MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL JUNE
18, 2015

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, June 18, 2015, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Mayor Pro Tem Rennie Brantz, Lynne Mason, Fred Hay, Quint David and Jennifer Peña. Town Attorney Allison Meade was also present. Staff members present were Town Manager John Ward, Town Clerk Christine Pope, Assistant to the Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Finance Director Amy Davis, Human Resources Director Peri Moretz, Planning Director Bill Bailey, Public Works Director Rick Miller and Cultural Resources Director Pilar Fotta.

CALL TO ORDER

Mayor Ball called the meeting to order and welcomed all in attendance.

Mayor Ball announced Council Member Peña's resignation effective as of the conclusion of the meeting and presented her with a resolution recognizing her service to the town. Members of Council expressed their appreciation for Council Member Peña's energy and ideas, and wished her luck in her future endeavors. Town Manager John Ward thanked her for her guidance and support.

Mayor Ball and Police Chief Dana Crawford presented a Resolution of Appreciation to Wanda Smith for over 27 years of service to the Town of Boone in the telecommunication department.

Mayor Ball presented a Certificate of Appreciation for Chris Turner who was unable to attend the meeting. He stated Mr. Turner is retiring from his position with AppalCART, adding that he has strengthened the public transit system, making it safer and taking a small transportation authority to a state-recognized system with a new facility.

Mayor Ball made a statement regarding the recent shootings in Charleston, S.C. and asked for a moment of silence.

Mayor Ball 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 Mason asked that the agenda be amended to include an item at the end of Council Matters for consideration of a resolution related to the proposed asphalt plants, specifically the one on Rainbow Trail that is adjacent to town limits. Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to adopt the agenda, as amended.

VOTE: Aye – All
Nay – None

PUBLIC HEARING – PROPOSED FY 2015-2016 TOWN BUDGET

Town Manager John Ward noted that the proposed budget totals $25,978,314 which includes the same tax rate as the previous fiscal year, and the Water and Sewer Ordinance designated fees associated with water/sewer usage and taps. Mayor Ball opened the public hearing at 5:43 p.m. to hear comment regarding the proposed FY 2015-2016 Town of Boone budget. There was no one signed up to speak during the public hearing. With no comments made, Mayor Ball closed the hearing at 5:44 p.m.

PUBLIC COMMENT

Annette Reeves of 420 Locust Hill Road made a formal request that the Mountainview Speedway be shut down. Ms. Reeves quoted text from the Town's Unified Development Ordinance, specifically Section 14, regarding the RA-Residential Agriculture zoning district in which the speedway is located. She added that since there has been a lapse of over 180 days in which there was no usage, and this lapse has occurred multiple times, she felt that it no longer could be considered grandfathered-in. Town Manager John Ward advised that staff would research the zoning concern and reach out to Ms. Reeves to follow-up.

Jim Toub of 229 Eastbrook Drive requested that Council consider expanding the greenspace in the Eastbrook/Westbrook community by purchasing their property that adjoins the existing greenspace. He added that doing so would keep with the Town's strategic plan to create greenspace within existing town limits. Council was in consensus to explore the possibility, and directed Mr. Toub to work with the town manager and come back to Council with more details. Town Manager John Ward indicated he would work to provide Council with more information at the July regular meeting.

CONSENT AGENDA ADOPTION

Council Member Mason asked for confirmation from the town manager that appropriate agreements will be entered into pertaining to the Sustainability Task Force action requests. Town

Manager John Ward indicated that agreements will be finalized and approved by the town attorney before moving forward. In response to Council Member Mason's question regarding the event cost for the Grand Boulevard Block Party, Mr. Ward advised that the costs are set for each special event, but will be adjusted accordingly. Council Member Mason asked that Item P – Approval of Special Event Permit and Accompanying Budget Amendment for the ASU Homecoming Parade be moved to Council Matters for additional discussion.

A. Minutes: May 21, 2015 – Regular Meeting.
May 26, 2015 – Special Meeting/Budget Workshop.
B. Adoption of FY 2015-2016 Budget Ordinance:

ORDINANCE #15-02
TOWN OF BOONE, NORTH CAROLINA
2015-2016 BUDGET ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina that:

SECTION 1: It is established that the following revenues will be available in each fund listed for the operation of the Town of Boone government and its activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

GENERAL FUND		
CURRENT YEAR TAXES	$	5,778,580
PRIOR YEAR TAXES	$	80,000
TAX PENALTIES & INTEREST	$	15,000
NCVTS TAXES	$	208,170
TAX REFUNDS	$	(1,000)
GROSS RECEIPTS TAX	$	28,500
PRIOR YEAR TAX REFUNDS	$	(1,000)
MUNICIPAL VEHICLE TAX	$	20,000
LOCAL SALES TAX 1%	$	1,085,300
LOCAL SALES TAX 1/2% (40)	$	454,600
LOCAL SALES TAX 1/2% (42)	$	534,750
LOCAL SALES TAX 1/4% (44)	$	500
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	$	332,000
BUSINESS LICENSE	$	2,000
SOLID WASTE DISPOSAL TAX	$	11,000
ROOM OCCUPANCY TAX	$	375,000
ROOM OCCUPANCY TAX - ADMIN	$	32,750
LOCAL VIDEO PROGRAMMING REVENUE	$	162,000
UTILITIES FRANCHISE TAX	$	761,500
TELECOMMUNICATIONS SALES TAX	$	230,000

BEER & WINE TAX	$	85,500
ABC REVENUES	$	475,000
ABC BOARD - LAW ENFORCEMENT	$	20,000
STATE FUNDS - POWELL BILL	$	440,000
PYMT IN LIEU OF TAXES - APPALACHIAN STUDENT HOUSING	$	129,220
BUILDING & SIGN PERMIT FEES	$	175,000
COURT COSTS, FEES & CHARGES	$	100
PARKING VIOLATION PENALTIES	$	118,750
PENALTIES - PLANNING & INSPECTIONS	$	-
POLICE FEES	$	16,000
SCHOOL RESOURCE OFFICER	$	84,343
FIRE PROTECTION CHARGES - ASU	$	198,844
FIRE DEPARTMENT - MISC. FEES/PERMITS	$	34,000
RECYCLING REVENUE	$	500
INTEREST EARNED ON INVESTMENTS	$	15,000
INTEREST EARNED ON POWELL BILL	$	100
LIBRARY LOT PARKING	$	6,000
TRACY CIRCLE PARKING	$	4,000
HORN IN THE WEST PARKING	$	29,500
JONES HOUSE PARKING	$	5,000
CITY HALL LOT PARKING	$	55,000
QUEEN STREET PARKING	$	50,000
KING & WATER STREET PARKING	$	-
BOOT FEES	$	1,500
PARKING METERS	$	235,000
SALE OF SURPLUS PROPERTY	$	20,565
CONTRIBUTIONS/DONATIONS	$	1,000
RENTAL INCOME	$	90,000
RENTAL - JONES HOUSE	$	-
LICENSE FEES (TOWN PROPERTIES)	$	-
CULTURAL RESOURCES REVENUE	$	30,000
MISCELLANEOUS REVENUE	$	77,370
LOAN PROCEEDS	$	289,454
TRANSFER FROM E-911	$	18,870
TRANSFER FROM WATER & SEWER FUND (REPAYMENT LAND)	$	-
TRANSFER FROM SEPARATION ALLOWANCE TRUST	$	139,534
TRANSFER FROM MUNICIPAL SERVICE DISTRICT	$	30,080
TRANSFER FROM TOB RURAL FIRE TAX	$	609,325
APPROPIRATED FUND BALANCE	$	1,460,000
TOTAL GENERAL FUND REVENUE	**$**	**15,054,205**
EMERGENCY TELEPHONE SYSTEM		
E-911 SERVICE CHARGE	$	120,629

APPROPRIATED FUND BALANCE	$	173,275
TOTAL EMERGENCY TELEPHONE SYSTEM REVENUE	**$**	**293,904**
NARCOTICS ENFORCEMENT		
APPROPRIATED FUND BALANCE	$	26,500
TOTAL NARCOTICS ENFORCEMENT	**$**	**26,500**
WATER & SEWER FUND		
CIVIL PENALTIES	$	4,000
INTEREST EARNED ON INVESTMENTS	$	1,500
WATER SALES	$	3,407,240
SEWER CHARGES	$	3,441,725
WATER - LABOR & MATERIAL CHARGES	$	25,000
SEWER - LABOR & MATERIAL CHARGES	$	15,000
CONNECTION/RECONNECTION/DISCONNECTION FEES	$	20,000
SEPTIC TANK DISCHARGE FEE	$	60,000
IMPACT/AVAILABILITY FEES - WATER	$	75,000
IMPACT/AVAILABILITY FEES - SEWER	$	75,000
NSF/RETURNED CHECK CHARGES	$	500
METER CHECK/METER RE-READ CHARGES	$	20,000
LATE PAYMENT PENALTIES	$	60,000
MISCELLANEOUS REVENUES	$	25,000
LOAN PROCEEDS	$	77,334
WATER CAPITAL RESERVE CONTRIBUTION	$	150,000
SEWER CAPITAL RESERVE CONTRIBUTION	$	250,000
TOTAL WATER & SEWER FUND REVENUE	**$**	**7,707,299**
HEALTH INSURANCE FUND		
INSURANCE REVENUE - COBRA	$	8,000
INSURANCE REVENUE - RETIREE %	$	60,000
INSURANCE REVENUE - GENERAL FUND TRANS	$	1,275,000
INSURANCE REVENUE - WATER/SEWER FUND TRANS	$	420,000
INTEREST EARNED ON INVESTMENTS	$	500
MISCELLANEOUS REVENUE	$	3,000
TOTAL HEALTH INSURANCE FUND REVENUE	**$**	**1,766,500**
MUNICIPAL SERVICE DISTRICT		
CURRENT YEAR TAXES	$	117,015
PRIOR YEAR TAXES	$	350
TAX PENALTIES & INTEREST	$	100

LOCAL SALES TAX 1%	$	22,000
LOCAL SALES TAX 1/2% (40)	$	9,400
LOCAL SALES TAX 1/2% (42)	$	11,200
LOCAL SALES TAX 1/4% (44)	$	-
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	$	4,800
INTEREST EARNED ON INVESTMENTS	$	134
TOTAL MUNICIPAL SERVICE DISTRICT REVENUE	**$**	**164,999**
RURAL FIRE SERVICE DISTRICT		
CURRENT YEAR TAXES	$	709,157
PRIOR YEAR TAXES	$	1,000
TAX PENALTIES & INTEREST	$	500
TAX REFUNDS	$	1,000
NCVTS TAXES	$	53,250
LOCAL SALES TAX 1%	$	88,000
LOCAL SALES TAX 1/2% (40)	$	38,000
LOCAL SALES TAX 1/2% (42)	$	44,000
LOCAL SALES TAX 1/4% (44)	$	-
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	$	30,000
INTEREST EARNED ON INVESTMENTS	$	-
TOTAL RURAL FIRE SERVICE DISTRICT	**$**	**964,907**
GRAND TOTAL - ALL REVENUE	**$**	**25,978,314**

SECTION 2: The following amounts are hereby appropriated in each fund listed for the operation of the Town of Boone government and its activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

GENERAL FUND		
GOVERNING BODY	$	197,198
ADMINISTRATION	$	873,899
FINANCE	$	423,246
TAX COLLECTIONS	$	126,003
LEGAL	$	175,200
ELECTIONS	$	20,000
FIRE STATION # 1	$	34,190
BLOWING ROCK ROAD BUILDING	$	45,700
BROWN BUILDING	$	82,225
JONES HOUSE	$	43,200
TOWN HALL BUILDING	$	68,800
SPECIAL PROGRAMS & PROJECTS	$	1,421,380

SUBSIDIES & ALLOCATIONS	$	125,000
PROFESSIONAL MEMBERSHIPS	$	29,901
GIS	$	162,375
FIRE STATION #2	$	16,275
DOWNTOWN POST OFFICE BUILDING	$	30,640
CULTURAL RESOURCES	$	302,310
FIRE STATION #3	$	11,075
NON-DEPARTMENTAL/DEBT SERVICE	$	58,196
POLICE DEPARTMENT	$	3,135,903
COMMUNICATIONS	$	598,993
FIRE DEPARTMENT	$	1,978,127
PLANNING & INSPECTIONS	$	775,858
PUBLIC SERVICES & ENGINEERING	$	345,061
STREET DEPARTMENT	$	1,767,646
POWELL BILL	$	440,000
FLEET MAINTENANCE	$	344,551
FACILITIES MAINTENANCE	$	1,064,379
SANITATION	$	158,877
RECYCLING	$	197,997
TOTAL GENERAL FUND APPROPRIATIONS	**$**	**15,054,205**
EMERGENCY TELEPHONE SYSTEM		
E-911	$	293,904
TOTAL EMERGENCY TELEPHONE SYSTEM APPROPRIATIONS	**$**	**293,904**
NARCOTICS ENFORCEMENT DIVISION		
ENFORCEMENT	$	26,500
TOTAL NARCOTICS ENFORCEMENT APPROPRIATIONS	**$**	**26,500**
WATER & SEWER FUND		
PUBLIC UTILITIES (ADMIN)	$	645,822
WATER OPERATIONS	$	1,033,541
SEWER OPERATIONS	$	999,091
WATER TREATMENT PLANT	$	950,652
WASTE WATER TREATMENT PLANT	$	1,597,011
UTILITY BILLING & COLLECTIONS	$	254,542
NON-DEPARTMENTAL/DEBT SERVICE	$	2,226,640
TOTAL WATER & SEWER FUND APPROPRIATIONS	**$**	**7,707,299**
HEALTH INSURANCE FUND		

HEALTH INSURANCE	$	1,766,500
TOTAL HEALTH INSURANCE FUND APPROPRIATIONS	**$**	**1,766,500**
MUNICIPAL SERVICE DISTRICT		
MUNICIPAL SERVICE DISTRICT	$	164,999
TOTAL MUNICIPAL SERVICE DISTRICT APPROPRIATIONS	**$**	**164,999**
RURAL FIRE SERVICE DISTRICT		
RURAL FIRE SERVICE DISTRICT	$	964,907
TOTAL RURAL FIRE SERVICE DISTRICT APPROPRIATIONS	**$**	**964,907**
GRAND TOTAL - ALL APPROPRIATIONS	**$**	**25,978,314**

SECTION 3: There is hereby levied a tax rate of forty one cents ($0.41) per one hundred dollars ($100.00) valuation of property as listed for taxes as of January 1, 2015 for the purpose of raising the revenues listed "Current Year Taxes" in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purpose of taxation of $1,482,419,196 assessment ratio of 100% of the appraised value. The collection rate of 98.5% is reflected in the budget. The FY 2015-2016 operating budget follows the general reappraisal of real property for the Town of Boone.

SECTION 3(a): There is hereby levied a tax rate of twenty one cents ($0.21) per one hundred dollars ($100.00) valuation of property listed for taxes as of January 1, 2015 for the purpose of raising the revenues listed "Current Year Taxes" in the Downtown Municipal Service District in Section 1 of this Ordinance. This rate is based on an established taxation of $56,284,400 assessment ratio of 100% of the appraised value. The collection rate of 99% is reflected in the budget. The FY 2015-2016 operating budget follows the general reappraisal of real property for the Downtown Municipal Service District.

SECTION 4: The Budget Officer is hereby authorized to transfer appropriations within a Fund as contained herein under the following conditions:

A. He may transfer amounts between objects of expenditure within a Department to a maximum of the budgeted amount per Department. Transfers shall be filed with the Finance Department for public and Town Council inspection. Town Council shall approve transfers in excess of the limitation.

B. He may transfer available funds between departments of the same fund with an official report of such transfer on file with the Finance Department for inspection by the general public and the Town Council.

C. He may not transfer any amounts between Funds.

D. Town Council shall establish, by governing body procedure, the purchasing mechanism for large capital items (e.g. vehicle purchases). Such procedures shall not be in conflict with NCGS 143-129.

SECTION 5: The rates for water and sewer shall be established as set forth in Exhibit A, which is an attachment to this Ordinance. These rates will remain in effect until subsequently repealed or modified by the Town Council.

SECTION 6: Copies of this Budget Ordinance shall be furnished to the Finance Director and to the Budget Officer of the Town of Boone to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 18th day of June, 2015 by the Town Council of the Town of Boone, North Carolina.

_____
Mayor

ATTEST:

_____
Town Clerk

TOWN OF BOONE
WATER AND SEWER ORDINANCE
EFFECTIVE 07/01/2015

Late Penalty Charge: $10.00
Meter Re-read Charge: $10.00
Meter Connect/Disconnect/Reconnect (Each): $20.00
Returned Check Charge: $25.00
Septic Disposal Fees (Per 100 Gallons): $7.00 Residential; $10.00 Commercial
Availability Fees (Per Gallon): $3.75 Water; $4.50 Sewer

Deposits (Outside City Limits Deposits are Double Rates Listed Below):		
Residential	$	125.00
Commercial	$	225.00

Construction (Temporary):		
3/4"	$	200.00
2” or 3”	$	800.00

Minimum Fees Each – Water & Sewer:		
(Outside City Limits Minimums are Double Rates Listed Below)		
Minimum Residential 3/4” Includes 0 - 1,000 Gallons **or**	$ 15.75	
Minimum Residential 3/4" Includes 1,001 – 2,000 Gallons	$ 17.25	
Minimum Commercial 3/4" Includes First 2,000 Gallons	$ 23.00	
Minimum Commercial 1” Includes First 2,000 Gallons	$ 28.00	
Minimum Commercial 1 1/2" Includes First 2,000 Gallons	$	33.00
Minimum Commercial 2” Includes First 2,000 Gallons	$ 33.00	
Minimum Commercial 3” Includes First 2,000 Gallons	$ 43.00	
Minimum Commercial 4” Includes First 2,000 Gallons	$ 53.00	
Minimum Commercial 6” Includes First 2,000 Gallons	$ 73.00	
Minimum Commercial 8” Includes First 2,000 Gallons	$ 93.00	

Consumption – Water:	
(Outside City Limits Consumption is Double Rates Listed Below)	
2,001 – 4,999 Gallons	$ 6.90
5,000 – 9,999 Gallons	$ 7.15
10,000 – 14,999 Gallons	$ 7.40
15,000 – 19,999 Gallons	$ 7.65
Over 20,000 Gallons	$ 7.90
Consumption – Sewer:	
(Outside City Limits Consumption is Double Rates Listed Below)	
Over 2,000 per 1,000 Gallons – Residential	$ 6.25
Over 2,000 per 1,000 Gallons – Commercial	$ 6.50

(ORDINANCE TO BE TYPED IN BOOK __4__, PAGES 71-76)

C. Adoption of Resolution – Service Appreciation for Jennifer Peña:

SERVICE APPRECIATION RESOLUTION

WHEREAS, Jennifer Peña has served this community well in numerous capacities during her two years as Council Member; and,

WHEREAS, these years of service have been marked by exemplary dedication to the best interest of the community as she has worked constantly for the betterment of its economic, cultural, and aesthetic development; and,

WHEREAS, the Town has benefitted greatly because of her particular interest and work in the areas of Downtown Boone Development Association, Greenway, Parks and Gardens Committee, Historic Preservation Commission, Outside Agency Funding Review Committee and the Water Use Committee; and,

WHEREAS, through the performance of her duties and responsibilities as a member of the Town Council, she has made excellent and constructive contributions to municipal government in our Town; and,

WHEREAS, she has earned the admiration and high regard of those with whom she has come into contact and the affection of her fellow public servants, who are proud to call her Afriend.@

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our sincere appreciation and thanks, as well as that of our citizens to Jennifer Peña for her distinguished service to the community.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to Jennifer Peña with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 18th day of June, 2015.

(RESOLUTION TO BE TYPED IN BOOK _3_, PAGE _239_)

D. Adoption of Resolution – Service Appreciation for Wanda Smith:

RESOLUTION OF APPRECIATION

WHEREAS, Wanda J. Smith will retire from the Town of Boone, North Carolina as of June 30, 2015; and,

WHEREAS, she has served the citizens of Boone as the E911 Communications Supervisor with great distinction for over 27 years; and,

WHEREAS, she has always shown great dedication and genuine concern for the well-being of the town, employees and Council; and,

WHEREAS, she has been an honest, loyal and committed public servant to the town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Boone, North Carolina, hereby expresses their sincere appreciation and gratitude to Wanda J. Smith for her contributions to the growth and performance of the town's Emergency 911 Communications system during her tenure.

BE IT FURTHER RESOLVED that the Town Council extends to Wanda J. Smith and her family blessings for good health and best wishes for the future.

Adopted this 18th day of June 2015.

(RESOLUTION TO BE TYPED IN BOOK _3_, PAGE _240_)

E. Approve of Town Code Amendments – Chapter 130: General Offenses Against Town Regulations:

CHAPTER 130: GENERAL OFFENSES AGAINST TOWN REGULATIONS

Section

Weapons

130.01 Discharge of firearms and air rifles

Alcoholic Beverages Regulations

130.15 Display of alcoholic beverages
130.16 Definitions
130.17 Public consumption
130.18 Possession of open container
~~130.19 Possession during special events prohibited~~
~~130.20~~ 130.19 Exemptions

130.99 Penalty

. . .

ALCOHOLIC BEVERAGES REGULATIONS

§ 130.15 DISPLAY OF ALCOHOLIC BEVERAGES.

No person shall display any alcoholic beverages on any facility, right-of-way, street, public vehicular area or property owned or regulated by the town, unless the alcoholic beverage is contained in its original factory-sealed container.

Penalty, see § 130.99

§ 130.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MALT BEVERAGE. Beer, lager, malt liquor, ale, porter and any other brewed or fermented beverage containing at least 0.5%, and not more than 15% **alcohol** by volume. Any ***MALT BEVERAGE*** containing more than 6% **alcohol** by volume shall bear a label clearly indicating the **alcohol** content of the ***MALT BEVERAGE***.

(G.S. § 18B-101(9))

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge or other way within and/or under the control of the town and open to public use, including the sidewalks of any street.

UNFORTIFIED WINE. Any wine of 16% or less **alcohol** by volume made by fermentation from grapes, fruits, berries, rice or honey; or by the addition of pure cane, beet or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

(G.S. § 18B-101(15))

Statutory reference:

Local ordinance, authority, see G.S. § 18B-300(c)

§ 130.17 PUBLIC CONSUMPTION.

(A) It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets and sidewalks.

(B) Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, leased as lessee or controlled by the town, including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

Penalty, see § 130.99

§ 130.18 POSSESSION OF OPEN CONTAINER.

(A) It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets and sidewalks.

(B) Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, leased as lessee or controlled by the town, including, but not limited to, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

Penalty, see §

~~**§ 130.19 POSSESSION DURING SPECIAL EVENTS PROHIBITED.**~~

~~It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.~~ ~~Penalty, see § 130.99~~

§ 130.~~20~~ 19 EXEMPTIONS.

Possession and consumption of malt beverages and/or unfortified wine shall be permitted at the Jones House Community Center~~, and at~~ Daniel Boone ~~Native~~ Gardens, Daniel Boone Park and at special events as approved by Town Council; *provided*, however: (i)~~where~~ ~~a~~Appropriate permits ~~have been~~must be obtained as required by law for the possession and consumption of alcoholic beverages~~ for the period of time permitted thereunder, and~~ ; (ii) the sponsor of the event or gathering where possession and consumption of malt beverages and/or unfortified wine is to occur ~~has obtained~~must obtain appropriate liability insurance to protect against personal injury and property damage~~.~~; and, (iii) approval must be obtained in advance from the town manager, said approval to be conditioned upon appropriate safety measures. However, nothing herein shall be interpreted to require the town to apply for the needed permits or insurance coverage unless the town itself is the sponsor of the event.

(Ord. passed 9-21-2006; Ord. passed 1-17-2008; Ord. passed 6-19-2008)

§ 130.99 PENALTY.

(A) A violation of any of the provisions of §§ 130.01(A), (B) and (C) or 130.15 of this chapter shall constitute a Class 3 misdemeanor and shall be subject, as provided in G.S. §§ 14-4 and 160A-175, to a fine of not more than $50, or imprisonment for not more than 30 days, or both.

(1) The town may seek to enforce §§ 130.01 or 130.15 of this chapter through any appropriate equitable action.

(2) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(3) The town may seek to enforce the provisions of §§ 130.01 or 130.15 of this chapter by using any one of a combination of the foregoing remedies.

(B) Violation of §§ 130.01 and 130.15 through 130.20 shall constitute a civil penalty of not more than $50.

F. Approval of Downtown Boone Development Association Contract **(Contract permanently on file in Town Hall)**.

G. Historic Preservation Commission Request – Formation of Subcommittee for Education and Outreach and $2,500 for Costs associated with Outreach Events.

H. Sustainability Task Force Recommendation – Expenditure of up to $27,000 for a Solar Shelter and Electric Vehicle Charger at Depot Street Parking Lot.

I. Sustainability Task Force Recommendation – Expenditure of $7,000 to fund the Start-Up of the Newly Formed Boone Community Bike Collective.

J. Sustainability Task Force Recommendation – Expenditure of $2,000 to PHARMN for Operating and Advertising Costs of Starting a Winter Farmers' Market.

K. Direction to Staff that the West Downtown Alive Plan be scheduled for July 2015 Regular Town Council Meeting for Public Hearing and Possible Adoption.

L. Approval of Special Event Permit and Accompanying Budget Amendment – 3rd Annual Grand Boulevard Fourth of July Neighborhood Block Party:

Description:	**Account Number:**	**To:**	**From:**
Overtime-Police Department	010-500-300-501201	$750	
Overtime-Street Department	010-600-401-501201	$750	
Appropriated Fund Balance – General Fund	010-000-000-499900		($1,500)

M. Approval of Special Event Permit – Grandfather Mountain Marathon.

N. Approval of Special Event Permit and Accompanying Budget Amendment – Howard Street Exchange:

Description:	**Account Number:**	**To:**	**From:**
Overtime-Police Department	010-500-300-501201	$750	
Overtime-Street Department	010-600-401-501201	$750	
Appropriated Fund Balance – General Fund	010-000-000-499900		($1,500)

O. Approval of Special Event Permit and Accompanying Budget Amendment – 5th Annual Half Marathon Road Race:

Description:	**Account Number:**	**To:**	**From:**
Overtime-Police Department	010-500-300-501201	$125	
Overtime-Street Department	010-600-401-501201	$125	
Appropriated Fund Balance – General Fund	010-000-000-499900		($250)

P. Approval of Budget Amendments – Fiscal Year End Amendments:

Account #:	**Description:**	**Department:**	**Amount:**
010-401-000-577000 –	Town property	Administration	$20,000

Contracted Services	appraisals		
010-403-000-535101 – Tax Collection Fee	Additional revenue collection fee	Tax Collections	$5,000
010-404-000-509100 – Legal Services	Legal services	Legal	$225,000
010-411-000-549122 – Daniel Boone Park	Misc. expenses Daniel Boone Park	Special Projects	$2,000
010-000-000-411080 – Current Year Taxes	Ad valorem tax collection revenue	General Fund Revenue	(5,000)
010-000-000-499900 – Appropriated Fund Balance		General Fund Revenue	(247,000)
030-700-801-575021 – Capital Outlay Land	Right of way acquisition	Public Utilities	$150,000
030-700-805-523122 – Sludge Dryer Heat	WWTP dryer (natural gas)	WWTP	$25,000
030-700-890-598031 – Transfer to Water CR	Estimated availability fees for FY	WS Non Departmental	$225,000
030-700-890-598032 – Transfer to Sewer CR	Estimated availability fees for FY	WS Non Departmental	$275,000
030-000-000-467301 – Availability Fees Water	Estimated revenue for FY	Water/Sewer Revenue	($225,000)
030-000-000-467302 – Availability Fees Sewer	Estimated revenue for FY	Water/Sewer Revenue	($275,000)
030-000-000-498018 – Transfer from Raw Water Land CR	Balance of funds in raw water land CR	Water/Sewer Revenue	(78,640)
030-000-000-498033 – Transfer from Raw Water CR	Infrastructure reserve fund	Water/Sewer Revenue	(71,360)
030-000-000-499900 – Appropriated Fund Balance		Water/Sewer Revenue	(25,000)
035-430-000-535611 – Group Medical Insurance Claims	Allowance for year end	Health Insurance	$50,000
035-430-000-499900 – Appropriated Fund Balance		Health Insurance	($50,000)
051-451-000-577110 – NCVTS Collection Fee (MV)	NC collection fee for motor vehicle tax	Rural Fire	$4,000
051-451-000-411301 – NCVTS (Motor Vehicle Tax)		Rural Fire Revenue	($4,000)

Q. Approval of Budget Amendment – Insurance Reimbursement for Windshield Replacement:

Description:	Account Number:	To:	From:
Maintenance – Vehicles	010-500-300-525301	$234	
Miscellaneous Revenue	010-000-000-489900		($234)

R. Approval of Budget Amendment – Purchase of Surveillance Equipment:

Description:	Account Number:	To:	From:
Miscellaneous Supplies	012-500-303-519900	$3,493	
Appropriated Fund Balance	012-500-303-489900		($3,493)

Upon a motion by Council Member Brantz, seconded by Council Member David, Council moved to approve the Consent Agenda, as amended.

VOTE: Aye – All
Nay – None

APPOINTMENT OF NEW COUNCIL MEMBER

Mayor Ball stated that three applications had been submitted for the Council member vacancy and gave each applicant an opportunity to make a statement.

David Welsh stated he is a current member on the Board of Adjustment and has been on the board for just under a year. He added that he was excited about the opportunity to join Town Council and felt that he had good business experience, making this a natural progression for him.

Jeannine Underdown Collins stated she has been a resident of Boone for about 40 years and has owned property since 1987. She felt that she could bring the ability to negotiate with different entities in the community, and added that she has served on several ASU boards and is currently on the Economic Development Commission for Watauga County.

Loretta Clawson stated she supports R-1 neighborhoods, trees and the environment, noting the Mayor Clawson Tree Fund. She added that she has lived here 49 years, and started serving on boards since the 1980s including the Community Appearance Commission, Sign Ordinance, and continues to serve on the Tree Board and Water Use Committee. She stated she would love to be given the opportunity to come back on Town Council and would enjoy working with all of the members.

Mayor Ball stated that applicants should also consider a seat in the fall as there will be four open seats.

Council Member Hay moved to appoint Loretta Clawson for the vacant Council seat.

Members of Council expressed their gratitude for all applicants and hoped they would consider running in the fall for one of the four open seats or serve on one of the town's committees. Council Member David stated Ms. Clawson was one who convinced him to run for Town Council, adding that public service is very important and there are three excellent candidates. Council members Brantz, Mason and Peña voiced their support for Ms. Clawson, noting that her previous experience on Town Council would allow her to move right into the position for the remaining months until the November elections.

With no other nominations, Mayor Ball called for a vote on appointing Loretta Clawson to the vacant Council seat.

VOTE: Aye – All
Nay – None

Mayor Ball noted the swearing-in ceremony for Ms. Clawson will be held Tuesday, June 30, 2015, at Town Hall.

TRANSPORTATION COMMITTEE RECOMMENDATION – SCOPE OF DUTIES AND SELECTION OF CHAIR

Public Works Director Rick Miller presented a recommendation from the Transportation Committee for a formal scope of duties and for Council to select a chair of the committee. Brief discussion ensued regarding the issue of staff chairing a committee as well as the difference in duties of the Transportation Committee and Alternate Transportation Subcommittee. Upon a motion by Council Member David, seconded by Council Member Brantz, Council moved to approve the scope of duties as recommended by the Transportation Committee and direct staff to come back to Council with legislation to allow members of the committee elect their own chair and vice chair.

VOTE: Aye – All
Nay – None

CONSIDERATION OF UDO TEXT AMENDMENT – CASE 20150272 INDUSTRIAL PARK TRANSITIONAL ZONES EXEMPTION

Planning Director Bill Bailey advised Council that this text amendment would allow expansion of existing, approved industrial parks next to transitional zones and would only apply to those specific situations.

Vote #1

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable plans of the Town which relate to this application because per Comprehensive Plan Policy 2.1.1(E), the Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources, and in addition, current expansion within this already approved industrial park will not have negative impacts in the adjacent RA zoned area.

VOTE: Aye – All
Nay – None

Vote #2

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to approve the proposed text amendment because the amendment supports Comprehensive Plan policies related to economic development and industrial uses in their approval process have arguably more rigorous limitation as set forth in Subsection 15.45 and as a result of this text amendment, development regulations and permit procedures are more predictable.

VOTE: Aye – All
Nay – None

DBDA RECOMMENDATIONS – PARKING TIME LIMITS AND OTHER UPDATES

Downtown Development Coordinator Virginia Falck stated that a survey was completed with 1,041 responses, 95% of which indicated that people would prefer two-hour parking downtown, therefore, the DBDA recommended the time limit be changed to reflect two-hour, on-street parking downtown. Brief discussion ensued regarding the survey responses, and Ms. Falck stated she felt this will hopefully help alleviate complaints for not being able to make it back to a parking space in time. She noted that other campus communities also have two-hour parking. Upon questioning by Council Member Brantz regarding pay stations possibly making a difference, Ms. Falck stated she did not believe it will make a significant enough difference to

drive people to park there. Upon a motion by Council Member Peña, seconded by Council Member Mason, Council moved to change on-street parking meters downtown to two-hour time limits and implement this change as soon as possible.

VOTE: Aye – All
Nay – None

Ms. Falck also advised Council that the pay stations will be installed Wednesday, June 24 and will have a downtown map next to them. She added that the multi-hour banners are in production.

TOWN MANAGER UPDATE:

Town Manager John Ward presented Council with the following updates:

- Town staff are working hard to adjust and be responsive concerning parking comments.
- Thanked staff for hard work with budget.

Council Member Mason thanked Mr. Ward for presenting such a comprehensive budget, taking into consideration what was discussed at the workshop and providing a 10-year capital improvement plan. Mr. Ward noted he plans to expand the capital improvement plan to include other departments as well.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Ball noted there were no upcoming board vacancies, but a list of current vacancies was included in the meeting packet and will be advertised.

BOARD APPOINTMENTS

Greenway, Parks and Gardens Committee:

Council Member Peña nominated Claudine Lovins to be reappointed to the committee. With no other nominations, Mayor Ball called for a vote.

VOTE: Aye – All
Nay – None

Ms. Lovin's term will expire July 31, 2018.

APPROVAL OF SPECIAL EVENT PERMIT AND ACCOMPANYING BUDGET AMENDMENT FOR ASU HOMECOMING PARADE

A special event permit application has been submitted by Dustin Evatt with ASU's Student Government Association to hold the ASU Homecoming Parade on Friday, Oct. 2, 2015, from 6 to 7:30 p.m. Council Member Mason voiced her concern that the parade is to be held on a Friday during the same time as Concerts at the Jones House and the First Friday Art Crawl. She also noted that the parade is scheduled to take an hour and a half with a start-up to dismantle time frame of four hours. Cultural Resources Director Pilar Fotta stated that she had briefly talked about the date, but logistics were not determined yet. Council was in consensus to send this request back to staff to work through these issues, and possibly allow the event to be held earlier at 5:30 p.m., and to bring the request back to Council for consideration.

CONSIDERATION OF RESOLUTION CONCERNING PROPOSED ASPHALT PLANTS

Mayor Ball read the resolution prepared by Council Member Mason for consideration. Several Council members voiced their support for the resolution. Upon a motion by Council Member Peña, seconded by Council Member David, Council moved to approve the following resolution and that it be forwarded to the state officials, NCDENR and the county officials:

Resolution Regarding the Proposed Asphalt Plant on Rainbow Trail

WHEREAS, Radford Quarries is applying to construct an asphalt plant on Rainbow Trail; and,

WHEREAS, the proposed Rainbow Trail Radford Quarry site is adjacent to the Town of Boone Corporate Town limits; and,

WHEREAS, the two mile radius of the 105 plant and the proposed Rainbow Trail plant overlap is in the middle of ASU campus including Kidd Brewer Stadium, so they will get double the pollution; and,

WHEREAS, the following are within a 1-mile radius of the proposed asphalt plant:

- Hardin Park Elementary School;
- Mt. Pathways Montessori School;
- Grace Academy at Boone United Methodist Church
- ASU Lake (water source to ASU);
- Howard's Knob;
- Large number of private homes;
- Large number of multifamily residences;

- Boone United Trail;
- Churches;
- Shopping Center;
- Farms; and,

WHEREAS, the following are within a 2-mile radius of the proposed asphalt plant:

- Watauga High School;
- South Fork of the New River;
- The Greenway Trail;
- Appalachian State University; and,

WHEREAS, toxins from asphalt plants are deposited over two miles away; and,

WHEREAS, asphalt plants mix aggregate with petroleum products to make asphalt. The process releases **tons of toxic chemicals** into the air each year, including volatile organic compounds, polycyclic aromatic hydrocarbons, and very fine condensed particulates (soot and even heavy metals); and,

WHEREAS, many of these are highly toxic and/or known carcinogens, e.g. benzene, formaldehyde, hydrogen sulfide, mercury, and cadmium; and,

WHEREAS, adverse health effects increase with long-term exposure; and,

WHEREAS, citizens with asthma and other respiratory ailments will suffer most; and,

WHEREAS, asphalt emissions significantly degrade air quality, but also degrade the water quality of our beautiful rivers, creeks, and streams; and,

WHEREAS, the mountain climate has more inversions and fog than the piedmont and that has not been considered in the past weather modeling by DENR. Fog + Smoke = Smog, which is a much more intense, acidic way to take in the many toxins produced in the asphalt production process; and,

WHEREAS, a study by the Blue Ridge Environmental Defense League (BREDL) looked at property prices before and after the Maymead Asphalt plant was built in Avery County revealed homeowners suffered an **average drop of 27% in property values** (as assessed by the county); and,

WHEREAS, studies have shown that:

- Home values within ¼ mile of a quarry will drop by about 30%

- Homes 1 mile away will decrease by about 13% in value
- Homes as far as 3 miles away drop by 6% in value; and,

WHEREAS, the 421 location as well as the Rainbow Trail location goes against everything in the Citizens Plan for Watauga County and the Planning Board's recent Highway 421 Deep Gap Corridor assessment which came out May 18, 2015; and,

WHEREAS, we are in jeopardy of losing the scenic designation for the Doc and Merle Watson scenic byway as that plant would in effect zone that road industrial, and high impact industrial use; and,

WHEREAS, an asphalt plant would not be a good welcome on the scenic byway corridor entering Watauga County and Boone jeopardizing the tourist industry which brought in 216 million in revenue and over 8 million in taxes in 2013; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone request that the Watauga County Commissioners issue a moratorium on all new asphalt plants in Watauga County in order to provide time to study the proposed locations of the Rainbow Trail and 421 sites; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone request that the Watauga County Commissioners amend the High Impact Use Ordinance to provide extra protection from high impact uses that impact public health and safety and to provide an opportunity for public comment; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Watauga County Commissioners and County Manager; State Senator Soucek; State Representative Jonathan Jordan and DENR.

Adopted by a unanimous vote of the Town Council on the 18th day of June, 2015.

VOTE: Aye – All
Nay – None

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGES 237-238)

CLOSED SESSION

Upon a motion by Council Member Brantz, seconded by Council Member Peña, Council moved to enter Closed Session at 7:10 p.m. pursuant to NCGS § 143-318-11(a)(3)(5)(6) 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 and consider and give instructions to the attorney concerning the claim involving the Town of Boone and Mountaineer Towing & Recovery, LLC.

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 and consider and give instructions to the attorney concerning a potential claim involving the Town of Boone.

C. 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 and consider and give instructions to the attorney concerning potential claims involving the Town of Boone.

D. 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 and consider and give instructions to the attorney concerning a claim brought by the Williams family on behalf of Jeffrey Lee Williams against the Town of Boone.

E. 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 along the route of the water intake project.

F. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3) and (a)(5), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning the terms of possible acquisition of easements from Watauga County related to the water intake project.

G. Pursuant to N.C. Gen. Stat. §143-318.11(a)(6), to consider the performance of a public officer or employee of the Town.

VOTE: Aye – All
Nay – None

Upon a motion by Council Member Peña, seconded by Council Member Hay, Council moved to exit Closed Session at 9:12 p.m.

VOTE: Aye – All
Nay – None

ADJOURNMENT

Upon a motion by Council Member Peña, seconded by Council Member Hay, Council moved to adjourn the meeting at 9:21 p.m.

VOTE: Aye – All
Nay – None

Christine Pope, Town Clerk

Andy Ball, Mayor