to increase the tax base. Cooper Sellers, of the NC DOT Planning Branch, stated that one of the issues for consideration is the amount of traffic forecasted to use King Street and to accommodate that demand. He suggested that a proposed by-pass will serve longer distance travelers. Council Member Scherlen voiced his concern with potential environmental impacts of a proposed by-pass. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to approve the 2013 Watauga County Comprehensive Transportation Plan and to adopt the following resolution:

RESOLUTION ADOPTING A
COMPREHENSIVE TRANSPORTATION PLAN
FOR THE TOWN OF
BOONE, NORTH CAROLINA

WHEREAS, the town of Boone and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a transportation plan for Watauga County; and

WHEREAS, the town and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a highway system that will serve present and anticipated volumes of vehicular traffic in and around the town; and

WHEREAS, it is recognized that the proper movement of traffic within and through the town of Boone is a highly desirable element of the comprehensive plan for the orderly growth and development of the town; and

WHEREAS, after full study of the plan, and following a public hearing, the town Councilmen of Boone feel it to be in the best interests of Boone to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, we, the Boone Town Council, do resolve that the Watauga County Comprehensive Transportation Plan as shown on the attached map dated August 2, 2012, be approved and adopted as a guide in the development of the highway system in Boone and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

ATTEST:

Loretta Clawson, Mayor

Kimberly S. Brown, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 203)

VOTE: Aye – 4 (Scherlen, Leigh, Mason, Brantz)
 Nay – 1 (Ball)

DISCUSSION OF POSSIBLE USES OF ROOM AT DOWNTOWN BOONE POST OFFICE

Council Members Leigh and Mason suggested that the Council receive input from Cultural Resources Director Pilar Fotta and Downtown Development Coordinator Virginia Falck for uses appropriate for the side room on the main floor of the Downtown Boone Post Office. Planning Director Bill Bailey stated that such issues as parking challenges, accessibility issues, and security need to be considered when discussing uses of the room. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to direct Cultural Resources Director Fotta, Downtown Development Coordinator Falck, and Planning Director Bailey to investigate the best use of the side room on the main floor of the Downtown Boone Post Office and to present those recommendations to the Council.

VOTE: Aye – All
 Nay – None

DISCUSSION AND POSSIBLE ACTION REGARDING ADDITIONAL SAFETY MEASURES FOR HOTEL AND MOTEL ROOMS

Council Member Scherlen initiated a conversation on additional safety measures for hotel and motel rooms in Boone. Town Attorney Sam Furguele explained that the Town does not have clear authority to require carbon monoxide monitors in commercial rooms but could petition the NC Building Code Council to amend state codes to require carbon monoxide detectors in hotel and motel rooms. He also indicated that the Council could postpone action to petition the NC Building Code Council to allow the state time to make changes to the code. Finally, Mr. Furguele stated the Town could create a local ordinance to require carbon monoxide detectors in commercial rooms but that special consideration should be taken regarding the Town's ability to enforce such requirements. Upon a motion by Council Member Scherlen, seconded by Council Member Ball, Council moved to petition the NC Building Code Council to amend the code so that carbon monoxide detectors are required in all hotel and motel rooms.

VOTE: Aye – All
 Nay – None

AWARDING OF BID – 2013-2014 INSURANCE PROPOSALS

Safety and Risk Management Officer Terry Story presented information regarding proposals for liability and property line insurance for the Town of Boone for the upcoming fiscal year. Regarding workers compensation coverage, he recommended the bid from the NC League of Municipalities in the amount of \$172,046, which was \$31,214 lower than the bid by Key Risk and \$3,333 lower than the bid submitted by Travelers Insurance. For general liability, auto, and property insurance, he reported that the lowest bids were submitted by Brit Global Specialty USA in the amount of \$160,323 and GPP American Alternative Insurance Company in the amount of \$172,344. Mr. Story recommended the bid from GPP American Alternative Insurance Company in the amount of \$172,344 due to the fact that Brit Global Specialty USA does not have an AM Best Rating, as well as other factors as outlined in the memorandum contained in the meeting packet book. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to accept the recommendation from Mr. Story for workers compensation insurance coverage from the NC League of Municipalities in the amount of \$172,046 and for general, auto, and property liability insurance coverage from GPP American Alternative Insurance Company in the amount of \$172,344 for the FY2013-2014.

VOTE: Aye – All
 Nay- None

AWARDING OF BID – 2013-2014 CLEANING/JANITORIAL SERVICES

Town Manager Greg Young presented the bids for cleaning and janitorial services from Gouge in the amount of \$44,522 and Calloway in the amount of \$43,343. He made a recommendation for Calloway. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to accept the bid from Calloway in the amount of \$43,343 for cleaning and janitorial services for FY2013-2014.

VOTE: Aye – All
 Nay – None

AWARDING OF BID – 2013-2014 PARKING MANAGEMENT SERVICES

Town Manager Greg Young presented the bids for parking management services as follows: Preferred Parking (Charlotte, NC) - \$190,379, Republic Parking (Jacksonville, FL) - \$168,500, and McLaurin Parking (Raleigh, NC) - \$166,154. He noted that the parking management contract can be renegotiated to reflect changes from one hour parking enforcement to metered parking. Council Member Mason suggested a one-year contract period since the Town is considering the implementation of parking meters this year and that a one-year period allows for flexibility to adjust the parking contract. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to accept the bid from McLaurin Parking in the amount of \$166,154 for parking management services for the period of one year.

VOTE: Aye – All
 Nay – None

PRESENTATION OF P&I MONTHLY REPORT

Planning Director Bill Bailey presented the P & I Monthly report. **(Permanently on file in the June 2013 Town Council packet.)**

SCHEDULING OF SPECIAL MEETING – WATER USE COMMITTEE

Public Utilities Rick Miller presented a request for a special meeting of the Water Use Committee to follow up on items from the June 11, 2013 meeting. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to schedule a special

meeting on Tuesday, July 23, 2013 at 5:30 p.m. in the Council Chambers, 1500 Blowing Rock Road.

VOTE: Aye – All
 Nay – None

MONTHLY WATER USE STATUS REPORT

Public Utilities Director Rick Miller presented the monthly water status report. **(Copy of report permanently on file in the June 2013 Town Council packet.)**

APPROVAL OF ENCROACHMENT AGREEMENT FOR STORMWATER FOR JERRY BUTLER – 302 FACULTY STREET

Public Works Director Blake Brown presented a request for an encroachment agreement with Dr. Jerry Butler for 10 linear feet of 15-inch corrugated metal pipe, 132 linear feet of 18-inch corrugated metal pipe, and a catch basin at 302 Faculty Street. Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to approve the stormwater encroachment agreement between the Town of Boone and Dr. Jerry Butler. **(Encroachment agreement permanently on file at Boone Town Hall.)**

VOTE: Aye – All
 Nay – None

SCHEDULING OF SPECIAL MEETING FOR DOWNTOWN PARKING METER IMPLEMENTATION

Public Works Director Blake Brown stated that it will take approximately 4-5 weeks to get meters for installation downtown. It was the consensus of the Council that a meeting should be held as soon as possible to discuss the implementation of parking meters downtown. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to schedule a special meeting on Tuesday, July 9, 2013, at 6 p.m. in the Council Chambers, 1500 Blowing Rock Road and to include the following: Public Works Director Blake Brown, Finance Director Amy Davis, Cultural Resources Director Pilar Fotta, Planning Director Bill Bailey, Downtown Coordinator Virginia Falck, DBDA Board members, and representatives from McLaurin Parking Company.

VOTE: Aye – All
 Nay – None

DISCUSSION OF CONTRACT RENEWAL BETWEEN THE DBDA AND THE TOWN OF BOONE

Cultural Resources Director Pilar Fotta appeared before Council to request direction on the renewal of the contract between the Town of Boone and the Downtown Boone Development Association. It was the consensus of the Council to direct Ms. Fotta to discuss the terms of the contract with Town Manager Greg Young.

RECESS MEETING

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to recess the meeting at 7:49 p.m. until Thursday, June 20, 2013, at 6:30 p.m. in the Council Chambers, 1500 Blowing Rock Road.

VOTE: Aye – All
 Nay – None

CALL TO RECONVENE

A recessed meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, June 20, 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 Superintendent Eric Gustaveson, 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

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

1. Addition of Item 12.D. – Approval of Budget Amendments.

Council Member Leigh requested the addition of a discussion of dental benefits for employees and families prior to the adoption of the budget ordinance. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to adopt the agenda, as amended.

VOTE: Aye – All
 Nay – None

PUBLIC COMMENT

Tim Wilson, a town resident, voiced his opposition to a tax increase.

DISCUSSION OF EMPLOYEE/FAMILY DENTAL BENEFITS

Council Member Leigh stated that she would like to reconsider the cut to dental benefits for town employees' spouses and children. She stated that there was not enough notice to employees to accommodate this type of change and that it is not fair to balance the budget at the expense of the employees. Council Member Scherlen agreed stating that employees depend on dental benefits and a cut to coverage would result in additional expenses to the employees. Upon a motion by Council Member Leigh, seconded by Council Member Scherlen, Council moved to restore the employee dental benefits as originally proposed in the budget with approximately \$50,000 to come from the general fund and \$25,000 to come from the water and sewer fund.

VOTE: Aye – All
 Nay – None

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Clawson announced the following vacancies:

DBDA Board – Two (2) positions expire on July 31, 2013

Greenway, Parks & Gardens Committee – One (1) position expires on July 31, 2013

Outside Agency Funding Committee – Three (3) positions expire on July 31, 2013

Water Use Committee – One (1) position open.

BOARD APPOINTMENTS

Board of Adjustment

Eight positions open:

- Two Resident Positions
- Two Alternate Resident Positions
- Two ETJ Positions
- Two ETJ Alternate Positions

Council Member Mason nominated Rick Woods to serve in an ETJ regular position. Council Member Ball nominated Dr. Jerry Butler to serve in an ETJ regular position. With no other nominations, Mayor Clawson called for a vote on each nominee.

Rick Woods: Aye – All
 Nay – None

Jerry Butler: Aye – 3 (Mason, Ball, Brantz)
 Nay – 2 (Scherlen, Leigh)

Council Member Mason nominated Rick Woods to serve in an ETJ Alternate position. Council Member Ball nominated Dr. Jerry Butler to serve in an ETJ Alternate position. With no other nominations, Mayor Clawson called for a vote on each nominee.

Rick Woods: Aye – All
 Nay – None

Jerry Butler: Aye – 3 (Mason, Ball, Brantz)
 Nay – 2 (Scherlen, Leigh)

Council directed the Clerk to forward these nominations to the Watauga County Board of Commissioners.

Community Appearance Commission

Two open positions.

Council Member Mason nominated Linda Wise to serve on the Community Appearance Commission. With no other nominations, Mayor Clawson called for a vote on the nomination.

VOTE: Aye – All
 Nay – None

Ms. Wise's term will expire June 30, 2016.

Historic Preservation Commission

One open position.

Council Member Brantz nominated Betty Bond to serve a second term on the Historic Preservation Commission. Council Member Leigh voiced her concern that the application submitted by Ms. Bond was not completely filled out. With no other nominations, Mayor Clawson called for a vote on the nomination.

VOTE: Aye – 4 (Scherlen, Mason, Ball, Brantz)
 Nay – 1 (Leigh)

Ms. Bond's term will expire June 30, 2016.

Outside Agency Funding Review Committee

One open position.

There were no applications submitted for consideration for this committee.

Planning Commission

Four open positions:

-Two Resident Positions

-Two ETJ Positions.

Council Member Mason nominated Connor Boyle and David Welsh to serve as Resident positions on the Planning Commission. With no other nominations, Mayor Clawson called for a vote on the nominations.

Connor Boyle: Aye – All
 Nay – None

David Welsh: Aye – All
 Nay – None

Tree Board

Two open positions.

There were no applications submitted for consideration for this committee.

REQUESTED APPEARANCE – RANDY MCDONOUGH/GREENWAY, PARKS & GARDENS COMMITTEE

Randy McDonough, chair of the Greenway, Parks & Gardens Committee, appeared before Council to present a recommendation from the committee to approve the ideas and approaches of the Do Your Doo Diligence educational and media campaign to eliminate dog waste on the Greenway Trail and town green space. He presented the following additional information:

- Initial Plan of Action
- Sample Press Release
- Letter for Veterinarian Clinics
- Signage.

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to approve the Do Your Doo Diligence educational and media campaign.

VOTE: Aye – All
 Nay – None

REQUESTED APPEARANCE – RIO TAZEWell

Rio Tazewell appeared before the Council to request approval of the Howard Street Exchange special event permit on the following dates: July 14, August 18, and September 15, 2013 (all on Sunday) from 12-5 p.m. Additionally, the applicants requested a waiver of the \$1,500 event fee. He gave a brief update on the last event and that although he is considering an entry fee for vendors, he does not feel that he will be able to raise enough money to cover the cost of the event. Mr. Tazewell asked the Council to consider allowing Murphy's and Char Restaurants to sell alcohol for the event which would help raise additional funds. Police Chief Dana Crawford stated that his department did not encounter any problems from the last event but that there may be some issues in allowing those restaurants to serve alcohol during the events. Council Member Leigh stated that vendors should pay at least a nominal fee to participate and that the Town should not have to fund the entire event by way of providing assistance. Council Member Mason suggested that sponsorship from the DBDA could be an option, specifically with help providing porta-johns and police assistance. She advised that Mr. Tazewell investigate a possible partnership with the DBDA. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the request, to waive the fee to the amount of \$650, to direct the town staff to carefully track expenses involved with assistance of the event, to direct the applicant to investigate partnerships with the DBDA and other downtown entities, and to limit the consumption of alcoholic beverages to the private parking lot. Council Member Leigh stated that she feels that the Council should be very careful in what it chooses to fund with the budget being very tight this year.

VOTE: Aye – 4 (Scherlen, Mason, Ball, Brantz)
 Nay – 1 (Leigh)

ADOPTION OF ORDINANCE – FY2013-2014 BUDGET ORDINANCE

Town Manager Greg Young presented the amended FY2013-2014 Budget Ordinance to the Council and the listed the following funding amounts:

• General Fund	\$12,419,962
• Emergency Telephone Systems	\$120,945
• Narcotics Enforcement	\$24,500
• Water & Sewer Fund	\$6,940,397
• Health Insurance Fund	\$1,745,500
• Municipal Service District	\$167,161
• Rural Fire District	<u>\$914,624</u>
TOTAL	\$22,333,089

Council Member Mason stated that although the Council faced a significant loss of revenue and uncertainty regarding the General Assembly, council members worked hard to develop a reasonable budget without posing a tax increase to the citizens. She pointed out that the proposed budget does not include capital projects or funding for outside agencies but that Council can reconsider that if funding becomes available. Additionally, she noted that the 35% operating reserve is being maintained and that additional funds are available in the fund balance to address other expenses if necessary. Council Member Leigh stated that she feels the council did not make any hard choices regarding the budget and that this budget is short-sighted. She predicted that the council will have to face more tough decisions regarding the budget for the next fiscal year. Council Member Scherlen reiterated Council Member Leigh's concerns. He pointed out that the Town's water and sewer infrastructure is aging and changes in capital projects funding will affect the schedule of repair and replacement of this infrastructure. Furthermore, he pointed out the continuing decline of the Town's Public Works building. Mayor Clawson voiced her disappointment in the Watauga County Commissioner's decision to change the sales tax distribution thereby causing the Town to face a huge loss of revenue. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to approve the FY2013-2014, as amended.

**(BUDGET ORDINANCE PERMANENTLY ON FILE
IN ORDINANCE BOOK 4, PAGE(S) 42-49)**

VOTE: Aye – 3 (Mason, Ball, Brantz)

Nay – 2 (Scherlen, Leigh)

APPROVAL OF BUDGET AMENDMENTS

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

Description	Account#	To:	From:
TAX COLLECTIONS-WATAUGA COUNTY (GENERAL FUND)	010-403-000-577110	\$12,000	
TAX COLLECTIONS-WATAUGA COUNTY MSD	050-450-000-577110	\$1,000	
CURRENT YEAR TAXES-GENERAL FUND	010-000-000-411080		(\$12,000)
CURRENT YEAR TAXES-MSD	050-450-000-411080		(\$1,000)
PROFESSIONAL SERVICES-LEGAL	010-404-000-509100	\$20,000	
APPROPRIATED FUND BALANCE (GENERAL FUND)	010-000-000-499900		(\$20,000)
BOONE HOUSING AUTHORITY	010-411-000-549101	\$2,810	
FEMA REIMBURSEMENT	010-000-000-448030		(\$2,810)
NC DOT U-4020	010-411-000-549101	\$241,000	
APPROPRIATED FUND BALANCE (GENERAL FUND)	010-000-000-499900		(\$241,000)
HAZARDOUS MATERIALS SUPPLIES-FIRE DEPT	010-500-350-515950	\$3,500	
APPROPRIATED FUND BALANCE (GENERAL FUND)	010-000-000-499900		(\$3,500)
TRANSFER TO WATER CAPITAL RESERVE	030-700-890-598031	\$130,000	
TRANSFER TO SEWER CAPITAL RESERVE	030-700-890-598032	\$165,000	
IMPACT/AVAILABILITY FEE-WATER	030-000-000-467301		(\$130,000)
IMPACT/AVAILABILITY FEE-SEWER	030-000-000-467302		(\$165,000)

VOTE: Aye – 4 (Scherlen, Mason, Ball, Brantz)
 Nay – 1 (Leigh)

Council Member Leigh noted that her vote against the budget amendments was due to the fact that Public Works Director Blake Brown had not had a chance to review the invoices for the U-4020 Project that had been submitted.

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, 2013, from 4-8 p.m. The applicant is further requesting waiver of the event fee of \$1,500 and the liability insurance requirement. Mr. Ellis stated that town assistance is not being requested for the event as the residents would like to block off each end of the area with private vehicles. Police Chief Dana Crawford recommended that town barricades be used to block the street instead of private vehicles as to allow for access for emergency vehicles. He stated that no additional police personnel would be needed for this event. Town Manager Greg Young stated that the barricades should be erected by town staff due to liability issues. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to approve the special event application for the 4th of July Block Party, 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

REQUESTED APPEARANCE – MICHELLE LIGON

Michelle Ligon, chair of the Southern Appalachian Historical Association, appeared before the Council to request permission to hold Monday night concerts and music jams at the Horn in the West amphitheater. She explained that the events will be free to the public and will be held each Monday evening from 5:30-9 p.m. from July 1-September 30, 2013. She explained that a SAHA staff member will oversee each event and that if staffing permits, the concessions area and gift shop will be open during the events. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to grant permission to SAHA to hold Monday night concerts and jam sessions at the Horn in the West amphitheater.

VOTE: Aye – All
 Nay – None

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

WATER & SEWER REQUEST – ACTION SERVICE COMPANY LLC

Town Attorney Sam Furguele opened a public hearing at 8:04 p.m. to hear sworn testimony on a request for water and sewer service to property located off of Old Highway 421. Bob Watkins, being duly sworn, explained that Action Service Company LLC will be performing the renovation. He stated that the property currently has a septic system and well but that the septic system has no repair area if it were to fail. He indicated that the water pipes in the building have to be replaced every few years because the well water is very acidic. Mr. Watkins requested that the property be allowed to hook to the Town's sewer system. Council Member Brantz inquired if the property owner would be willing to annex. Mr. Watkins indicated that annexation could be considered if necessary. Public Works Director Rick Miller, being duly sworn, stated that the water and sewer lines are located on Archie Carroll Road in Watauga County's jurisdiction and that the applicant must cross other properties in order to connect. He pointed out that the property is in the main pressure zone. Mr. Watkins stated that the applicant has not been successful in procuring property from surrounding properties in order to have additional repair area for the septic system. With no other testimony, Mr. Furguele closed the public hearing at 8:16 p.m. Council Member Brantz moved to approve the request for water and sewer service made by Action Service Company LLC. Council Member Mason seconded the motion. Council Member Leigh voiced her concern about extending water service outside the town limits and ETJ when the situation is not an emergency. Council Member Scherlen agreed that not being able to purchase additional property for a repair area is not an emergency situation. Council Member Brantz stated that the applicant is being proactive in addressing the need for future growth. Council Member Mason stated that this situation is not yet a public health concern.

VOTE: Aye – 1 (Brantz)
 Nay – 4 (Scherlen, Leigh, Mason, Ball)

The motion fails.

WATER & SEWER REQUEST – BLUE RIDGE COMPANIES

Town Attorney Sam Furguele opened a public hearing at 8:20 p.m. to hear public testimony on a request for water and sewer to property located on Greenway Road. He noted that a written request had been received from the applicant's attorney, Chelsea Garrett, asking that the request be postponed until the August 2013 regular meeting. **(Copy of written request permanently on file in the June 2013 Town Council Supplemental Packet.)** With no testimony offered, Mr. Furguele closed the public hearing at 8:21 p.m. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to table the request for water and sewer service by Blue Ridge Companies to the August 2013 regular meeting.

VOTE: Aye – All
 Nay – None

CLOSED SESSION

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to enter Closed Session at 8:22 p.m. pursuant to NCGS 143-318-11a(3) 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 for legal advice concerning the unsealing of Closed Session minutes of the Boone Town Council.
- B. Legal Advice and Instructions to Town Attorney regarding possible claim – 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.
- C. Legal Advice and Instructions to Town Attorney regarding possible claim – 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 liquidated damages for the Wilson Drive project.
- D. Legal Advice and Instructions to Town Agents Regarding Terms of Lease of Real Property – 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 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 of the renewal of a Fire Separation Agreement and revision of a Parking Lease with Michael Vetro/Vetro Law Firm.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to exit Closed Session at 9:41p.m.

VOTE: Aye – All
 Nay – None

POSSIBLE ACTION FOLLOWING CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to accept the engineer's recommendation, dated June 18, 2013, regarding the extension of the Wilson Drive contract and to grant a time extension from December 8, 2012, to January 12, 2013 (36 calendar days.)

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to unseal closed session minutes of the Boone Town Council from November 1, 2012, to March 22, 2013, but preserving and not waiving the attorney-client privilege and the confidentiality that the Town is entitled to by State law.

VOTE: Aye – All
 Nay – None

ADJOURNMENT

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to adjourn at 9:44 p.m.

VOTE: Aye – All
 Nay – None

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor