MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
July 16, 2019

CALL TO ORDER

A special meeting of the Boone Town Council was called to order on Tuesday, July 16, 2019 at 6:00 p.m. in the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgiuele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Building Inspector Stacey Miller, Public Works Deputy Director Todd Moody, Public Works Deputy Director Josh Eller, Fire Chief Jimmy Isaacs, Lt. Shane Robbins and Cultural Resources Director Mark Freed. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak during the public comment period to please sign up. Town Manager John Ward introduced new Cultural Resources Director Mark Freed.

TENTATIVE AGENDA ADOPTION

Upon a motion by Ms. Mason, and seconded by Mayor Pro-Tem Clawson, Council voted to approve the agenda as presented.

VOTE:	Aye:	All
	Nay:	None

PUBLIC COMMENT

Fred Hay of Boone spoke in support of the agenda item to consider renaming New Market Boulevard after Dr. Martin Luther King, Jr. He stated that he had originally proposed the idea and that it died in committee while he was still a Council member. He felt that the idea that there were no streets in Town to rename was ludicrous and that the Howard Street proposal was demeaning and hoped that the Council would do the right thing. He believed that renaming New Market Boulevard after Dr. King was not just symbolic, but a bold statement that Boone was truly a progressive place, and that if this was not approved, it would suggest the opposite.

Juanita Hay of Boone spoke in support of renaming New Market Boulevard after Dr. King and believed that everyone was in agreement that this needed to happen. She did not want to minimize the concerns that were voiced, but also did not want the Town to become divided on the issue. She suggested that the name be hyphenated with the current street name in an attempt at compromise.

David Jackson of the Boone Area Chamber of Commerce thanked Council for addressing nuisance properties, and expressed concern with the potential loss of affordable housing in the event an amortization ordinance was enacted. He suggested that Council start a dialogue on how to address affordable housing in Town moving forward, and stated that the Chamber would be the first partner to stand with Council to find a solution to this problem.

Dr. Julie Waldrep of Boone spoke against the renaming of New Market Boulevard, and passed out a list of ways that her businesses supported the community. She indicated that if they had to spend money on address changes, they would be forced to stop supporting various non-profits in Town. Dr. Waldrep believed if there was any way that Dr. King could be honored with a state owned memorial highway, this would be a better approach.

Ralph Leonard of Boone spoke against the renaming project, and expressed concern that citizens were not given any notice, as well as the fact that the item seemed to move forward too quickly. Mr. Leonard felt that those that spoke against the renaming were scoffed at by members of Council during the last meeting, and believed that other streets in Town were more appropriate for the memorial. He asked that Council slow this process down, send it back to committee to develop a fitting honor and give the public notice and a chance to contribute.

Charles Stanley of Boone stated that he had no objection to naming a street after Dr. King and did not believe this issue to be a racial one. He believed that the issue was renaming such a small street after a great American, and suggested renaming a major street, such as King Street after Dr. King.

Graydon Eggers of Boone spoke against the renaming of New Market Boulevard, and clarified that this decision would not affect him in any way. He added that as the developer of the New Market area, if the Town would have approached him in the past about naming the road after Dr. King during development, he would have been open to the idea. Mr. Eggers stated that the road was named as such to tie in with the rest of the area, and asked Council to consider naming a park, new facility or a more prominent road after Dr. King instead.

PUBLIC HEARING - CDBG FUNDING

A public hearing regarding a potential Community Development Block Grant for the replacement of the Deck Hill water tank was opened at 6:27 p.m. Kelly Coffey with the High Country Council of Governments stated that the Town's previous application was not funded last year, but came close, and believed that the Town had a better chance of being approved this year. Mr. Coffey read the following statement:

"We are present to discuss the purpose of the public hearing for the Town of Boone's CDBG-I funding application. The purpose of the public hearing is to obtain citizen's views and to allow response from the public to funding proposals and answer any questions posed by citizens. This public hearing will cover the town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's CDBG-I funding application to the State of North Carolina.
The Town proposes to request funding from NCDEQ'S CDBG-I program for the Deck Hill Water Tank Replacement. The purpose of the CDBG-I grant program is:

- *To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.*
- *To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.*
- *To perform eligible activities.*
- *To minimize displacement, and*
- *Provide displacement assistance as necessary.*

For the fiscal year of 2019-20 the CDBG-I funding available is expected to be $23.9 million. The maximum available grant is $2.0 million over a 3-year period. Applications for funding will be received September 30, 2019.
The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure activities, including, but not limited to the, following:

Water:

- *Projects that resolve water loss in distribution systems.*
- *Projects that extend public water to areas with contaminated wells.*
- *Projects that extend water lines to areas with dry wells.*
- *Projects that assist with low water pressure in public water systems.*
- *Projects that regionalize two or more water systems.*
- *Project that rehabilitate or replace a water treatment plant.*

Wastewater:

- *Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.*
- *Projects that extend public sewer to areas with failed septic tanks.*
- *Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.*

The Town is seeking an amount in CDBG-I funds not to exceed $2.0 million for the Deck Hill Water Tank Replacement Project. The purpose of the Town's request is to replace, due to its age and deteriorating condition, the existing 500,000 gallon Deck Hill water tank with a new prestressed concrete 500,000 gallon tank in order to ensure a reliable water supply for the town.
The project proposed by the Town of Boone was identified in the Town's 2016 Capital Improvement Plan.
A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the town of Boone has been determined to have a town-wide LMI percentage of 78.62%. The project area includes the entire town.
The range of activities covered by the CDBG-I funds for the Deck Hill Water Tank Replacement includes:

- *Construction.*
- *Environmental review*
- *Engineering design*
- *Construction administration and observation.*

- *Legal activities.*
- *Surveying.*
- *Grant administration.*

If the Town of Boone is awarded a CDBG-I grant, the Town is required to adhere to federal procurement requirements and other federal regulations which include:

- *American with Disabilities Act/Section 504 Survey*
- *Davis-Bacon & Related Labor Acts*
- *Adoption/Submittal of a Citizen's Participation Plan*
- *Adoption/Submittal of an Equal Opportunity Plan*
- *Adoption/Submittal of a Fair Housing Plan*
- *Adoption/Submittal of a Language Access Plan*
- *Adoption/Submittal of a Relocation Assistance Plan*
- *Adoption/Submittal of a Section 3 Plan*
- *Excess Force Provision*

The State of North Carolina requires that if the Town of Boone receives CDBG grant funding that the Town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. However, no displacement and/or relocation will occur as a result of the proposed CDBG grant activity.

In the past, the Town has applied for and received funding for the following completed CDBG projects:
1988 Junaluska Water & Sewer Improvements
1994 Upper Junaluska Water & Sewer Improvements
1995 Sewer Pump Station on Hwy 421 and Force Main to Landfill Rd
1997 Water & Sewer Extension to Archie Carroll Rd

The Town will submit its CDBG-I application for the Deck Hill Water Tank Replacement Project on September 30, 2019. The CDBG-I application will be available for review during normal business hours at Boone Town Hall, 567 West King Street. Additional information is available from the Town Manager at 828-268-6200. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by August 3, 2019 and a written response to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.
We open the floor for comments and questions about the CDBG program, and about the proposed project."

Mr. Furgiuele asked what the Town match would be if this grant was approved. Mr. Coffey replied that this was a 100% grant, which meant that the Town would not be required to match funds. Mr. Ward noted that the estimated cost of the project was 2,285,000, so there would be an overage of $285,000 if the grant was approved. Mr. Ward suggested that Council could consider using water/sewer enterprise reserve funds or system development fees to pay for the overage if needed. He confirmed that this project was not a part of the water intake project. With no further questions, Mayor Brantz closed the public hearing at 6:37 p.m.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to approve the following items on the consent agenda:

1. Budget Amendment (Public Utilities) Admin Salaries: $905.88
2. Budget Amendment (Public Works) Admin Salaries: $905.88

COUNCIL MATTERS

CONSIDERATION OF RESOLUTION - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Ashcraft, Council voted to approve the resolution

in support of the Community Development Block Grant for the Deck Hill water tank replacement project.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Boone has need for and intends to construct a drinking water treatment works, project described as replacement of Deck Hill water tank, and

WHEREAS, The Town of Boone intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John Ward, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16th day of July at Boone, North Carolina.

_____

(Signature of Chief Executive Officer)

Mayor

_____

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting clerk of the Town of Boone does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone duly held on the 16th day of July, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of July, 2019.

_____

Signature of Recording Officer

Town Clerk

_____

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Marshall Ashcraft, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

DISCUSSION REGARDING RENAMING OF A TOWN STREET OR DOT HIGHWAY AFTER MARTIN LUTHER KING, JR.

Mr. Furgiuele presented a request that Council continue previous discussion regarding the renaming of a street in Boone after Dr. Martin Luther King, Jr., and asked the Town Manager for an update on his research regarding renaming state owned roads. Mr. Ward indicated that staff had reached out to the Department of Transportation about their policy on the matter, and they confirmed the information originally laid out by them in a 2004 memo that the state policy was not to issue a road name if there was already a road with the same name in another location in the state. He said that another DOT controlled street in North Carolina had already been named after Dr. King. He added that DOT encouraged towns to rename locally controlled streets for honorary purposes. Mr. Ashcraft wondered if there were mechanisms which would allow for changes to be subject to another level of approval, with Mr. Ward indicating that he did not believe the rule would be overridden unless there were no alternatives. Ms. Mason expressed concern with the fact that the Town's most prominent roads were owned by the state. In response to comments that New Market Boulevard was too minor a street to be named after Dr. King, Mr. Furgiuele asked what the longest Town-owned streets were, with Mr. Miller answering that State Farm Road, New Market Boulevard and Meadowview Drive were the longest Town-owned streets. Mr. Furgiuele then asked of these streets, which was the most heavily traveled. Mr. Miller replied that State Farm Road was the most heavily traveled, with New Market Boulevard coming in second due to school traffic. Ms. Mason suggested that a park or the new municipal complex was another option to be considered instead of a road. Mr. Ward referenced an email he received from a citizen in which Water Street was suggested, and explained that the Town only owned approximately one block of this road and was unsure that this would be an appropriate honor. Mr. Furgiuele agreed that this would be insulting, and suggested that if this were considered, that the nearby park be incorporated as well. He further stated that he believed the suggested Howard Street path was also insulting, and reiterated that he would not support sending this matter back to a committee to be forgotten. Mayor Brantz indicated that he would like to see more opportunity for public input on the topic. In response to statements by Mr. Leonard that he had tried to sneak this matter onto the agenda, Mr. Furgiuele stated that he followed agenda item submission guidelines when submitting this item and that he resented being accused of trying to blindside people. He added that he would consider the idea of renaming Howard Street and asked Council to think of other Town-owned streets that may be appropriate for renaming. Mr. Furgiuele indicated that his first choice remained New Market Boulevard, though he acknowledged that some of the concerns voiced were legitimate. He suggested that staff reach out by letter to all property owners on New Market Boulevard, State Farm Road and Howard Street, including the area past the Boone Cemetery, to get their input. Ms. Mason suggested that staff reach out to DOT again, with Mr. Ward indicating that he would reach out to DOT representatives and would inquire about renaming Highway 105 after Dr. King. Mr. Furgiuele suggested that letters be sent to property owners on New Market Boulevard, State Farm Road, Howard Street and any other Town-owned street which might be considered and invite them to the August meeting, when a decision would be made. Mr. Ashcraft was inclined to only send letters to the original three streets, and echoed Mr. Furgiuele's statement that he did in fact follow procedure when placing this item on the agenda. He added that while Council did not have a specific process in place to notify those that would potentially be affected by agenda items, he believed it to be Council's responsibility to remedy that moving forward. Mayor Pro-Tem Clawson was in support of Mr. Furgiuele's proposal. Ms. Ulmer felt that Howard Street was in need of renovation and believed that people would not respect the renaming of this street, which she believed to be run down, but that she would support the idea if the road underwent a major renovation. Ms. Mason felt that Howard Street was a highly traveled street and reminded members that it was about to undergo a major renovation, which she believed to be the appropriate time to rename the street. She apologized for offending anyone with the Transportation Committee's suggestion about the multimodal path, and stated that the committee's intention was to put Dr. King's name in a high traffic, prominent location. Ms. Mason finished by

stating that this was the right thing for Council to do, and agreed with Mr. Furgiuele's proposal. Mr. Furgiuele clarified that he originally proposed a dedication ceremony for Labor Day since Dr. King was an important force in the labor movement, and also for the fact that the weather was not always agreeable to an outdoor ceremony on Martin Luther King, Jr. day in January. He added that he was flexible as to the date of the ceremony, and believed that once renovations were complete that Howard Street would become a jewel in the Town of Boone. Mr. Miller suggested that Council also consider Old East King Street from the service station to Highway 421 at the Industrial Park as that is now town-maintained. Mr. Furgiuele agreed that Council should entertain that option. Mr. Ward stated that he understood Council's frustration with Howard Street not moving forward, but that with an estimated cost at over ten million dollars, Tourism Development Authority funds were still being set aside for the project. Mr. Furgiuele made a motion that staff contact all property owners (by letter) on New Market Boulevard, Old East King Street, State Farm Road, Meadowview Drive and Howard Street to invite them to the August Town Council meeting for discussion, and to direct the Town Manager to have a conversation with Mr. Pettyjohn with the NCDOT about reconsideration of their policy on the renaming of state owned roads. Mayor Pro-Tem Clawson seconded the motion.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CONSIDERATION OF AMENDMENT TO UDO LIMITING AVAILABILITY OF SIDEWALK CONSTRUCTION FEE-IN-LIEU OPTION

Ms. Meade presented Council with draft UDO text which would limit the availability of the sidewalk construction fee-in-lieu option currently in place. Mr. Furgiuele believed that the draft text was too broad, while Mayor Pro-Tem Clawson felt that there should not be an exception and that if a building was built, a sidewalk should be required. Ms. Shook stated that situations that could arise in which a sidewalk would not be practical, such as in certain environmental situations including steep slopes. Ms. Meade indicated that if Council chose to forgo the fee-in-lieu option altogether, variances could create situations where a developer would not be required to build a sidewalk and they would not be required to pay a fee. Mr. Furgiuele felt that Council should make these types of decisions, instead of an administrator as listed in the draft text. He also thought the site specific factors should be named, and believed that if a potential sidewalk could not be built in a manner to be useable by pedestrians, that the first response should be that the sidewalk should be designed around any obstacles, and if that was not possible, then a fee-in-lieu should be charged. Mr. Furgiuele felt that in terms of deviations, the standard as drafted was too weak. He stated that even though he had complete confidence in employees, he was afraid that giving all the power to staff could lead to abuse with the wrong people in these positions of power. Mr. Furgiuele suggested that the Board of Adjustment become involved so that there was more of an opportunity to question impracticalities, and also asked that all greenway connections come before Council for consideration. He further suggested that the word impractical be replaced with something stronger, with Ms. Meade suggesting "unreasonable" as a replacement. After brief discussion, it was the consensus of Council to direct the Town Attorney to make revisions that would be considered at the next Town Council/Planning Commission public hearing.

RESULT:	**CONSENSUS**

CONSIDERATION OF ADDITIONAL REVISIONS TO TOWN CODE CHAPTER 96, STREETS AND SIDEWALKS

Ms. Meade presented Council with proposed changes to Town Code Chapter 96, including the deletion of some provisions relating to small wireless collocations that were duplicative to current UDO provisions, changes regarding sidewalk sales, sight distances at intersections and driveway permits. Mr. Furgiuele suggested that the chapter be renamed as "Public Ways" in order to be all inclusive, and asked that she fix inconsistencies in the

terminology used in the chapter throughout. Ms. Meade stated that during her research, she found that other Town codes always used the title "Streets and Sidewalks", and felt that this title would be easier for readers to find. Mr. Furgiuele felt that the two different definition sections should be combined and moved to the beginning of the text, and asked that a definition of the term "town" be added to include agents. He suggested that employees monitoring sidewalk sales should also be accounted for in the obstruction section, since the width of passage was often reduced by employees monitoring the sales. Mr. Furgiuele agreed that sidewalk sales should be permitted, but that there should be a limit on the collective number of days per year sales could be held. He expressed concern with sales racks on the sidewalks obstructing the path of snow plows, with Mr. Ward suggesting that instead of permitting, that staff be allowed to mitigate. Mr. Furgiuele felt that sidewalk sales should not be allowed on certain days, such as parade days, so as not to obstruct the sidewalk on heavy pedestrian traffic days. Mr. Ashcraft was of the opinion that since the Town did not enforce these limitations, that they would have very little value and asked that this language be left out. Ms. Mason suggested that sidewalk sales be prohibited during parades, but be allowed after the conclusion of the parade. Mr. Ashcraft felt that the term should be identified as Town events, instead of parade, since the Town took part in other events that were not classified as parades. After Mr. Furgiuele made a few other minor suggestions, discussion turned to sight distances at intersections. Mr. Furgiuele recommended that provisions needed to be made for damage to the street itself in the event of a chemical spill or something similar. He felt that the cost-shifting provision made sense, and believed that the text should reference compliance with requirements of the Town's Roadway and Sidewalk Program Handbook. Ms. Meade believed that the required administrator approval would incorporate compliance with the handbook. Mr. Furgiuele believed that greenways and multimodal paths should be included in the definition of public way, and that the term "repeat violator" should be defined as well. He further suggested that state statutory text should be included in certain areas of the text. Ms. Meade stated that statutory language could be included, but that the code would have to be changed every time statutes changed. Mr. Furgiuele made other suggested revisions, and it was the consensus of Council to direct the Town Attorney to further revise the text and bring it back at a later date for consideration.
Mayor Brantz declared a break at 8:50 p.m. Council reconvened at 9:00 p.m.

RESULT:	**CONSENSUS**

CONSIDERATION OF AMENDMENT TO CHAPTER 50 TO ENFORCE TIMELY PAYMENT OF FEES

Ms. Meade presented Council with proposed changes to Town Code Chapter 50 to allow for the enforcement for paying fees in a timely manner. Mr. Furgiuele suggested some changes, including the need for an explanation of under what circumstances the Town would use its enforcement powers. Mr. Furgiuele made a motion to approve the text with changes. Mayor Pro-Tem seconded the motion. He then amended his motion to table the item until Thursday's regular meeting to allow for changes to be made. Mayor Pro-Tem Clawson accepted this amendment.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 7/18/2019 6:00 PM**
MOVER:	Sam Furgiuele, Council Member	
SECONDER:	Loretta Clawson, Mayor Pro-Tem	
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft	

AMENDMENT TO TOWN CODE CHAPTER 92 - FIRE PREVENTION

Ms. Meade presented changes to Town Code Chapter 92 - Fire Prevention for Council's consideration. Mr. Ashcraft felt that the provision for penalties to be given for three or more false alarms within a thirty-day period was too short, with Mr. Furgiuele agreeing, and stating that he believed the time period should be six months or 120 days at the least. Chief Isaacs felt that the thirty-day period was adequate and would prohibit equipment from malfunctioning over a long period of time. He added that a thirty-day time period would be more realistic and easier for staff to manage. Mr. Ashcraft asked whether there were standards that dictated how

often smoke detectors should be replaced, with Chief Isaacs indicating that these guidelines would vary based on the manufacturer of the device. He also noted that there were other tools in the State Fire Code that could be implemented to enforce false alarm issues if needed. Mr. Furgiuele suggested some minor changes to the proposed text, and felt that the State Fire Code should be quoted in certain areas of the Town's ordinance to allow for easier access for citizens. Fire pits were discussed briefly, with Ms. Meade agreeing to bring back changes at a later date.

RESULT:	**CONSENSUS**

DISCUSSION AND POSSIBLE DIRECTION REGARDING AN ORDINANCE TO ADDRESS NUISANCE PROPERTIES

Mr. Furgiuele presented a request for continued discussion regarding nuisance properties and a potential ordinance to address them. He stated that he believed the Town needed an ordinance in place that illustrated when the Town would spend tax-payer money to take action to go after an individual. Ms. Meade felt that this should not be in ordinance format, but should be policy instead, which Mr. Furgiuele accepted. Mr. Ashcraft felt that this action would be the most effective remedy that could be taken against nuisances in the R1 neighborhood. It was the consensus of Council to direct Ms. Meade to research the topic further and to bring back draft language at a later date.

RESULT:	**CONSENSUS**

CONSIDERATION OF SCHEDULING A SPECIAL PUBLIC HEARING IN AUGUST

Ms. Shook presented a request for Council to consider scheduling a special public hearing to hear two matters that should have been heard at the regularly scheduled July public hearing which was cancelled. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to schedule a special public hearing on Monday, August 26, 2019 at 6:00 p.m. prior to the regularly schedule Planning Commission meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Mason, Council voted to enter into closed session at 10:02 p.m. pursuant to the following:

1. Pursuant to N.C.Gen.Stat.§ 143-318-11 (a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).

2. 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 obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s).

3. Pursuant to N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (Winkler Property PIN 2910-16-9677-000).

VOTE: Aye: All
Nay: None

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to exit closed session at 11:28 p.m.

VOTE: Aye: All
Nay: None

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to adjourn the meeting at 11:30 p.m.

VOTE: Aye: All
Nay: None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor