MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
AUGUST 18, 2014

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Monday, August 18, 2014, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Mayor Pro-Tem Rennie Brantz, and Quint David. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Town Clerk Kimberly Brown, Assistant to the Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Utilities Director Rick Miller, Interim Public Works Director Eric Gustaveson, Planning Director Bill Bailey, and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENTS

Mayor Ball called the meeting to order and welcomed all in attendance. He noted that anyone wanting to sign up to speak during the public comment session would need to sign the public comment sign-up sheet.

PUBLIC COMMENT

There was no signed up to speak during public comment.

REQUEST FOR SUPPORT FOR ANNUAL BOONE HERITAGE FESTIVAL

Mayor Pro-Tem Brantz explained that this request from the Southern Appalachian Historic Association (SAHA) is for support for the Annual Boone Heritage Festival. He pointed out that the request is for the approval of a license for the event, $3,000 in funding for the event, and to authorize town staff to coordinate music and entertainment for the event. It was agreed to keep this matter under Council Matters for further discussion.

ESTABLISH GOALS FOR CULTURAL RESOURCES BOARD

It was agreed to keep this matter under Council Matters for further discussion.

REQUEST ADDITIONAL POSITION FOR SUSTAINABILITY TASK FORCE

It was agreed to place this item on the Consent Agenda.

DISCUSSION OF TOWING AND BOOTING ISSUES

It was agreed to keep this matter under Council Matters for further discussion.

REPORT ON WATAUGA ARTS COUNCIL MATTERS

It was agreed to keep this matter under Council Matters for further discussion.

CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS

- **Case 20140349 – First Baptist Church & Hospitality House – General Use Map Amendment**
- **Case 20140372 – Church of Jesus Christ of Latter Day Saints – Conditional District Map Amendment**
- **Case 20140385 – Parking Control Warning Signs**
- **Case 20140384 – UDO Corrections**

It was agreed to keep this item under Council Matters for further discussion.

CONSIDERATION OF MEETING TIME CHANGE – QUARTERLY PUBLIC HEARING

Planning Director Bill Bailey presented a request to change the meeting time of the Quarterly Public Hearings from 7 p.m. until either 5:30 or 6 p.m. It was agreed to place this matter on the Consent Agenda.

P&I MONTHLY REPORT

It was agreed by Council to keep this item under Council Matters for further discussion.

DISCUSSION OF TREE REPLACEMENT – HIGHWAY 421 PROJECT TREES

Planning Director Bill Bailey and Interim Public Works Director Eric Gustaveson informed the Council that the original 14 Dogwood trees and 6 Crabapple trees planted in the median as part of the Highway 421 project have died and need replacing. It was agreed by Council to keep this item under Council Matters for further discussion.

DISCUSSION OF TREE REPLACEMENT – DOWNTOWN BOONE POST OFFICE

Planning Director Bill Bailey and Interim Public Works Director Eric Gustaveson informed the Council that they have been working with the Tree Board on the replacement of four dead Maple

trees at the Downtown Boone Post Office. It was the consensus of the Council to keep this item under Council Matters for further discussion.

MONTHLY WATER USE STATUS REPORT

It was the consensus of the Council to keep this item under Council Matters.

BOARD APPOINTMENTS

It was the consensus of the Council to keep this item under Council Matters.

It was agreed that Requested Appearances, Water and Sewer Requests, and Closed Session items will be heard by the Council as is done each month at the regular meetings. Town Manager Greg Young stated that there has been a request by the applicant, Johnny Hodges, to hear his request for water and sewer services until the September regular meeting.

RECESS MEETING

Mayor Ball recessed the meeting at 6:05 p.m. until Thursday, August 21, 2014, in the Council Chambers, 1500 Blowing Rock Road.

CALL TO RECONVENE

A recessed meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, Aug. 21, 2014, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Mayor Pro-Tem Rennie Brantz, Lynne Mason, Quint David, Fred Hay and Jennifer Peña. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Christine Pope, Finance Director Amy Davis, Assistant to the Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Utilities Director Rick Miller, Interim Public Works Director Eric Gustaveson, Planning Director Bill Bailey, Human Resources Director Peri Moretz, Building Inspector Todd Miller, Interim Facility Maintenance Superintendent Todd Moody, Urban Design Specialist Brian Johnson, Development Coordinator Jane Shook and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENTS

Mayor Ball called the meeting to order and welcomed all in attendance. He noted that anyone wanting to sign up to speak during the public comment session would need to sign the public comment sign-up sheet.

Interim Public Works Director Eric Gustaveson presented retiring Public Works Supervisor Dale Miller with his final paycheck and a plaque commemorating his 30 years of service to the Town as a dedicated employee.

TENTATIVE AGENDA ADOPTION

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

1. Addition of Item 6.A.1. – Discussion of Wayfinding/Gateway Signing Program.
2. Addition of Item 6.A.2. – Request for Use of Amphitheater – Kevin Troyer – Cross Over: A Time of Prayer, Fasting, Repentance and Healing.
3. Addition of Item 6.A.3. – Transportation Committee Recommendation – Pedestrian Plan for Poplar Grove Road Area.
4. Defer Item 6.D. Until After Closed Session – Discussion of Towing and Booting Issues.

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

VOTE: Aye – All
Nay – None

CONSENT AGENDA ADOPTION

A. Minutes: June 26, 2014 – Special Meeting.
July 2, 2014 – Special Meeting.
July 21&24, 2014 – Regular Meeting.
July 22, 2014 – Special Meeting.

B. Adoption of Resolution – Proposed Extension of Bond Orders.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA AUTHORIZING THE FINANCE DIRECTOR OF THE TOWN TO PREPARE ON BEHALF OF THE TOWN AN APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE TOWN'S PROPOSED EXTENSION OF BOND ORDERS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

WHEREAS, the Town Council (the "Town Council") of the Town of Boone, North Carolina (the "Town") has previously adopted the following bond order (the "Bond Order") for the following purposes and in the following maximum amount:

> $25,000,000 of bonds to provide funds to pay the capital costs of acquiring, constructing and equipping facilities for a new water source along the South Fork of the New River, including the costs of related studies, plans and design; acquiring land and rights-of-way in land and installing water transmission lines related to the acquisition of the new water source; renovating the Town of Boone Water Treatment Plant in order to increase its daily capacity, including improvements to and the acquisition and installation of plant equipment.

WHEREAS, the Bond Order was effective on its approval by the voters on November 8, 2008 and is effective through November 8, 2015;

WHEREAS, the Town Council seeks approval from the Local Government Commission of a three-year extension of the Bond Order during which time the Town expects to issue bonds in the amount of the remaining $25,000,000.

WHEREAS, it is necessary, as a condition to the consideration and adoption of an extension of the Bond Order, to submit an application to the Local Government Commission for approval of the extensions, all in the manner required by the Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED by the Town Council, that the Finance Director of the Town is hereby directed to file on behalf of the Town with the Local Government Commission an application for the Local Government Commission's approval of the extension described above and to request in such application that the Local Government Commission approve the Town's use of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as bond counsel for the Town, and to state in such application such facts and to attach thereto such exhibits in regard to the extensions as may be required by the Local Government Commission.

This the 21st day of August, 2014.

_____

ATTEST: Andy Ball, Mayor

_____

Kimberly Brown, Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE(S) 221)

C. Adoption of Resolution – Rural Fire Station Capital Reserve Fund.

RESOLUTION FOR
CREATION OF A
RURAL FIRE STATION CAPITAL RESERVE FUND

WHEREAS, the Rural Fire Service District Board has recognized the need for the purchase of real estate and construction of facilities and replacement of equipment in the rural fire service district.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT:

Section 1: The Governing Board hereby creates a Rural Fire Capital Reserve Fund for the purpose of using a portion of accumulated funds toward costs associated with the purchase of real estate and construction of facilities and replacement of equipment in the rural fire service district.

Section 2: The fund will remain in operation until provisions are made to satisfy the identified needs.

Section 3: This resolution shall become effective upon adoption.

Adopted this 21st day of August, 2014.

_____
Mayor

ATTEST:

_____
Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE(S) 222)

D. Request Additional Position for Task Force – Sustainability Task Force.
E. Consideration of Meeting Time Change – Quarterly Public Hearing.

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

VOTE: Aye – All
Nay – None

PUBLIC COMMENT

Tom Hanna of LMS Parking appeared before Council to discuss recent changes to the Towing Ordinance. He stated that while he was supportive of the requirement to have background checks and identification cards for all employees, he did have some concerns with the privilege license requirement. Mr. Hanna asked that Council consider including a 30-day training/trial period (or a time period that suits the Council) before the new employees are required to get a privilege license just in case the employee does not work out for the company. He also thanked Council for allowing the smaller parking signs to be removed, which was causing confusion.

Tori Cox of the Watauga County Farmers' Market appeared before Council to thank the Council for their support and to address the issue of restroom facility maintenance. Ms. Cox advised that the farmers' market continues to be flexible with the Town's decision regarding bathroom maintenance, but would like to see an equitable solution for all parties. She added that she would be happy to speak with Council about possible solutions if they'd like her input.

DISCUSSION OF WAYFINDING/GATEWAY SIGNING PROGRAM

Dean Ledbetter of NCDOT appeared before Council and presented information regarding wayfinding/gateway signs **(Handout permanently on file in August 2014 meeting file).** Mr. Ledbetter explained that these signs allow more flexibility in the standard of signs for municipalities as well as the information included on signs throughout town. He noted that NCDOT is only part of the approval process for these signs, but many municipalities use a consultant to determine the designs and information to be used.

Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to instruct staff to prepare a Request for Qualifications for wayfinding/gateway signs with a consultant.

VOTE: Aye – All
Nay – None

REQUEST FOR USE OF AMPHITHEATER – KEVIN TROYER – CROSS OVER: A TIME OF PRAYER, FASTING, REPENTANCE AND HEALING

Cultural Resources Director Pilar Fotta presented a special event request submitted by Kevin Troyer to the Cultural Resources Advisory Board for use of the amphitheater at the Horn in the West site for Saturday, Oct. 25, 2014, for Cross Over: A Time of Prayer, Fasting, Repentance and Healing, but which was not considered by the board due to lack of a meeting quorum. Ms. Fotta stated she needed preliminary approval by the Council in order to move forward with planning.

Upon a motion by Council Member Brantz, seconded by Council Member David, Council moved to approve this special event request, and to authorize Cultural Resources Director Pilar Fotta to handle the final details, including executing a license agreement and setting the event fee based on discussion with the event coordinator.

VOTE: Aye – All
Nay – None

TRANSPORTATION COMMITTEE RECOMMENDATION – PEDESTRIAN PLAN FOR POPLAR GROVE ROAD AREA

Interim Public Works Director Eric Gustaveson presented a recommendation by the Transportation Committee to approve the concept of the West Downtown Boone Plan which addresses current alternative transportation issues, and to direct staff to review the transportation and planning elements of the concept for compatibility with current plans. Eric Woolridge and Teresa Buckwalter of Destination by Design provided Council with a copy of the final design **(Copy of design permanently on file in August 2014 meeting file)**. Mr. Woolridge provided a brief summary of the plan and indicated that this plan would be an opportunity to generate a public project utilizing the Town's sidewalk fund. Discussion ensued regarding other organization and government entities' participation in the project, as well as how adopting this plan would affect the owner of the Southern States' property and its possible development.

Upon a motion by Council Member Peña, seconded by Council Member Mason, Council moved to direct staff to pursue the West Downtown Boone Plan with the Planning Commission and town attorney, and for the Planning Commission and staff to determine the conversation the Town needs to start having with the effected property owners, and to report back to Council.

VOTE: Aye – All
Nay – None

REQUEST SUPPORT FOR ANNUAL BOONE HERITAGE FESTIVAL

Council Member Brantz presented a request by the Southern Appalachian Historical Association (SAHA) to hold its annual Boone Heritage Festival Saturday, Oct. 11, 2014, and to request $3,000 for music for Town staff to coordinate. Cultural Resources Director Pilar Fotta pointed out that Oct. 11 is ASU Homecoming and, depending on the time SAHA wants to start the event, it could potentially interfere with the Watauga County Farmers' Market license. Tori Cox of the Watauga County Farmers' Market advised that their preference would be for the event set up not to begin before 12 p.m. Town Attorney Sam Furgiuele noted that the Town cannot authorize a contrary use of the premises in violation of the license with the farmers' market, which gives them usage until 2 p.m. Lengthy discussion ensued regarding possible ways to time the events so they do not affect one another.

Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to support the Boone Heritage Festival for Saturday, Oct. 11, 2014, beginning at 2 p.m. and continue until McLaurin Parking begins their parking enforcement on Sunday, Oct. 12, and to appropriate $3,000 from the fund balance for Cultural Resources Coordinator Mark Freed to coordinate the music and to pay the musicians directly, with the note that his service is for one-day only, and under the condition that the Town of Boone be named a sponsor of the event, and to require SAHA to respond as to whether they accept these terms by Tuesday, Sept. 2, 2014.

VOTE: Aye – All
Nay – None

ESTABLISH GOALS FOR CULTURAL RESOURCES ADVISORY BOARD

Cultural Resources Director Pilar Fotta advised that there are several topics which the board would like to discuss with Council including special event uses, renting areas, and other matters pertaining to Town property. Upon a motion by Council Member David, seconded by Council Member Brantz, Council moved to instruct staff to work with the Cultural Resources Advisory Board to collect a poll in order to hold a special meeting retreat with Council in order to discuss these matters and goals of the Cultural Resources Advisory Board.

VOTE: Aye – All
Nay – None

REPORT ON WATAUGA ARTS COUNCIL MATTERS

Town Manager Greg Young presented the following report on the recent events between the Town and the Watauga County Arts Council:

- The Watauga County Arts Council (WCAC) terminated the folklorist position on May 10, 2012, which was a breach of contract.

- The hiring of the folklorist was pursuant to a grant by the Town, and the allocation was based on the expectation that he would be maintained by the WCAC until June 30, 2012.
- Additionally, there were items missing from the Jones House following the WCAC's departure, which were donated to the Jones House specifically.
- There was a general feeling of the Council that no effort should be made to render a payment to the WCAC until the missing equipment and donated property was returned.
- On May 15, 2012, the Town entered into contract with the person who formally held the folklorist position in order to continue Concerts on the Lawn and other Jones House functions which were left in limbo when the WCAC chose not to accept their contract offer with the Town and vacated the property.
- Some of the missing items were given directly to Ms. Jones, which the Town was OK with. As to other missing items, the Town Council decided it did not wish to pursue the WCAC for their return.
- On April 7, 2014, the Town remitted payment of $2,054.25 to the WCAC for full settlement and satisfaction of any and all claims, which covered contracted services from May 1 through 15, 2012, a deduction of $50 for the rental of the Jones House, and a prorated amount for the folklorist's services up to May 10, 2012, at which point his position was terminated by the WCAC.
- This check was acknowledged and deposited by the WCAC on May 29, 2014.

CONSIDERATION OF ZONING CASES

- **CASE 20140349** First Baptist Church Board of Trust, First Baptist Church & Hospitality House of Boone Area are requesting approval of General Use Map amendments to rezone properties from B-2 Neighborhood Business to B-1 Central Business located at: 316 and 302 W. King Street (Watauga County PINs 2900-98-8507-000, 2900-98-8562-00 and 2900-98-9402-000).

Planning and Inspections Development Coordinator Jane Shook advised Council that the Planning Commission unanimously recommended approval of this request. Council Member Brantz questioned whether a traffic impact study would need to be completed for this project. Ms. Shook advised that there are triggers noted in the Unified Development Ordinance, which determine when a traffic impact study is required. Council Member Mason added that since many properties along Hardin Street are converting to businesses, the Council will probably start receiving several zoning requests to allow that conversion as part of the Town's 2030 plan.

Vote #1

Upon a motion by Council Member Brantz, seconded by Council Member David, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it encourages the revitalization of currently unused sites in the downtown area.

VOTE: Aye – All
Nay – None

Vote #2

Upon a motion by Council Member Brantz, seconded by Council Member David, Council moved to approve the proposed amendment to the Town's zoning map and believes approval is both reasonable and in the public interest because the request conforms with Comprehensive Plan Policy 2.3 – "Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area" and this is the Urban Growth Area; and in relation to the Boone 2030 Land Use Plan, this is an area proposed for greater density and infill and moves the Town toward a more walkable, non-sprawling pattern in relation to transportation, and will help extend B-1 to Hardin Street which is specifically mentioned in the 2030 Land Use Plan.

VOTE: Aye – All
Nay – None

- **Case 20140372** Church of Jesus Christ of Latter Day Saints are requesting approval of a Conditional District Map amendment to rezone property from R1 Single-Family Residential to R3 Multiple-Family Residential for a phased site specific development plan for Use 8.02 Religious Assembly, Category 2 in order to expand the building and parking lot located at 604 Poplar Grove Road (Watauga County PIN 2900-68-2376-000).

Development Coordinator Jane Shook noted that the applicant is requesting a five-year vesting for the development. She added that the Planning Commission unanimously recommended this request for approval and all conditions were agreed upon by the applicant.

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 map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because this development and redevelopment is consistent with the neighborhood and architectural context of the immediate area and surrounding properties and is supportive of Boone's original character as a High Country small town; in addition, the property is located in a primary growth area and that is an area where the facilities are already in place to support this type of development cost effectively.

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 amendment to the Town's zoning map and believes approval is both reasonable and in the public interest because the development supports the revitalization and reuse of underutilized structures and is consistent with the uses of the adjacent area and the redevelopment will occur in a manner that is consistent with the neighborhood and the architectural context of the immediate area; in addition, the change of zoning from R1 to conditional R3 brings the zoning into alignment with the use of the property. Additionally, Council approves vesting to be extended to five years to accommodate phasing of the project with the specified first phase to be the expansion of building for sanctuary completed within the first two years and the second phase to begin prior to the end of the request five-year vesting, and to approve the request with the conditions outlined by the Planning Commission and staff which were agreed upon by the applicant as the following:

1. Where there is a conflict between the application information and the plans (Sheets CDR-1 and CDR-2 bearing a received date of July 25, 2014, and Sheet SLP bearing a received date of July 2, 2014), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. Vesting is extended for five years.
4. Revised plans meeting the requirements of the Town Code, UDO and other applicable plans shall be submitted for review and approval.

VOTE: Aye – All
Nay – None

- **Case 20140384** UDO Corrections – Text Amendment to correct items that were in the previous UDO but was inadvertently left out of the revision, text that needs to be changed for consistency because it is related to text that was recently changed, or to correct errors in the recently revised text.

Development Coordinator Jane Shook advised that the Planning Commission unanimously approved recommendation of these text amendments.

Vote #1

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it appropriately edits the recently adopted UDO by clarifying the explanations of the UDO requirements with common language, tables and diagrams.

VOTE: Aye – All
Nay – None

Vote #2

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to approve the proposed amendment to the Town's zoning ordinance and believes approval is both reasonable and in the public interest because the amendment meets the established requirements made by the Town Council and the Planning Commission to make the UDO accessible to any user.

VOTE: Aye – All
Nay – None

- **Case 20140385** Parking Control Warning Signs – Text Amendment to correlate changes occurring in Boone Town Code Chapter 73: Towing, to specifically create "parking-control warning signs" which as proposed are considered directional signs.

Development Coordinator Jane Shook advised that the Planning Commission unanimously recommended approval of this text amendment, and the modification also outlines requirements for developments which choose to use towing or parking-control devices. She added that the Planning Commission also asked that Council be notified of another motion passed, as noted under their recommendations for this amendment.

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 adopted plans of the Town which relate to this application because it more clearly references the Town Code as related to public safety issues regarding parking and gives the property owner the ability to clearly notify persons entering their property.

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 amendment to the Town's zoning ordinance and believes approval is both reasonable and in the public interest because it advances the health, safety and welfare of the community and it makes development regulations and permit procedures more predictable.

VOTE: Aye – All
Nay – None

Mayor Ball declared a break at 7:55 p.m. Council reconvened at 8:08 p.m.

P&I MONTHLY REPORT

Planning Director Bill Bailey presented the P & I Monthly report. **(Permanently on file in the August 2014 Town Council meeting packet.)**

DISCUSSION OF TREE REPLACEMENT – HIGHWAY 421 PROJECT TREES

Urban Design Specialist Brian Johnson provided Council with an update on the replacement of the Hwy. 421 project trees. Mr. Johnson advised that the trees have a one-year warranty period, but unfortunately, they died just after the one-year period. In order to resolve the issue, Mr. Johnson stated he has been in contact with NCDOT to discuss trees that would work in this area and the standards required. He presented Council with pictures of the Kwanzan Cherry tree, which they are considering using for this project.

DISCUSSION OF TREE REPLACEMENT – DOWNTOWN POST OFFICE

Urban Design Specialist Brian Johnson provided Council with an update on the replacement of the trees around the downtown post office. He indicated that they would be removing the three maple trees and would go back to the formal setting of two sugar maple trees out front to stay

consistent with the trees among other buildings downtown. Brief discussion ensued regarding potential reasons why trees are not surviving in the area. Upon a motion by Council Member Mason, seconded by Council Member Hay, Council moved to authorize staff to proceed with the recommendation by the Tree Board and to fund additional trees from the Tree Fund with an initial budget of $3,000.

VOTE: Aye – All
Nay – None

MONTHLY WATER USE STATUS REPORT

Public Utilities Director Rick Miller presented the monthly water status report. **(Copy of report permanently on file in the August 2014 Town Council meeting packet.)**

APPROVAL OF BUDGET AMENDMENTS

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

Re-encumbrance of Funds from FY 2013/2014 to 2014/2015				
Account #	**Vendor**	**Description**	**Department**	**Amount**
010-400-000-539901		Grant Match Funding	Governing Body	$ 18,750
010-402-000-545009	Temple Consulting Group	Computer Services	Finance	$ 9,875
010-408-000-525101	Edmisten Heating & Cooling	Furnace	Brown Building	$ 3,371
010-409-000-525101		Building Repairs – Flooring	Jones House	$ 6,290
010-409-000-525111	The Mustard Seed	Landscaping	Jones House	$ 1,300
010-411-000-545101	Alta	Bicycle Planning Grant	Special Projects	$ 2,937
010-411-000-549102	At-Net Services	Network Upgrades	Special Projects	$ 18,676
010-411-000-549111	At-Net Services	Website	Special Projects	$ 7,377
010-411-000-549124		Howard Street Project	Special Projects	$ 157,670
010-411-000-549128		Tree Planting Project	Special Projects	$ 13,747
010-411-000-575023	Frye Sign Company	Sign – Fire Station #3	Special Projects	$ 1,485
010-411-000-598051		Fire Station #3 – Transfer to RF	Special Projects	$ 4,760
010-411-000-577008	Boone Area Chamber	Lunch & Learn	Special Projects	$ 2,000
010-415-000-525101	Creekside Electronics	Alarm Upgrade	Fire Station #2	$ 1,250
010-417-000-574001	AOA Signs	Signs for Post Office	USPS	$ 1,545

010-418-000-514110	Reel Rock Productions	Stage Materials	Cultural Resources	$ 2,896
010-418-000-549121	Amazon	EZ Up Shelter	Cultural Resources	$ 782
010-418-000-574001		C/O – Other (Rivers Property)	Cultural Resources	$ 24,215
010-500-300-511220	Lawmen's Safety Supply	Bullet Resistant Vests	Police	$ 1,220
010-500-300-519200	Lawmen's Safety Supply	Ammunition	Police	$ 2,551
010-500-300-519900	Ridgeline Technology	Headrest Printer Mount	Police	$ 1,346
010-500-300-519902	Ray Allen Manufacturing	Ballistic Vest for K9	Police	$ 1,000
010-500-300-525301	Norwood's Collision	Auto Repairs	Police	$ 3,911
010-500-350-511220	Mountain Tek	Gore-tek Suit	Fire	$ 765
010-500-350-511220	Municipal Emergency Serv	Pants/Jackets	Fire	$ 1,925
010-500-350-514110	Municipal Emergency Serv	Escape Artist System	Fire	$ 1,875
010-500-350-514110	Municipal Emergency Serv	Hi-Combat NST Couplings	Fire	$ 1,315
010-500-350-516200	Dell	Printer	Fire	$ 2,100
010-500-350-525201	Municipal Emergency Serv	Rescue Harness	Fire	$ 3,786
010-500-350-525201	Wireless Communications	Antenna	Fire	$ 1,500
010-500-350-525301	Municipal Emergency Serv	Coupling	Fire	$ 750
010-500-360-571000		C/O – Office (Software)	Planning	$ 17,130
010-600-400-577000	Brushy Fork Wood Products	Signs for Greenway	Public Works	$ 3,940
010-600-400-519900	This End Up	Sofa & Loveseat	Public Works	$ 2,186
010-600-401-577000	Green Light Electric	Signal Work	Street	$ 5,000
010-600-405-525102	Appalachian Signs	Downtown Sign Package	Facilities	$ 2,195
010-600-405-514303		Sidewalk Construction Supplies	Facilities	$ 40,211
010-600-405-573300		C/O – Large Trucks (Street Sweeper)	Facilities	$ 149,123
010-600-407-516107	Amerimark Direct	Recycling Materials	Recycling	$ 1,251
010-000-000-499900		***Appropriated Fund Balance***	***General Fund***	***$ (524,006)***
012-500-303-574000	Gans & Pugh Associates	Equipment	Narcotics	$ 11,888
012-500-303-499900		***Appropriated Fund Balance***	***Narcotics***	***$ (11,888)***

030-700-801-513105		Conservation – Low Flow Toilet	Public Utilities	$ 13,695
030-700-801-577000	Phillips Appraisals	Property Appraisal Water Project	Public Utilities	$ 8,250
030-700-802-519900	Ferguson Enterprises	Sensus Auto Guns	Water Ops	$ 2,800
030-700-802-577000	Schnabel Engineering	Emergency Action Plan	Water Ops	$ 4,530
030-700-802-577000	McGill Associates	Updated Assessment	Water Ops	$ 5,000
030-700-803-575000	McGill Associates	Capital Outlay – Sewer Lines	Sewer Ops	$ 242,510
030-700-803-577000	Moretz Paving	Mill & Pave Utility Cuts	Sewer Ops	$ 3,000
030-700-804-574000	Charles R. Underwood, Inc.	C/O – Other Equipment (Meter)	WTP	$ 24,000
030-700-806-509100		Professional Services (Web Interface)	Utility Billing	$ 5,000
030-700-806-545009		Computer Services (Billing Software)	Utility Billing	$ 3,285
030-000-000-499900		***Appropriated Fund Balance***	***Water/Sewer***	***$ (312,070)***
050-450-000-553104	Wood Masonry Supply	Pavers	MSD	2,372
050-450-000-553104	CED	Street & Sidewalk Light Replacement	MSD	$ 2,270
050-450-000-499900		***Appropriated Fund Balance***	***MSD***	***$ (4,642)***
051-451-000-511220	Municipal Emergency Serv	Jackets/Pants	Rural Fire	$ 5,775
051-451-000-499900		***Appropriated Fund Balance***	***Rural Fire***	***$ (5,775)***
Description:	**Acct.#**	**TO:**	**FROM:**	
PEDESTRIAN PLANNING GRANT	051-451-000-573300	$ 358,898		
TRANSFER TO RURAL FIRE	052-451-000-598051	$ 139,741		
TRANSFER TO RF CAPITAL RESERVE (INCLUDED IN 14/15 BUDGET)	051-451-000-598052		$ (219,157)	
TRANSFER FROM RF CAPITAL RESERVE	051-451-000-498052		$ (139,741)	
APPROPRIATED FUND BALANCE (RURAL FIRE	052-451-000-499900		$ (139,741)	

CAPITAL RESERVE)				

VOTE: Aye – All
Nay – None

BOARD APPOINTMENTS

Board of Adjustment

There were no applications submitted for consideration for this committee.

Community Appearance Commission

There were no applications submitted for consideration for this committee.

Cultural Resources Advisory Board

Council Member David nominated Heather Canipe to serve on this board. With no other nominations, Mayor Ball called for a vote:

VOTE: Aye – All
Nay – None

The term for Ms. Canipe will expire on June 30, 2017.

Greenway, Parks and Gardens Committee

There were no applications submitted for consideration for this committee.

Outside Agency Funding Committee

There were no applications submitted for consideration for this committee. Mayor Ball announced the deadline to submit an application for outside agency funding is Monday, Oct. 25, 2014, by 5 p.m.

Planning Commission

Council Member Mason nominated Maxwell Wlodarczak to continue to serve as the ASU Student Representative on this committee.

VOTE: Aye – All

Nay – None

Council Member Brantz nominated Caroline Catoe to serve on this committee.

VOTE: Aye – All
Nay – None

The terms for Mr. Wlodarczak and Ms. Catoe will expire on June 30, 2018.

Sustainability Task Force

Council Member Mason nominated Sam Zimmerman and Kent Walker to serve on the task force. With no other nominations, Mayor Ball called for a vote:

Sam Zimmerman

VOTE: Aye – All
Nay – None

Kent Walker

VOTE: Aye – All
Nay – None

Tourism Development Authority

Council Member Mason nominated Anne Peecook to serve on this board as a resident of the town and Ron Coldiron to serve on this board as a business that collects tax. With no other nominations, Mayor Ball called for a vote:

Anne Peecook

VOTE: Aye – All
Nay – None

Ron Coldiron

VOTE: Aye – All
Nay – None

The terms for Ms. Peecook and Mr. Coldiron will expire on Aug. 31, 2017.

KAAREN HAYES – CHARLES R. DUKE RACE FOR FAMILIES EVENT

Kaaren Hayes appeared before the Council to request approval of a special event permit for the Charles R. Duke Race for Families to be held Saturday, Oct. 25, 2014, from 7 a.m. to 12 p.m. She requested that a portion of the far right lane of Rivers Street–from the Raley parking lot to just before the right turn lane to Waters Street—be closed from 8:30 to 9:20 a.m. for the beginning of the race. Additionally, she asked that the fee for the event street closure be waived. Police Chief Dana Crawford stated that he knows of no problems with coverage for this event and would work with the coordinator. Brief discussion ensued regarding whether ASU or the Town would be responsible for handling the lane closure. Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to approve the Special Event Permit for the Charles R. Duke Race for Families for Saturday, Oct. 25, 2014, from 7 a.m. to 12 p.m., with closure of a portion of Rivers Street from 8:30 to 9:20 a.m., and to waive the event fee.

VOTE: Aye – All
Nay – None

RENEE MAAS – RESOLUTION SUPPORTING STATEWIDE AND NATIONAL BAN ON NON-THERAPEUTIC USE OF ANTIBIOTICS IN LIVESTOCK PRODUCTION

Renee Maas appeared before Council and provided background on the non-therapeutic use of antibiotics in livestock production. Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to support the following resolution:

RESOLUTION SUPPORTING A STATEWIDE AND NATIONAL BAN ON NON-THERAPEUTIC USES OF ANTIBIOTICS IN LIVESTOCK PRODUCTION

WHEREAS, eighty percent of the antibiotics sold in the United States are used in livestock production, and the Centers for Disease Control and Prevention has reported that most of those antibiotics are used irresponsibly; and

WHEREAS, low doses of antibiotics are routinely fed to livestock for growth population and disease prevention to compensate for crowded, unsanitary conditions, in a practice known as "nontherapeutic use"; and

WHEREAS, "nontherapeutic use" creates ideal conditions for the development of antibiotic resistant bacteria; and

WHEREAS, antibiotic resistant bacteria on livestock operations are known to spread to retail meat, farmers and farmworkers, and rural environments; and

WHEREAS, antibiotic resistance in pathogens due to nontherapeutic use of antibiotics in livestock production has been a public health concern since the 1960s; and

WHEREAS, antibiotic resistant bacteria have been the cause of several foodborne illness outbreaks, including a 2011 outbreak of antibiotic resistant *Salmonella* in ground turkey that sickened 136 people, hospitalized 37, and killed one and lead to the third largest meat recall in the USDA's records and a 2013 outbreak of antibiotic resistant *Salmonella* in chicken that sickened 416 people and hospitalized 162; and

WHEREAS, the Centers for Disease Control and Prevention reported that at least two million Americans suffer from antibiotic resistant bacterial infections each year and twenty-three thousand Americans die from those infections; and

WHEREAS, the medical and social costs of antibiotic-resistance infections in just one hospital for one year have been estimated to be between $13 million and $18 million; and

WHEREAS, the federal government has limited nontherapeutic uses of two classes of antibiotics, but otherwise largely relied on voluntary guidance to attempt to reduce overuse of antibiotics in livestock production, despite regular acknowledgements that nontherapeutic use and the development of antibiotic resistant bacteria poses a significant public health threat.

NOW, THEREFORE, BE IT RESOLVED, the Boone Town Council supports a statewide and national ban on non-therapeutic uses of antibiotics in livestock production; and

BE IT FURTHER RESOLVED, that the Boone Town Council supports the Protection of Antibiotics for Medical Treatment Act (PAMTA)/Prevention of Antibiotic Resistance Act (PARA).

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of North Carolina, members of the General Assembly, Congressional Representative and U.S. Senators calling for a ban on the non-therapeutic use of antibiotics in livestock agriculture and for them to co-sponsor the PAMTA/PARA.

Adopted this 21st day of August, 2014.

_____

Mayor

ATTEST:

_____

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK _3_, PAGE(S)_223_)

TOM FISHER – REQUEST WAIVER OF SIDEWALK FEE-IN-LIEU

Tom Fisher of Boy Scout Troop 109 appeared before Council to request waiver of the sidewalk fee-in-lieu, totaling $7,188.44. Mr. Fisher added that the building currently under construction is 75% complete, but due to the significant costs, a waiver of this fee would assist in their efforts to complete construction and do necessary landscaping. Town Attorney Sam Furgiuele advised that Council is not capable of waiving the fee for not wanting to build a sidewalk, which is a requirement of the Unified Development Ordinance. He added that the Boy Scout Troop could pursue a variance through the Board of Adjustment or could apply for outside agency funding. Mr. Fisher thanked Council for their time and indicated he would pursue the Outside Agency Funding application process.

Before deliberating on the quasi-judicial requests, Town Attorney Sam Furgiuele questioned the members of Council on whether or not they had contact with any of the applicants regarding the requests. All Council members stated that they had not had any significant contact with any of the applicants for any of the requests.

WATER & SEWER REQUEST – JOHNNY K. HODGES

Town Attorney Sam Furgiuele opened a public hearing at 9:08 p.m. to hear sworn testimony on a request for water and sewer service to property located on Highway 105 Bypass. Public Utilities Director Rick Miller, being duly sworn, stated that Mr. Hodges asked that this request be postponed until the September regular meeting in order to bring his attorney with him, who resides out of town. Mr. Miller added that staff has not yet developed the hardship definition for Council's consideration, and as this request is outside city limits, he didn't feel it was appropriate to do it for him. With no other testimony, Mr. Furgiuele closed the public hearing at 9:09 p.m. Upon a motion by Council Member Peña, seconded by Council Member Mason, Council moved to table the request for water and sewer service to property located at Highway 105 Bypass until the September regular meeting.

VOTE: Aye – All
Nay – None

CLOSED SESSION

Upon a motion by Council Member Brantz, seconded by Council Member Peña, Council moved to enter Closed Session at 9:12 p.m. pursuant to NCGS 143-318-11a(1)(3)(5) to hear the following items:

A. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3) and § 143-318.11 (a)(5), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town, and to instruct Town staff and negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating the material terms of a proposed interest in real property;

B. 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 interest in real property;

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, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town;

D. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3) and § 143-318.11 (a)(5), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of claims by and against the Town, and to instruct Town staff and negotiating agents concerning the position to be taken by or on behalf of the Town in negotiating the material terms of a proposed interest in real property;

E. 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, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim by the Town;

F. 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 interest in real property;

G. 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, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a claim against the Town in Mountaineer Towing & Recovery LLC v. Town of Boone; and

H. 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, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of a potential claim by the Town.

VOTE: Aye – All
Nay – None

Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to exit Closed Session at 12:25 a.m.

VOTE: Aye – All
Nay – None

DISCUSSION OF TOWING AND BOOTING ISSUES

Town Attorney Sam Furgiuele advised that while he had been directed to meet with Harold Tilley of Appalachian Management to further discuss Mr. Tilley's concerns raised at the August quarterly public hearing, they had not met yet, but have a meeting scheduled for August 27. He also pointed out that many affected parking areas had come into compliance with the new requirements, but suggested that pending possible action and amendments as the result of his discussion with Mr. Tilley, the Council consider partially amending its action adopting the changes, made effective Aug. 15, 2014, by creating a grace period extending until Sept. 18, 2014, the date of the September Council meeting. Mr. Furgiuele added that should there be a desire to make further changes to the ordinance at the September regular meeting of the Council to allow for drafting and their consideration, the Council may want to again consider a further extension of the grace period.

Upon a motion by Council Member Brantz, seconded by Council Member Peña, Council moved that the Town create a compliance grace period only relating to required signs authorizing towing and wheel-locking extending until and including Sept. 18, 2014, during which signs which complied with the ordinance provisions before the ordinance was amended and those which comply with the ordinance as amended are both considered compliant.

VOTE: Aye – All
Nay – None

POSSIBLE ACTION FOLLOWING CLOSED SESSION

Council Member Peña moved that due to its repeated violations of its responsibilities under its license with the Town, and the creation by the Southern Appalachian Historical Association (SAHA) and resulting existence of dangerous conditions at Horn in the West, the Town revoke the license of SAHA, modifying it for the duration of the license to allow the continued use of that portion of the original license relating to Hickory Ridge Living History Museum, six parking spaces, and ingress and egress from the parking area to the buildings of Hickory Ridge, and giving SAHA 60 days to remove its property form the buildings to which it will no longer have the right of use. This motion was seconded by Council Member Hay.

Extensive discussion ensued regarding the issues involved. Council Member Brantz expressed the view that despite the serious problems which have occurred at Horn in the West, which he agreed must be addressed, the proposed action was too harsh and premature. Council Member Mason said that although the incidents at Horn in the West raised concerns about repeated violations of the license and safety issues, she could not support the motion. Council Member David stated his view that due to a continual series of issues involving public safety, he saw no alternative but to support the motion. Council Member Brantz acknowledged that there needed to be serious attention to the violations, but he cited SAHA's considerable efforts to improve the property and expressed his concern that the many people involved with Horn in the West would feel that they were being punished although they had no involvement in the matters which led to the motion. Council Member Mason said the action was too extreme at this time.

Mayor Ball stated that it was his expectation that even if the action were adopted, SAHA would approach the Town for a new license for 2015, and that he hoped it would make a proposal to better address the issues of the conditions and SAHA's compliance with its responsibilities in the future. Council Member Peña expressed her view that it was the leadership of SAHA which had created the situation, not the participants in Horn in the West, but that as a result of their actions, Town staff had put in hundreds of hours to try to ensure compliance with the license requirements. She asked that staff prepare a summary of the license violations which had occurred. With no further discussion, Mayor Ball called for a vote.

VOTE: Aye – 3 (David, Hay, Peña)
Nay – 2 (Brantz, Mason)

ADJOURNMENT

Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to adjourn at 12:45 a.m.

VOTE: Aye – All
Nay – None

Kimberly S. Brown, Town Clerk

Andy Ball, Mayor

Christine Pope, Deputy Town Clerk