

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL JULY
16, 2013**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Tuesday, July 16, 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 Superintendent Eric Gustaveson, Planning Director Bill Bailey, Human Resources Director Peri Moretz, Cultural Resources Director Pilar Fotta, and Downtown Coordinator Virginia Falck.

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.

John Cooper, chair of the non-profit Appalachian Theater of the High Country, Inc., appeared before the Council to present a resolution of appreciation to the Town of Boone for its purchase of the Appalachian Theater and its commitment to the preservation and restoration of this historical structure. He introduced the following members of the Appalachian Theater of the High Country, Inc.: Frank Mohler-Vice Chair, Keith Martin-Vice Chair, Karen Sabo-Secretary, and Bob Neill-Treasurer. The following resolution was presented to the Town of Boone:

Resolution of Appreciation

Whereas, the Town of Boone made a visionary leap of faith some twenty months ago by purchasing the venerable Appalachian Theatre, which on November 14th of this year will celebrate the 75th Anniversary of its inaugural opening in 1938, trusting that this prudent financial investment would pay cultural dividends for current and future generations of its citizens; and

Whereas, the Downtown Boone Development Association – and especially their former Coordinator Pilar Fotta – graciously served as fiscal agent for the project while providing invaluable monetary and administrative support in nurturing the creation of a new not-for-profit entity from henceforth known as the Appalachian Theatre of the High Country, and

Whereas, the mission of this new legal entity is, “to provide a quality venue for a variety of artistic genres; to contribute to the region by promoting and strengthening the area’s unique cultural identity and creative history; to enhance business in downtown Boone and the High Country; to provide a cultural hub for the area; and to find new life for a historic building while maintaining its financial sustainability and maximizing its economic impact”; and

Whereas, the financial supporters of the project are now in a position to repay the Town of Boone, in full the amount of six hundred and twenty four thousand, five hundred dollars (\$624,500.00, the Amount toe Town of Boone previously paid) plus interest;

Therefore, be it resolved that the Board of Trustees – on behalf of dozens of cultural organizations, hundreds of artists, thousands of children and students, and untold numbers of future audience members – herein expresses its heartfelt appreciation and sincere gratitude to the Town of Boone, its Mayor, Town Council, professional Staff and citizenry, along with the Downtown Boone Development Association, for their dedication and commitment to the acquisition, renovation and restoration of the Appalachian Theatre of the High Country.

Approved by acclamation of the Board of Trustees on the 15th of July 2013.

A check in the amount of \$624,500 was presented to the Town as payoff for the remaining balance of money owed for the building. Mayor and Council thanked the members of the group for their support.

TENTATIVE AGENDA ADOPTION

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

1. Addition of Item 6.O. – Approval of Budget Amendments.
2. Addition of Item 6.P. – Discussion and Possible Action Regarding a Lease or Possible License with the Southern Appalachian Historical Association (SAHA.)

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

VOTE: Aye – All
 Nay – None

CONSENT AGENDA ADOPTION

Minutes: May 31, 2013 – Special Meeting.
 June 10, 2013 – Special Meeting.
 June 11, 2013 – Special Meeting.
 June 17, 2013 – Special Meeting.
 June 18 & 20, 2013 – Regular Meetings.

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 this time.

APPEARANCE OF NC DOT BOARD MEMBER – MR. JIM PALERMO

New NC Department of Transportation board member, Jim Palermo, appeared before the council to introduce himself. NC DOT District 11 Engineer Mike Pettyjohn was also in attendance. Mr. Palermo invited the members of the Council to contact him anytime with concerns or questions.

DISCUSSION OF DOWNTOWN PARKING METERS

Downtown Coordinator Virginia Falck stated that the Downtown Boone Development Association (DBDA) is requesting a time extension in order to develop recommendations regarding parking meters to present to the Council. She did indicate that the DBDA does recommend increasing the meter fee to \$1 per hour for the meters located on King Street at Capone's Restaurant and Hamby Alley but to continue charging \$0.50 per hour on Queen Street. Steve McLaurin, present information for pay stations so that Council could get a better idea of what a pay station is and what it looks like. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to adjust the parking meter fee for the meters located on King Street and Hamby Alley to \$1 per hour, to continue the fee of \$0.50 per

hour for meters on Queen Street, and to continue discussion of this issue at the August regular meeting in order to receive additional information and recommendations from the DBDA.

VOTE: Aye – All
 Nay – None

**TRANSPORTATION COMMITTEE RECOMMENDATION—ROAD IMPROVEMENTS
TO NEW MARKET BOULEVARD**

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to amend the agenda to receive public comment on the Transportation Committee’s recommendation for improvements to New Market Boulevard.

VOTE: Aye – All
 Nay – None

Craig Scheffler, of the Transportation Committee, presented the following recommendation:

- Restriping the road removing the center turn lane to create space for bike lanes. (The center lanes will not be removed at the intersection with King Street nor at the traffic signal at Hardin Park School.)
- For safety reasons, lower the speed limit from 35mph to 25mph.
- Include an educational component to explain the improvements made and forward to the residents and businesses with direct access affected.

Mr. Scheffler stated that the implementation of “complete streets” design will help to improve transportation for all users. He stated that this project will help to promote that design.

Ralph Leonard, who has a business on New Market Boulevard and is a member of Boone United Methodist Church (UMC), stated that he perceives little benefit from this plan and does not support it.

Lenny Cottam, chair of the Boone UMC Board of Trustees, voiced his concern for the safety of people coming to the church. He stated that he feels the turn-lane is necessary for persons entering church lot. Mr. Cottam stated that he feels a small percentage of people will benefit from these changes but supports a decrease in the speed limit.

Charles Stanley voiced his concern that this is a high density area and feels these changes may put cyclists at more risk.

Denise Stanley, who works at Boone UMC, stated that there are a lot of groups using the church daily.

Maggie Tilley, a resident of New Market Estates and a member of Boone UMC, stated that she supports keeping New Market Boulevard as it is currently.

Graydon Eggers read the following statement into the record:

TO: Mayor and members of Town Council (Town of Boone)

FROM: Graydon Eggers

RE: New Market Boulevard “Complete Street” proposal

I would like to present the following negative issues of impact if you should approve the New Market Boulevard “complete street” proposal tonight:

- 1) *Please see the attached picture showing the mayor, council members, town manager, planning staff, school superintendent, contractors and the then developers and owners of New Market at the official opening of the street on September 3, 1991. You will be breaking a commitment to—and an agreement with—the partners of New Market Estates Partnership who designed, built and paid for New Market Boulevard in 1990. This was when the Town of Boone requested additional land be provided to widen the roadway to incorporate a center “turning lane” when the street was built. Watauga County’s school board endorsed the proposal and extended the road from the New Market Estates Partnership property line to NC-194. Every parcel served by New Market Boulevard—residential, church, and business—was sold with the grantee’s acceptance of the roadway as constructed and as shown within the deed covenants and restrictions. The land and improvements of New Market Boulevard were donated to the Town of Boone trusting that the town would maintain the original design.*
- 2) *The survey results obtained by the town are flawed. The results were mostly from anonymous respondents. Since the public was invited to respond to the town website, there is the possibility of multiple responses from individuals. The survey results from those most affected, who did say that they represented businesses or residents of the area were almost evenly split on the issue.*
- 3) *Lastly, to my knowledge, and per a conversation with Blake Brown—to his knowledge—there have been no serious accidents on New Market Boulevard for the last 21 years. Is it prudent for the Council to re-design a roadway that provides smooth through traffic as an alternative to the congestion of the Hardin Park School entrance, and offers the safety of turning lanes? To redesign a road that provides the “escape route” of the center lane for merging or turning traffic; or mostly important—a “buffer zone” for avoidance of a possible head-on collision? And inserting bike lanes that appear and then disappear creating the possibility of accidents when vehicles abruptly change lanes into turning lanes as the bike lanes disappear? I think not! Do you plan to do the same to State Farm Road? It has businesses, ball fields, a church, etc. just like New Market with a 35 mile-per-hour limit. The town constructed the middle lane in the early 1990’s also.*

*Your stated adopted policy for “complete streets” is a “concept where streets are **built** to include pedestrian and bicycle infrastructure”. If you want bike lanes, you need to use your grant money (\$45,000?) to acquire additional land to widen New Market Boulevard to add bike lanes without taking away the center lane.*

In summary, you should realize that if you approve a design that creates more dangerous situations which may lead to serious accidents or perhaps even fatalities, you may bear the liability and responsibility for any such occurrence—if not legally, within your personal conscience.

Mr. Eggers also presented a photograph depicting the opening of New Market Boulevard in 1991. **(Copy of photograph permanently on file at Boone Town Hall.)**

Libby Dowell, whose child attends Grace Academy, expressed her concern about the proposed change and her worries about promoting bike riding on New Market Boulevard which has a high volume of traffic with two schools, a preschool, and church. She stated another concern about taking away the turn lane, especially at the church.

Upon a motion by Council Member Ball, seconded by Council Member Leigh, Council moved to send this issue back to the Transportation Committee for consideration and to consult with the Alternative Transportation Committee on lowering the speed limit and placement of bicycle-friendly signage on New Market Boulevard.

VOTE: Aye – All
 Nay – None

AFFORDABLE HOUSING TASK FORCE REQUEST

Town Attorney Sam Furgiuele explained that the Affordable Housing Task Force is requesting authorization to begin evaluating new methods to facilitate affordable housing in Boone by such mechanisms as identifying and recommending incentives for development of affordable and work force housing, by identifying individual properties which might be suitable for redevelopment or development with affordable or work force housing, and by generally evaluating and making recommendations regarding other regulatory mechanisms which might be available, such as providing preferential treatment for water allocations to applicants providing affordable or work force housing, and giving density bonuses for redevelopment or development of affordable or work force housing. He further explained that the task force would consider the establishment of one or more moderate density residential zoning districts reserved for types of housing such as cottage style, and may recommend up-zoning or down-zoning of existing parcels or portions of existing parcels, such as very large lots currently zoned B-3, in order to facilitate development which addresses identified housing needs. Planning Director Bill Bailey agreed and added that areas in town exist that do not function as zoned. Council Member Mason noted that the task force is seeking direction from council in order to begin to explore these ideas. Council Member Ball suggested inviting the members of the Planning Commission to participate in this matter. Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to approve the request from the Affordable Housing Task Force and to invite participation of the Planning commission before the matter is presented to the council.

VOTE: Aye – All
 Nay – None

ADOPTION OF RESOLUTION – INTERLOCAL AGREEMENT FOR GROUP SELF-INSURANCE POOL FOR WORKERS

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to adopt the following resolution:

RESOLUTION

WHEREAS, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY and have agreed to pool the risks of their workers' compensation liabilities and payment of claims for employers' liability coverage pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A;

NOW, THEREFORE, BE IT RESOLVED that the above named unit of local government elects to become a member of the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool for Workers' Compensation Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Agency and to abide by the terms and conditions of the Interlocal Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the duly authorized officials of the Town of Boone are directed to execute in the name of said unit the "Interlocal Agreement for Group Self-Insurance Pool for Workers' Compensation Risk Sharing," a copy of which is attached to and made a part of this resolution.

I certify that this is a true and correct copy of this Resolution, duly adopted by the governing body on the 16th day of **July, 2013**, as it appears of record in its official minutes.

TOWN OF BOONE BY:

ATTEST:

Loretta Clawson, Mayor

Kimberly S. Brown, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 204)

VOTE: Aye – All
 Nay – None

Mayor Clawson declared a break at 8:20 p.m. Council reconvened at 8:33 p.m.

SCHEDULE CASE FOR QUARTERLY PUBLIC HEARING – ZONING MAP AMENDMENT – CONNIE KELLER

Upon a motion by Council Member Brantz, seconded by Council Member Scherlen, Council moved to schedule a request for a zoning map amendment from Connie Keller for property at 119 Betsy's Drive for the August 2013 Quarterly Public Hearing.

VOTE: Aye – All
 Nay- None

ADOPTION OF RESOLUTION – DIRECTING CLERK TO INVESTIGATE ANNEXATION PETITION

Upon a motion by Council Member Brantz, seconded by Council Member Scherlen, Council moved to adopt the following resolution directing the Clerk to investigate a petition for annexation requested by Connie Keller for property located at 119 Betsy's Drive:

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1 (Connie
Keller)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 16, 2010 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE(S) 205)

VOTE: Aye – All
 Nay – None

PRESENTATION OF UNIVERSAL DESIGN BROCHURE

Planning Director Bill Bailey presented a Universal Design Brochure and cited Chapter 9– General Recommendations of the Boone 2030 Land Use Plan which contains information regarding “Visitability and Universal Design.”

“With changing demographics, including an increasingly elderly population locally and nationally, design guidelines in Boone need to consider building access as part of the Town’s design standards. In general, they should not preclude zero-step entries through other regulations that might have this unintended consequence such as certain site grading requirements that cause awkward transitions between the building and the parking lot due to standards that prioritize the parking lot grade. In addition, these standards should be encouraged with all affordable housing projects that might be undertaken in the community as a way to broaden the housing opportunities for the greatest number of individuals. The intent of visitability and universal design standards is to simplify life for everyone in society by making projects, communications and homes more usable by as many people as possible, including people with disabilities. Visitability standards may be seen as the first step towards an accessible home and include the following three elements:

- 1. At least one no-step (or zero-step) entrance*
- 2. Doors and hallways at least 32 inches wide*
- 3. A bathroom must be on the first floor of the unit, and it must be big enough to accommodate a wheelchair with the door closed.”*

Mr. Bailey stated that the department intends to distribute this brochure with all residential building permit applications. He indicated that this will help to encourage people to think more “long-term” in regard to housing needs.

SCHEDULING OF SPECIAL MEETING – UDO REVIEW

Upon a motion by Council Member Mason, seconded by Council Member Scherlen, Council moved to schedule a special meeting on Monday, August 5, 2013, at 7:30 p.m. in order to continue review of the UDO.

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 July 2013 Town Council packet.)**

UPDATE ON POST OFFICE ROOM USE

Cultural Resources Director Pilar Fotta stated that she is continuing to gather information to make a recommendation to the Council on the best use of the unused room in the Downtown Boone Post Office.

QUARTERLY NOISE REPORT

Police Chief Dana Crawford presented the noise report for the second quarter of 2013. **(Copy of report permanently on file in the July 2013 Town Council packet.)**

MONTHLY WATER USE STATUS REPORT

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

DISCUSSION OF TOURISM SUPPORTED EXPENDITURES FOR FY2013/2014

Wright Tilley, executive director of the Boone & Watauga County Tourism, explained that the TDA Board was interested in more proactive uses for funds and for projects that will create the maximum tourism impact. Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to table discussion of the issue until the August regular meeting in order to have town staff and TDA staff discuss details for the recommendation.

VOTE: Aye – All
 Nay – None

APPROVAL OF BUDGET AMENDMENTS

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

*Town of
Boone
Re-encumbrance of Funds from 2012/2013 to 2013/2014
July 16, 2013*

<i><u>Account #</u></i>	<i><u>Vendor</u></i>	<i><u>Description</u></i>	<i><u>Department</u></i>	<i><u>Amount</u></i>
010-402-000-545009	Temple Consulting Group	Programming	Finance	\$ 7,375.00
010-403-000-519900	WJ Office City	Catalog envelopes	Finance	\$ 1,000.00
010-409-000-527001	Brushy Ford Wood Products	Jones House sign	Jones House	\$ 560.00
010-411-000-545100	Blythe Development	ATP/Greenway expansion	Special Projects	\$278,765.00
010-411-000-549102	At-Net Services	Transceiver module	Special Projects	\$ 1,583.00
010-411-000-549121	NC-DOT	U-4020	Special Projects	\$ 23,977.00
010-411-000-549124	Glave & Holmes Architecture	Howard Street concepts	Special Projects	\$ 3,835.00
010-411-000-549124	Howard Street Project	Will transfer to Cap Project Fund	Special Projects	\$150,000.00
010-411-000-549128	Tree Planting Project		Special Projects	\$ 13,747.00
010-411-000-575023	Fire Station #3	Construction	Special Projects	\$157,170.00
010-411-000-575023	Wood Masonry Supply, Inc.	Brick for Fire Station #3	Special Projects	\$ 2,552.00
010-417-000-574001	USPS Building	Construction	Special Projects	\$406,144.00
010-418-000-574000	Rivers Property	Improvements	Special Projects	\$ 24,215.00

010-500-300-511201	American Uniform Sales, Inc.	Uniforms	Police Dept	\$ 3,341.00
010-500-300-511220	American Uniform Sales, Inc.	Uniform equipment	Police Dept	\$ 446.00
010-500-300-511220	Lawmen's Safety Supply	Bullet resistant vests	Police Dept	\$ 3,904.00
010-500-300-516300	Motorola	APEX 6000	Police Dept	\$ 13,459.00
010-500-300-519200	Craig's Firearm Supply	Ammunition	Police Dept	\$ 1,920.00
010-500-300-519200	KKR Enterprises	Patrol rifles	Police Dept	\$ 4,116.00
010-500-300-519200	Lawmen's Safety Supply	Ammunition	Police Dept	\$ 1,897.00
010-500-301-525201	Wireless Communications	Antenna relocation	Communications	\$ 2,504.00
010-500-350-514110	Municipal Emergency Serv	Autorae light/gas monitor	Fire Dept	\$ 5,526.00
010-500-350-515950	Municipal Emergency Serv	Gas monitors / encapsulated suits	Fire Dept	\$ 3,430.00
010-500-350-525201	Cross Instrumentation	Tubes for haz-mat kit	Fire Dept	\$ 1,626.00
010-500-350-525301	Municipal Emergency Serv	Storz coupling	Fire Dept	\$ 750.00
010-500-350-574000	Motorola	Repeater antenna	Fire Dept	\$ 984.00
010-500-360-571000	Permitting Software	Software and/or programming	P&I	\$ 17,130.00
010-600-400-577000	Brushy Ford Wood Products	Upper signs for Greenway	Public Works	\$ 3,938.00
010-600-401-514110	Duncan Parking Solutions	Parking meter mechanisms	Street Dept	\$ 3,812.00
010-600-401-514205	4S Sign & Supply	Sign blanks	Street Dept	\$ 2,802.00
010-600-405-514303	Boone Concrete	Concrete for sidewalks	Facilities Maint	\$ 4,338.00
010-600-405-514303	Chandler Concrete	Concrete for sidewalks	Facilities Maint	\$ 33,362.00
010-600-405-514303	Miller's Supply, Inc.	Sidewalk supplies State Farm Rd.	Facilities Maint	\$ 10,572.00
010-600-405-514303	Vulcan Materials, Inc.	Stone for sidewalks	Facilities Maint	\$ 4,022.00
010-600-405-514303	WGS Contractors, Inc.	Curb & gutter	Facilities Maint	\$ 10,560.00
010-600-405-514303	Wood Masonry Supply, Inc.	Sidewalk supplies	Facilities Maint	\$ 1,494.00
010-600-405-525102	Appalachian Signs	Downtown sign package	Facilities Maint	\$ 2,195.00
010-600-405-525301	Carolina Tractor	Replace program ECM	Facilities Maint	\$ 3,399.00
010-600-407-516107	reusethisbag.com	Reusable grocery bags	Recycling	\$ 845.00
010-000-000-448025	NC DOT Project E-4955			(\$278,765.00)
010-000-000-499900	Appropriated Fund Balance - General Fund			(\$934,530.00)
030-700-801-513105	Low Flow Toilet Rebate		Public Utilities	\$ 6,293.00
030-700-801-516200	Dell	Desktop computer	Public Utilities	\$ 893.00
030-700-801-577000	Phillips Appraisals, Inc.	Property appraisal	Public Utilities	\$ 8,250.00
030-700-801-577000	WK Dickson/Parker Poe	Raw water project services	Public Utilities	\$ 85,581.00
030-700-802-	McGill &	Deck Hill tank evaluation	Water Ops	\$ 19,680.00

575100	Associates			
030-700-803-575000	Carolinas Grading & Utilities	Sewer system replacement	Sewer Ops	\$202,920.00
030-700-803-575000	Davis, Martin & Powell	Design & const Crest/Arbor Drive	Sewer Ops	\$ 31,800.00
030-700-804-517201	Univar USA, Inc.	Aluminum/caustic/fuel charge	WTP	\$ 4,394.00
030-700-804-525201	Advanced Electronic Serv	Replace fluid South Fork gate	WTP	\$ 4,075.00
030-700-806-509100	At-Net Services	Website project	Utility Billing	\$ 20,000.00
030-700-806-545009	Temple Consulting Group	Programming	Utility Billing	\$ 4,555.00
030-000-000-499900	Appropriated Fund Balance - Water & Sewer			(\$388,441.00)
050-450-000-553104	Wood Masonry Supply, Inc.	Paver English edge	MSD	\$ 5,216.00
050-450-000-499900	Appropriated Fund Balance - MSD			\$ (5,216.00)
051-451-000-573300	Ferrara Fire Apparatus	Pumper truck for Fire Station #3	Rural Fire	\$352,354.00
051-451-000-499900	Appropriated Fund Balance - Rural Fire			(\$352,354.00)

VOTE: Aye – All
 Nay – None

DISCUSSION AND POSSIBLE ACTION REGARDING A LEASE OR POSSIBLE LICENSE WITH THE SOUTHERN APPALACHIAN HISTORICAL ASSOCIATION (SAHA)

Council Member Brantz noted that the lease with the Southern Appalachian Historical Association (SAHA) for the Horn in the West property will expire at the end of the year. He suggested that the Council consider an extension of the lease. Town Attorney Sam Furgiuele indicated that ASU is no longer interested in leasing parking spaces in the Horn parking lot. Lengthy discussion ensued as to the benefits and disadvantages of utilizing a licensing program for the use of town properties instead of entering into long-term leases. Michelle Ligon of SAHA voiced her concern about the loss of revenue since ASU is no longer interested in subleasing from SAHA for the use of the parking spaces. Upon a motion by Council Member Brantz, seconded by Council Member Leigh, Council moved to extend the lease with SAHA for the Horn in the West property for one calendar, to authorize SAHA to rent the parking spaces contained on the property through the year 2014, and to authorize the Cultural Resources Advisory Board to develop a process for a licensing program for town properties.

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

Council Member Ball moved to table discussion on the matter until the Thursday, July 18, meeting of the Council. Council Member Brantz seconded the motion.

VOTE: Aye – All
 Nay – None

RECESS MEETING

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to recess the meeting at 10:05 p.m. until Thursday, July 18, 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, July 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, 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.C. – Rescind June 2013 Planning Commission Appointments.
2. Addition of Item 12.D. – Planning Commission Appointments.
3. Addition of Item 12.E. – Continued Discussion and Possible Action Regarding a Lease or License with the Southern Appalachian Historical Association.

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

VOTE: Aye – All
 Nay – None

PUBLIC COMMENT

Michelle Ligon appeared before Council to outline SAHA's need for a long-term lease with the Town of Boone.

Steve Canipe appeared before Council to advocate a long-term lease agreement between SAHA and the Town of Boone.

Randy Dixon, with Mountaineer Crossing LLC, appeared before the Council to request a change to the Conditional District Zoning to allow for changes in the phasing of the project due to the extraordinary amount of rain of the past couple of months. Mr. Dixon asked that the Council place this request on the August 5th Quarterly Public Hearing agenda. Upon a motion by Council

RECESS MEETING

Member Mason, seconded by Council Member Brantz, Council moved to amend the agenda to add this request as Item 12.F.

VOTE: Aye – All
 Nay - None

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Clawson announced the following vacancies:

Community Appearance Commission – Two (2) positions

Tree Board – One (1) position.

BOARD APPOINTMENTS

Board of Adjustment

Four positions open:

-Two Resident Positions

-Two Alternate Resident Positions.

Mayor Clawson called for nominations for these positions. Council Member Ball nominated Virginia Roseman for a resident position. With no other nominations, Mayor Clawson called for a vote on the nomination of Virginia Roseman for a resident position on the Board of Adjustment.

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

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

Community Appearance Commission

One open position.

There were no applications for this position.

Downtown Boone Development Association

Two open positions.

Mayor Clawson called for nominations for these positions. Council Member Brantz nominated Evalyn Sudderth for a second term on the DBDA Board. With no other nominations, Mayor Clawson called for a vote.

VOTE: Aye – All
 Nay – None

Ms. Sudderth's term will expire July 31, 2016.

Greenway, Parks & Gardens Committee

One open position.

There were no applications for this position.

Outside Agency Funding Review Committee

Mayor Clawson called for nominations for the vacant positions. Council Member Scherlen nominated Denise Levy for a second term on the Outside Agency Funding Review Committee. With no other nominations, Mayor Clawson called for a vote.

VOTE: Aye – All
 Nay – None

Ms. Levy's term will expire July 31, 2016.

Planning Commission

Two open positions:
-Two ETJ Positions.

Mayor Clawson called for nominations for the vacant positions. Council Member Ball nominated Donald Dotson to serve a second term as an ETJ representative on the Planning Commission. With no other nominations, Mayor Clawson called for a vote on the nomination.

VOTE: Aye – All
 Nay – None

It was the consensus of the Council to delay forwarding Mr. Dotson's nomination to the Watauga County Board of Commissioners until an additional nomination can be provided.

Tree Board

Two open positions.

There were no applications submitted for consideration for this committee.

RESCIND JUNE 2013 PLANNING BOARD APPOINTMENT

Council Member Leigh indicated that a miscommunication occurred between staff and Planning Commission members whose terms were due to expire on June 30, 2013, including that of Planning Commission Chair Eric Woolridge. She requested that the Council rescind the action of Planning Commission appointments from the June meeting and reconsider appointments so that the process can be fair to all involved. Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to rescind the Planning Commission appointments made at the June 20, 2013 regular meeting.

VOTE: Aye – All
 Nay – None

Mayor Clawson stated that there are two resident positions open and that three applications had been received from Connor Boyle, David Welsh, and Eric Woolridge. Council Member Leigh nominated Eric Woolridge. Council Member Mason nominated Connor Boyle to serve. With no other nominations, Mayor Clawson called for a vote:

Eric Woolridge

VOTE: Aye – All
 Nay – None

Three open positions.

Connor Boyle

VOTE: Aye – All
 Nay – None

DISCUSSION AND POSSIBLE ACTION REGARDING A LEASE OR POSSIBLE LICENSE WITH THE SOUTHERN APPALACHIAN HISTORICAL ASSOCIATION (SAHA)

Council continued discussion of the possible extension of the SAHA lease or the implementation of a licensing program for the use of town properties. Council Member Brantz requested the Council to authorize the Cultural Resources Advisory Board, with assistance from the Town Attorney, to develop a licensing process for town properties and to develop administrative and staffing plans for use of the properties. He offered that the Town should extend the current lease with SAHA until July 1, 2014 to enable SAHA to undertake the renting of parking spaces in the lot. Council Member Mason moved to amend the current lease with SAHA in order to allow the Town to assume responsibility for the renting of the parking spaces in the Horn in the West lot through December 2013 and that the Town will share revenues from the parking in an amount up to \$12,500 after the Town covers its expenses for managing the parking rentals. Additionally, she moved to authorize the Town Manager to negotiate and execute the amendment to the lease and to market the rental of the parking spaces in the lot. Council Member Brantz seconded the motion.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to direct the Cultural Resources Advisory Board and the Town Attorney to develop a licensing program for town properties and to develop an administrative operational and staff plan by July 2014.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Leigh, seconded by Council Member Ball, Council moved to extend to SAHA the opportunity to continue to occupy the Horn in the West property through a licensing arrangement for a one year period excluding the management of parking rentals and the Farmer's Market.

VOTE: Aye – All
 Nay – None

SCHEDULE CASE FOR QUARTERLY PUBLIC HEARING - MOUNTAINEER CROSSING

Planning Director Bill Bailey stated that the advertising deadline can be met. Upon a motion by Council Member Leigh, seconded by Council Member Mason, Council moved to send the request for a zoning map amendment to allow for a change in phasing for the Mountaineer Crossing project.

VOTE: Aye – All
 Nay – None

REQUESTED APPEARANCE – RIO TAZE WELL

Ben Loomis appeared before the Council to request approval of the Howard Street Exchange special event permit on the following dates: August 18, and September 15, 2013 from 12-5 p.m. Additionally, the applicants are requesting a waiver of the \$1,500 event fee. Mr. Loomis informed the council that the July event was rained out. Upon a motion by Council Member Mason, seconded by Council Member Leigh, Council moved to approve the request for the special event permit for the Howard Street Exchange for August 18 and September 15, 2013, from 12-5 p.m., to approve the rain date of August 25, 2013, and to credit the applicant \$438.31 since the event for July was cancelled. Furthermore, Council Member Mason moved that the applicant is responsible for the full amount of the permit cost for the next two events, and that the applicant shall give 24-hour notice to the Town if the event is to be cancelled.

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 8:11 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 attorneys employed by the Town in order to preserve the attorney-client privilege between the attorneys employed by the Town 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 in the case of Templeton Medical Clinic vs. Town of Boone.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to exit Closed Session at 9:18 p.m.

VOTE: Aye – All
 Nay – None

POSSIBLE ACTION FOLLOWING CLOSED SESSION

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to unseal the closed session minutes from March 2013 through the present, subject to redaction as to those matters for which the purposes of the confidentiality of closed session is still necessary.

VOTE: Aye – All
 Nay – None

ADJOURNMENT

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to adjourn at 9:19 p.m.

VOTE: Aye – All
 Nay – None

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor