

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
SEPTEMBER 15, 2014**

A regular meeting of the Boone Town Council was called to order at 5:30 p.m., Monday, September 15, 2014, in the Council Chambers, 1500 Blowing Rock Road. Mayor Andy Ball presided. Council members present were Mayor Pro-Tem Rennie Brantz, Lynne Mason, Fred Hay, Jennifer Peña 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 Captain Andy LeBeau, Fire Chief Jimmy Isaacs, Finance Director Amy Davis, Finance Supervisor Becky Love, 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.

TENTATIVE AGENDA ADOPTION

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

VOTE: Aye – All
 Nay – None

PUBLIC COMMENT

Jocelyn Hunt appeared before the Council to request amending the agenda to consider a Special Event Permit application. She stated that the event, Mountaineers Vote Block Party, is scheduled to be held on Tuesday, October 28, 2014, from 5 to 7 p.m. Additionally, she asked for the closure of a portion of Waters Street. Upon a motion by Council Member Brantz, seconded by Council Member David, Council moved to amend the agenda to consider the request for a Special Event Permit for the Mountaineers Vote Block Party at the Thursday, September 18, 2014, regular meeting.

VOTE: Aye – All
 Nay – None

PRESENTATION OF HISTORIC PRESERVATION COMMITTEE REPORT

Council Member Brantz presented short-, medium-, and long-term goals from the Historic Preservation Commission. He explained that these goals were established after an extended retreat was held by the Commission. Furthermore, he stated these goals are part of the process for Certified Local Government status which the commission is trying attain. It was the consensus of the Council to keep this matter under Council Matters for further discussion.

DISCUSSION OF SAHA REQUEST

Council Member Brantz presented a request from SAHA for permission to use Horn in the West facilities for the rest of 2014 to store equipment, carry out activities connected with Hickory Ridge Living History Museum, and to begin discussions with the Town of Boone for a new license for 2015. It was agreed to keep this matter under Council Matters for further discussion.

DISCUSSION OF COUNCIL SERVICE ON BOARDS/COMMITTEES

Council Member Peña voiced concern regarding council member's service on boards and committees that fall outside the duties of the council and appear to be conflicts of interest. Town Attorney Sam Furguele reminded the council about both the state ethics guidelines and the Code of Ethics adopted by the Council. He stated that the ethics codes prohibit any single council member from speaking on behalf of the town. Council Member Peña stated that the members of the council should be careful about this issue for their own protection. It was agreed to place this item on the Consent Agenda.

DISCUSSION OF TOWING AND BOOTING REVISIONS

Town Attorney Sam Furguele reported that he had met with Harold Tilley of Appalachian Management as directed by the Council at the August Quarterly Public Hearing. He stated that Mr. Tilley presented many good points about the revisions to the towing and booting ordinance and that they discussed ways to help citizens understand the draft language. Mr. Furguele stated that Mr. Tilley questioned how the regulations would be enforced if two property owners own a portion of the same driveway. Additionally, Mr. Furguele stated that he would be presenting some further revisions to the draft ordinance for clarification, and to make the language easier to read and understand. It was the consensus of the Council to place this item under the Consent Agenda.

APPROVAL OF TRANSMISSION LINE EASEMENT – BLUE RIDGE ELECTRIC MEMBERSHIP CORPORATION

It was the consensus of Council to place this item under the Consent Agenda.

APPROVAL OF LEASE – CAROLINA WEST WIRELESS

It was the consensus of Council to place this item under the Consent Agenda.

AWARDING OF BID – PARKING METERS

Town Attorney Sam Furgiuele pointed out that the DBDA has made a financial commitment to help fund the installation of new parking meters in downtown Boone. He suggested that the DBDA should sign contracts confirming the contribution. He explained that the town manager also feels that the financial commitment from the DBDA should be in written form. Council asked staff if a meeting of the DBDA could be scheduled before the Thursday night meeting so that a contract for financial commitment could be considered by the board. It was agreed by Council to keep this item under Council Matters for further discussion.

CONSIDERATION OF COUNCIL MEETING SCHEDULE

Mayor Ball noted that September marks the end of the six-month trial period for the new Boone Town Council meeting schedule which includes an agenda-setting meeting on the third Monday of each month at 5:30 p.m. and a business meeting to take action on the subsequent Thursday at 5:30 p.m. Council Member Mason suggested moving the Closed Session portion of the meeting to follow the agenda-setting meeting on Monday. Mayor Ball noted that he has a standing meeting with the Council of Governments on the third Monday at 7 p.m. It was the consensus of the Council to place this item under the Consent Agenda.

P&I MONTHLY REPORT

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

REQUEST DIRECTION FOR 2014 DOWNTOWN BOO

Cultural Resources Director Pilar Fotta asked for the Council's support of the 2014 Downtown Boo and for permission to close King Street from Appalachian Street to Water Street. She explained that Oct. 31 is on a Friday this year and before an Appalachian State University home football game and Family Weekend. Ms. Fotta stated that in years past, officers have been placed at strategic crossing locations along King Street but that those locations are not always used. Additionally, she indicated that the Town should anticipate an increase in participation due to the other festivities and events happening that weekend. It was the consensus of the Council to place this item under the Consent Agenda for approval.

DISCUSSION OF USE OF AMPHITHEATER – CULTURAL RESOURCES EVENT

Cultural Resources Director Pilar Fotta presented a request to host the Rural Academy Theater at the space above the amphitheater at Horn in the West on Friday, Sept. 26, 2014, at dusk. It was the consensus of the Council to place this matter under the Consent Agenda.

CONSIDERATION OF WATER & SEWER CODE AMENDMENT – CONNECTION HARDSHIP DEFINITION

Public Utilities Director Rick Miller presented a proposed amendment to the Water & Sewer code which limits the consideration of connections outside the town limits to hardships. He stated that the proposed amendment includes the definition of a hardship connection. It was agreed by 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.

RECESS MEETING

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council recessed the meeting at 6:24 p.m. until Thursday, September 18, 2014, 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 5:30 p.m., Thursday, September 18, 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, Town Clerk Kimberly Brown, Finance Director Amy Davis, Finance Supervisor Becky Love, Assistant to the Manager Jim Byrne, Police Captain Andy LeBeau, 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, Cultural Resources Director Pilar Fotta and Downtown Coordinator Virginia Falck.

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.

Mayor Ball asked for a moment of silence in memory of Public Works Street Superintendent Greg Miller who passed away on Sept. 5, 2014.

Mayor Ball read the following announcement:

BOONE CLEAN-UP DAY AND FALL LITTER SWEEP

In conjunction with the statewide “Fall Litter Sweep 2014” campaign issued by Governor Pat McCrory for September 20th through October 4th, 2014, the Town of Boone will hold a “Fall Boone Clean-Up Day” on Saturday, September 20, 2014. Interested participants may come by the Town of Boone Public Works Department located at 321 East King Street between 9 a.m. and 2 p.m. to pick up cleaning supplies. For more information, contact Shannon Isaacs at (828) 268-6230.

Mayor Ball read into the record the following proclamations:

Constitution Week Proclamation

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2014, marks the 227th anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Andy Ball, by virtue of the authority vested in me as the mayor of the town of Boone in the state of North Carolina, do hereby proclaim the week of September 17 through 23, 2014, as **Constitution Week**, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

HUNGER ACTION MONTH PROCLAMATION

WHEREAS, hunger and poverty are public health issues of critical concern in the United States, the State of North Carolina and the Town of Boone; and

WHEREAS, September has been declared Hunger Action Month by Feeding America, the nation's largest domestic hunger-relief organization; and

WHEREAS, Second Harvest Food Bank of Northwest N.C. is the Feeding America affiliate serving our community and, with its partner programs in the Town of Boone, is committed to engaging community members and organizations in addressing the problem of hunger and providing resources to meet the needs of our residents; and

WHEREAS, inadequate nutrition diminishes the capacity of children to learn, exacerbates health conditions among seniors and others and saps the strength of working families; and

WHEREAS, one in six residents of Northwest North Carolina is food insecure and the problem of hunger is even more significant among our children; and

WHEREAS, the Town of Boone recognizes the critical role of Second Harvest Food Bank of Northwest N.C. and its partner programs in helping to meet the nutritional needs of many in our community and wishes to encourage citizen involvement in and support of their work;

NOW, THEREFORE, I, Mayor Ball of the Town of Boone, North Carolina, do hereby recognize September 2014 as **HUNGER ACTION MONTH** and urge all citizens to help in any way they can to reduce hunger and poverty in our community.

Mayor Ball announced that a special Town Council meeting will be held Friday, Sept. 19, 2014, at 3 p.m. in order to make an announcement about the new Town Manager.

Mayor Ball presented a statement regarding the Anna Smith investigation.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young stated that he has no changes to the agenda. Council Member Peña moved to remove Item E: Discussion of Council Service on Boards/Committees from the Consent Agenda. Council Member Brantz seconded the motion.

VOTE: Aye – All
 Nay – None

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

VOTE: Aye – All
 Nay – None

CONSENT AGENDA ADOPTION

- A. Minutes: Aug. 4, 2014 – Quarterly Public Hearing.
 August 18&21, 2014 – Regular Meeting.
- B. Adoption of EEOC Revision to Personnel Policy.
- C. Adoption of Personnel Policy Section to Protect Whistleblowers.
- D. Approval of Tax Refunds & Releases **(Permanently on file in the September 2014 Town Council Meeting Information Packet)**.
- E. Discussion of Towing and Booting Revisions.
- F. Approval of Transmission Line Easement – Blue Ridge Electric Membership Corporation **(Permanently on file in Town Hall)**.
- G. Approval of Lease – Carolina West Wireless **(Permanently on file in Town Hall)**.
- H. Consideration of Council Meeting Schedule.
- I. Request Direction for 2014 Downtown Boo.
- J. Discussion of Use of Amphitheater – Cultural Resources Event.

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

Greg Williams, vice chair of the Southern Appalachian Historical Association (SAHA), urged supporters of this matter to use courteous manner in speaking about SAHA and Horn in the West.

Randy Marsh thanked Council for their work on the Appalachian Theater, downtown post office and the Jones House, calling it the “crown jewel of the town of Boone.” He stated his first job was at Horn in the West and urged the Town and SAHA to work together. He added that he would be willing to participate in working with a task force for this purpose.

Mary Greene spoke on behalf of the supporters of SAHA. She stated she is dedicated to fostering activities of SAHA, Horn in the West and Hickory Ridge Homestead. Ms. Greene added that the group of supporters she represents are not members of SAHA, and do not represent SAHA, but are in favor of the Town working with SAHA. She entered into record a petition on behalf of SAHA and a statement of what the petitioners signed (**Petition permanently on file in Town Hall**).

Theresa Leah stated she directed the Horn in the West production this past summer, and thanked the Town of Boone for recognizing the treasure that is Horn in the West. She stated she felt it was a win-win situation for all involved.

Susan Owen stated she first went to Horn in the West 50 years ago, and remembered visiting the play with such a passion, being outside in the summer, mountain air. She encouraged everyone to work together to save Horn in the West and all other activities on the property for its economic impact. She added that Horn in the West is the second attraction listed on Trip Advisor.

Marvin Mercer, the principal engineer on the Watauga Green project, requested that Council add an item to the agenda for the purpose of requesting a special public hearing on Oct. 13, 2014, at 5:30 p.m. prior to the Planning Commission meeting.

Terry Hamilton listed several historical sites that Watauga County is lucky to have from times gone by, adding that Horn in the West and Hickory Ridge has been making an economic impact for many years already. He stated that Appalachian State University, the hospital and tourism are major employers in the town.

Freda Greene stated she was on the Board of Directors for Horn in the West in 2003 and was director for two years. She asked that Council consider giving the license agreement back to Horn in the West.

Quint Johnson, a student at Appalachian State University, asked Council to amend the agenda to request approval for a new taxi service.

Dale Howard, on behalf of Cornerstone Campus Community, LLC, asked Council to amend the agenda to modify the ordinance for vesting of water rights previously granted. He stated that they specifically needed modifications for a deposit to extend the vesting period. Town Attorney Sam Furgiuele explained the options of the Council if they decide to amend the agenda to hear this request.

Mary Moretz, of the local chapter of the DAR, spoke regarding the Constitution Week proclamation and the freedoms it gives.

PRESENTATION OF HISTORIC PRESERVATION COMMISSION REPORT

Council Member Brantz presented a report by the Historic Preservation Commission with a list of short-, medium- and long-term goals for the board (**Report permanently on file in the September 2014 Town Council meeting packet**). He stated the committee would like endorsement by the Council for these goals. Brief discussion ensued regarding the short-term goals helping with grant applications and the potential for an employee in the Cultural Resources Department whose duties would focus on the committee's goals for the town. Council Member Mason recommended an intern or part-time position.

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to endorse the goals outlined by the Historic Preservation Commission, to defer employment of a full-time employee until the budget process and to have staff present a proposal for an intern to the Council.

Council Member David wondered if a budget analysis of these needs would need to be proposed. Planning Director Bill Bailey advised that the landmarks is a long-term goal, and a lot of the work is currently being completed by the committee. He added that there is currently no staff to take on these tasks.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Mason, seconded by Council Member Peña, Council moved to amend the agenda to include a request for a special public hearing to be scheduled and discussion of a proposed amendment to the Water and Sewer Code to be heard following Item G, and to add the request for a new taxi service to be heard under Requested Appearances.

VOTE: Aye – All
 Nay – None

DISCUSSION OF SAHA REQUEST

Council Member Brantz began the discussion by providing a summary of the request by the Southern Appalachian Historical Association (SAHA) for permission to use the Horn in the West facility for the remainder of 2014 in order to store equipment, carry out activities connected with the Hickory Ridge Living History Museum, and to begin discussions with the Town for a new license in 2015. Lengthy discussion ensued regarding concerns about the safety issues that exist, how to create an effective line of communication between all parties involved, as well as how the restrooms will be maintained moving forward. Greg Williams, vice-chair of SAHA, stated that they would be happy to clean the restrooms if staff can give them at least a week's notice for visiting groups. Council Member Brantz asked if SAHA could leave items stored in the administrative building until a license can be negotiated. Town Attorney Sam Furguele stated that Council could reinstate the license and make modifications to the license relative to the use and cleaning of the restrooms. Mr. Williams added that they take responsibility for the electrical mistakes and will work with the permitting process in the future, and they could remove the rain shelter tents from the sound booth so that other user groups can use that space as well.

Council Member Brantz moved to reinstate the license agreement between the Town and SAHA excluding the restroom provisions, of which Town staff will oversee maintenance, and noted that if there are any violations during the remainder of the term, the town manager is instructed to notify SAHA that the license has again been revoked, adding that the cultural resources director has permission to e-mail the entire board for any communication so that there are no issues moving forward. Council Member Mason seconded the motion.

Council Member David asked if Council Member Brantz would be agreeable to meeting with SAHA so that there is an understanding of this. Council Member Peña felt that Council members should not engage in individual discourse regarding this matter.

VOTE: Aye – 4 (Brantz, David, Hay, Mason)
 Nay – 1 (Peña)

Mayor Ball declared a break at 7:27 p.m. Council reconvened at 7:36 p.m.

AWARDING OF BID – PARKING METERS

Town Manager Greg Young presented the results of the parking meter bid. He noted there is a draft contract in the supplemental packet. Town Attorney Sam Furgiuele stated the Council has the right to reject the lowest bid if it is not responsive. In response to Council Member Mason's question regarding what has been budgeted, Mr. Young stated the Town budgeted \$44,000 and the Downtown Boone Development Association also agreed to pay \$44,000 toward it. He added that this year has been budgeted again for this, and there was an informal bid for the paystations, which received four bids. Interim Public Works Director Eric Gustaveson stated the base may be a problem for snow removal, and they will need to keep some replacements on hand. Cultural Resources Director Pilar Fotta added that they could do without the decorative Item E.

Upon a motion by Council Member Peña, seconded by Council Member Mason, Council moved to award the bid to IPS Group, Inc. without Item E, conditional on the acceptance of a contract by the Downtown Boone Development Association.

VOTE: Aye – All
 Nay – None

P&I MONTHLY REPORT

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

CONSIDERATION OF WATER & SEWER CODE AMENDMENT – CONNECTION HARDSHIP DEFINITION

Public Utilities Director Rick Miller presented a proposed definition for a connection hardship. Town Attorney Sam Furgiuele noted that commercial locations are not included, and the recommendation of the Water Use Committee is to only apply this to residential connections.

Upon a motion by Council Member Brantz, seconded by Council Member Peña, Council moved to adopt the following text amendment:

CHAPTER 50: WATER AND SEWERS

...

§50.003 DEFINITIONS

CONNECTION HARDSHIP. Specified circumstances which make the strict application of the normal eligibility requirements for obtaining a connection to the water or sewer system unduly burdensome.

...

§50.004 HARDSHIP POLICY

...

(C) Based upon a connection hardship and following a public hearing, the Town Council may authorize a service connection for water or sewer services to an applicant for service to property outside the corporate boundaries, subject to all other relevant provisions of this Code, under the following circumstances:

(1) As to a request for a water connection, when:

(a) The applicant has established through clear and convincing evidence the current contamination of a residential well by toxins in amounts determined by the North Carolina Department of Natural Resources or the United States Environmental Protection Agency as harmful to human life or health; or

(b) The applicant has established through clear and convincing evidence that an existing well cannot supply an adequate amount of water, and

(i) That the lack of adequate water could not have been reasonably predicted at the time the well was installed or development of the property served was last undertaken; and

(ii) That no reasonable alternative exists for the provision of the water to the property, including that no alternative well can be established which will adequately provide water; and

(iii) That the amount of water requested is limited to that needed for the current use of the property served; or

(c) The applicant has been approved for a sewer connection hardship, pursuant to subsection (2).

(2) As to a request for a sewer connection, when:

(a) The applicant has established through clear and convincing evidence:

(i) That an existing septic system has or will soon fail; and

(ii) That due to lot size or other feature of the property outside the control of the applicant, not caused by the applicant and unknown to the applicant at the time of the acquisition of the property, the system cannot be repaired or an alternative septic system installed (e.g., if the unsuitable lot size has been caused by the applicant or a related entity to the applicant having subdivided the property originally served by the septic system, the applicant shall not be entitled to claim a connection hardship); and

(iii) That no other reasonable alternative exists for the provision of a septic system to the property; and

(iv) That no change in use of the property is planned or anticipated.

(D) This section is not intended to and does not create any entitlement to a hardship connection or financial hardship waiver of fees, but instead only authorizes such connections and waivers under the described circumstances, assuming all other relevant code provisions are met and the connection or waiver otherwise serves the interests of the citizens of Boone.

VOTE: Aye – All
 Nay – None

Council Member Mason noted she'd like to discuss commercial situations at the next Water Use Committee meeting.

MONTHLY WATER USE STATUS REPORT

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

BRIAN WILLIAMS, COMMUNITY APPEARANCE COMMISSION – UPDATE ON STATUS OF DOWNTOWN COMMUNITY APPEARANCE STANDARDS

Brian Williams of the Community Appearance Commission presented Council with an update on the status of the downtown standards. He stated that, in terms of substantive work, they are 85% complete for substantive language and 75% complete in formatting the document to go before Council. He added that they are finishing the wellness district recommendations for staff to present to Council as well. It was the consensus of the Council to have the Community Appearance Commission go back to this issue to present to Council.

REQUEST FOR SPECIAL PUBLIC HEARING

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to hold a special public hearing on Thursday, Oct. 9, 2014, at 5:30 p.m. in the Council Chambers, 1500 Blowing Rock Road, in order to hear the case for the Watauga Green project.

VOTE: Aye – All
 Nay – None

DALE HOWARD – REQUEST FOR MODIFICATION TO ORDINANCE #11-01

Dale Howard, on behalf of the Cornerstone Campus Community, LLC, requested a modification to Ordinance #11-01 of the Water and Sewer Code in order to allow them to extend their water allocation application for one year with an additional 10% deposit. Mr. Howard advised that the project is a huge undertaking, and has been unable to get the permits in and approved before the first year period ends, which is next month. Discussion ensued regarding Council's options. Town Attorney Sam Furguele advised that the modification would be a fairly easy undertaking, or Council could direct the applicant to forfeit the original 10% deposit and submit a new water allocation application for a one-year period with a 10% deposit. He added that the reason for how the ordinance is currently written is due to applicants extending their water allocation period, then not completing the project and in the meantime, other applicants were denied water allocations because it was being held up in the project which did not go through.

Upon a motion by Council Member Peña, seconded by Council Member Mason, Council moved to direct the town attorney to draft language for a modification to Ordinance #11-01 of the Water and Sewer code, and to schedule a special meeting to discuss the proposed language for Thursday, Oct. 9, 2014, in the Council Chambers, 1500 Blowing Rock Road, to begin immediately following the special public hearing, which is scheduled for 5:30 p.m.

VOTE: Aye – All
 Nay – None

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Ball announced the following board vacancies:

- Tree Board: Three positions set to expire on Oct. 31, 2014.

BOARD APPOINTMENTS

Board of Adjustment

There were no applications submitted for consideration for this board.

Community Appearance Commission

There were no applications submitted for consideration for this committee.

Cultural Resources Advisory Board

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

VOTE: Aye – All
 Nay – None

The term for Ms. Bailey 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

Council Member Brantz nominated Elizabeth “Bettie” Bond to serve on this board. With no other nominations, Mayor Ball called for a vote:

VOTE: Aye – All
 Nay – None

The term for Ms. Bond will expire on July 31, 2017.

Planning Commission

There were no applications submitted for consideration for this committee.

Sustainability Task Force

Council Member David nominated John Pertalion to serve on this task force. With no other nominations, Mayor Ball called for a vote:

VOTE: Aye – All

Nay – None

Tourism Development Authority

There were no applications submitted for consideration for this board.

JOHN COOPER – PRESENTATION ON ECONOMIC IMPACT STUDY OF THE APPALACHIAN THEATRE OF THE HIGH COUNTRY, INC.

John Cooper appeared before Council and thanked them for holding the theatre until the non-profit could purchase it. He introduced Mr. Michael McKee and Mr. Keith Martin, who presented an economic impact study of the Appalachian Theatre of the High Country, Inc., and completed an independent study free-of-charge by SERPA. **(Economic Impact Study and Media Release by the Appalachian Theatre of the High Country, Inc. permanently on file in the September 2014 Town Council meeting file.)**

LYNWOOD BROWN – REQUEST FOR DIRECTION AND AUTHORIZATION TO MOVE FORWARD WITH GOALS FOR THE AFFORDABLE HOUSING TASK FORCE

Lynwood Brown appeared before Council to present short-, intermediate- and long-term goals of the Affordable Housing Task Force for Council's consideration **(List of goals permanently on file in September 2014 Town Council meeting packet).**

Upon a motion by Council Member Brantz, seconded by Council Member Hay, Council moved to approve the goals of the Affordable Housing Task Force.

VOTE: Aye – All
 Nay – None

MONICA CARUSO – WATAUGA COUNTY PUBLIC LIBRARY

Monica Caruso of the Watauga County Public Library appeared before Council to provide a PowerPoint presentation on the summer reading program available at the library in town.

BEN LOOMIS – HOWARD STREET EXCHANGE

DJ Phillips, on behalf of the Boone Community Network, appeared before Council to request approval of a special event permit for the Howard Street Exchange to be held Sunday, Oct. 26, 2014, from 12 to 5 p.m. Mr. Phillips requested waiver of the event fee and requested that the

organization be given permission to oversee security and street closure processes for the event. Council Member Peña stated she felt that the Town should handle the security and barricades. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to approve the special event permit for the Howard Street Exchange to be held Sunday, Oct. 26, 2014, from 12 to 5 p.m., to have Town staff provide the street barricades and security for the event, and to set the event fee at \$1,100.

VOTE: Aye – All
 Nay – None

JOCELYN HUNT – MOUNTAINEERS VOTE BLOCK PARTY

Jocelyn Hunt appeared before Council to request approval of a special event permit for a Mountaineers Vote Block Party to be held Tuesday, Oct. 28, 2014, from 5 to 7 p.m. Ms. Hunt also requested waiver of the event fee. Police Captain Andy LeBeau noted issues with closing down the entire length of Water Street during rush hour, adding that Howard Street is a one-way street and without diverting through a private parking lot, he was not sure how to reroute traffic. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to approve the special event permit for the Mountaineers Vote Block Party to be held Tuesday, Oct. 28, 2014, from 5 to 7 p.m. and to allow the closure of Water Street from King to Queen streets, under the condition that they get permission from the affected property owners and NCDOT.

VOTE: Aye – All
 Nay – None

QUINN JOHNSON – REQUEST FOR APPROVAL OF TAXI SERVICE PERMIT

Quinn Johnson appeared before Council to request approval of a taxi permit for Zapp Cab for the Town of Boone. Police Captain Andy LeBeau stated a background check was conducted and Mr. Johnson is a suitable candidate for a taxi cab permit. Upon a motion by Council Member Mason, seconded by Council Member Peña, Council moved to approve Mr. Johnson's request for a taxi permit for Zapp Cab for service in the Town of Boone.

VOTE: Aye – All
 Nay – None

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 9:53 p.m. to hear sworn testimony on a request for water and sewer service to property located on Highway 105 Bypass. Mr. Jim Deal, being duly sworn, stated he is representing the applicant for this request. He asked whether they would have to go through a quasi-judicial hearing if Mr. Hodges requests annexation. Town Attorney Sam Furgiuele advised that if it was annexed, it would not need to go back through this process. Mr. Deal advised he would like to move forward with their request, but to petition for annexation as the first route. Planning Director Bill Bailey, being duly sworn, indicated the time frame for an annexation to be completed would be approximately two months. With no other testimony, Mr. Furgiuele closed the public hearing at 10 p.m. Upon a motion by Council Member Mason, seconded by Council Member Peña, Council moved to continue the request for water and sewer service to property located at Highway 105 Bypass for two months.

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 10:01 p.m. pursuant to NCGS 143-318-11(a)(1)(3)(5) to hear the following items:

- A. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorney concerning the handling or settlement of claims against the Town, in the case of Mountaineer Towing, LLC v. Town of Boone.
- B. Pursuant to N.C. Gen. Stat. §143-318.11(a)(1) and (a)(6), to prevent the disclosure of information that is privileged or confidential pursuant to N.C. Gen. Stat. §160A-168 and to consider the qualifications and conditions of initial employment of a prospective employee.
- C. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with the Town Attorney and other attorneys employed by the Town, in order to preserve the attorney-client privilege between the attorneys and the Town Council, which privilege is hereby acknowledged, and to consider and give instructions to the attorneys 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.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Peña, seconded by Council Member Hay, Council moved to exit Closed Session at 11:24 p.m.

VOTE: Aye – All
 Nay – None

ADJOURNMENT

Upon a motion by Council Member Mason, seconded by Council Member Peña, Council moved to adjourn at 11:26 p.m.

VOTE: Aye – All
 Nay – None

Christine Pope, Town Clerk

Andy Ball, Mayor