

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 28, 2017**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:30 p.m. Thursday, September 28, 2017 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro-Tem Lynne Mason, Council Member Loretta Clawson, Council Member Jeannine Underdown Collins, Council Member Charlotte Mizelle and Council Member Quint David. Staff present were Town Manager John Ward, Town Clerk Nicole Worley, Town Attorney Allison Meade, Planning Director Jane Shook, Urban Design Specialist Brian Johnson, Senior Planner Christy Turner, Public Works Director Rick Miller, Deputy Public Works Director Josh Eller, Fire Chief Jimmy Isaacs, Human Resources Director Peri Moretz, Downtown Boone Development Coordinator Brittney Clark, Police Captain Andy LeBeau and Town Intern Thomas Studnicky.

ANNOUNCEMENTS

Council Member Mason announced that International Walk/Bike to School Day which will take place on October 4, 2017 and encouraged anyone interested in participating to meet at the NC State Employees Credit Union parking lot at 7:05 a.m.

TENTATIVE AGENDA ADOPTION (FOR ACTION)

MOTION TO ADOPT AGENDA

Upon a motion by Council Member Mason, seconded by Council Member Collins, Council moved to adopt the tentative agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

REQUESTED APPEARANCES

PAM WILLIAMSON

Pam Williamson presented to Council a request for the Town to revisit and amend Town Code Chapter 97 "Trees and Shrubs". Mrs. Williamson expressed concern that the Town ignored its own regulations when burning the brick house on the Bolick property in August. Mrs. Williamson also noted that there were no site plans submitted related to the burning of the house and no comprehensive evaluation of the trees as required in the ordinance. After brief discussion, Mayor Brantz directed Town Attorney Allison Meade to review Mrs. Williamson's proposed changes to Town Code Chapter 97 "Trees and Shrubs". **(Mrs. Williamson's full statement is on file in the office of the Town Clerk.)**

CONSENT AGENDA ADOPTION

Council Member Clawson announced that she wanted to remove Agenda Item No. 2: Approval of Bond Anticipation Notes, Agenda Item No. 3: Approval of Budget Amendments and Agenda Item No. 9: Request to Repeal Ordinance 11-01 and Amendments to Chapter 50 and place the items on the agenda under Council Matters for discussion. Upon a motion by Council Member Mason, seconded by Council Member Collins, Council moved to approve the Consent Agenda as amended.

TOWN COUNCIL - REGULAR MEETING - AUG 17, 2017 5:30 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

APPROVAL OF ENCROACHMENT AGREEMENT - 169 CHERRYBROOK DRIVE

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

APPROVAL OF ENCROACHMENT AGREEMENT - SABELING BOONE KING

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

APPROVAL OF CHANGE ORDER - PINNACLE DRIVE SEWER IMPROVEMENTS

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

APPROVAL OF CHANGE ORDER - PINNACLE DRIVE SEWER IMPROVEMENTS

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

CONSIDERATION OF GENERAL USE ZONING MAP AMENDMENT - SEND TO OCTOBER PUBLIC HEARING

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

APPROVAL OF RADIO COMMUNICATIONS CONTRACT - KS STATE BANK

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

REQUEST FOR APPROVAL TO PURCHASE LOCAL LANDMARK PLAQUE

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

CONSIDERATION OF APPROVAL OF AMENDMENTS TO PERSONNEL POLICY

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

REQUEST FOR APPROVAL OF VETERAN MEMORIAL DESIGN AND LOCATION

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynne Mason, Mayor Pro Tem
SECONDER: Jeannine Underdown Collins, Council Member
AYES: David, Mason, Clawson, Mizelle, Collins

COUNCIL MATTERS

FRONTIER FRANCHISE AGREEMENT

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE BY THE TOWN OF BOONE, OF WATAUGA COUNTY, NORTH CAROLINA, TO FRONTIER NATURAL GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS TO THE TOWN AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN, AND THROUGH SAID TOWN ALL FACILITIES REASONABLY NECESSARY TO BUSINESSES AND INDUSTRIES WITHIN THE TOWN AND IN THE TERRITORY ADJACENT THERETO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOONE, OF WATAUGA COUNTY, NORTH CAROLINA.

ARTICLE I

Definitions

For the purpose of this non-exclusive franchise, the following words and phrases shall have the meaning given in this Article. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the

plural number. The word “shall” is mandatory and “may” is permissive. Words not defined in this Article shall be given common and ordinary meaning.

1.1 “Town” refers to and is the Town of Boone, Watauga County, North Carolina, and includes the territory as currently is or may in the future be included within the boundaries of the Town of Boone.

1.2 “Town Council” refers to and is the legislative body of the Town.

1.3 “Company” refers to and is Frontier Natural Gas Company, a North Carolina corporation formed to provide natural gas service in North Carolina, and its successors and assigns.

1.4 “Distribution Facilities” refer to and are only those facilities reasonably necessary to provide gas within the Town.

1.5 “Facilities” refer to and are all facilities reasonably necessary to provide gas into, within, and through the Town and include pipelines and mains, service lines, meters, regulator stations, plants, and equipment.

1.6 “Gas” or “Natural Gas” refers to and includes such gaseous fuels as natural, artificial, synthetic, liquefied natural, liquefied petroleum, manufactured, or any mixture thereof.

1.7 “Utilities Commission” or “NCUC” refers to the North Carolina Utilities Commission which exercises jurisdiction concerning utility rates and regulatory compliance in the State of North Carolina.

1.8 “Revenues” refer to and are those amounts of money which the Company receives from its residential and commercial customers within the Town for the sale and transport of gas under rates authorized by the North Carolina Utilities Commission and represent amounts billed under such rates as adjusted for refunds, the net write-off of uncollectable accounts, corrections, or other regulatory adjustments.

1.9 “Streets and Other Public Places” refer to and are streets, alleys, viaducts, bridges, roads, lanes, easements, public ways, and other public places in the Town.

ARTICLE II

Grant of Non-Exclusive Franchise

2.1 Grant of Non-Exclusive Franchise. Subject to the provisions of the charter of the Town, the laws of North Carolina, so far as applicable, and to the provisions of this Ordinance, the Town hereby grants to the Company, for the period specified and subject to the conditions, terms, and provisions contained in this Ordinance, the right to transport, supply, sell, and distribute gas to the Town and all persons, businesses, and industries within the Town; the right to acquire, construct, install, locate, maintain, operate and extend into, within and through the Town all facilities reasonably necessary to provide gas to the Town and to all persons, businesses and industries within the Town; and the right to make reasonable use of all streets and other public places as may be necessary to carry out the terms of the ordinance.

2.2 Terms of Non-Exclusive Franchise. This non-exclusive franchise Ordinance shall not be effective unless and until the grant of rights, permission and authority herein described is approved by the Town Council after its second reading, and the terms of such ordinance are accepted in writing by the Company within 90 days of final approval of said Ordinance. This Ordinance and the non-exclusive franchise herein described shall be and continue in force and effect for a period of twenty (20) years from the date of final approval of such ordinance, and may be renewed at such similar terms as may be agreed to by the Town and the Company at the time of the expiration of this non-exclusive franchise set forth herein.

ARTICLE III

Gross Receipts and/or Other Tax

3.1 Gross Receipts Tax. In consideration for the grant of the non-exclusive franchise, the Company shall collect and remit to the State of North Carolina the Gross Receipts Tax calculated upon the revenues derived annually from the sale and transport of gas or such other tax on the sale, distribution, and/or transport of gas as may be mandated by the State of North Carolina. The Town customarily receives an allocation from the State for Gross Receipts Taxes on natural gas transactions within the Town.

3.2 Gross Receipts Tax in Lieu of Other Fees. The Town’s allocation of the North Carolina Gross Receipts Tax (or similar tax) on natural gas revenues to the Company within the Town is accepted by the Town in lieu of any franchise fee, occupancy tax, license tax, permit charge, or similar tax, assessment or excise upon the pipes, mains, meters or other personal property of the Company or on the privilege of doing business or in connection with the physical operation thereof, but does not exempt the Company from any lawful taxation

upon its real property or any other tax not related to the non-exclusive franchise or the physical operation thereof.

3.3 Alternative Tax. Notwithstanding the preceding paragraph 3.2, in the event the State of North Carolina repeals the Gross Receipts Tax (or similar tax) and authorizes municipalities to charge a tax on the distribution and/or sale of gas, the Town may impose such a tax on Company as allowed by law.

ARTICLE IV Conduct of Business

4.1 Conduct of Business. The Company may establish, from time to time, such rules, regulations, terms, and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this non-exclusive franchise; provided, however, that such rules, regulations, terms, and conditions shall not be in conflict with the laws of the State of North Carolina or any County or Municipal Ordinances in the area encompassed by this non-exclusive franchise.

4.2 Tariffs on File. The Company shall keep on file in its nearest office copies of all its tariffs currently in effect and on file with the North Carolina Utilities Commission. Said tariffs shall be available for inspection by the Public at Town Hall.

4.3 Compliance with NCUC Regulations. The Company shall comply with all rules and regulations adopted by the North Carolina Utilities Commission.

4.4 Compliance with Company Tariffs. The Company shall furnish gas within the Town to the Town and to persons, businesses and industries within the Town at the rates and under the terms and conditions set forth in its tariffs on file with the North Carolina Utilities Commission.

4.5 Applicability of Company Tariffs. The Town and the Company recognize that the lawful provisions of the Company's tariffs on file and in effect with the North Carolina Utilities Commission are controlling over any inconsistent provision in this non-exclusive franchise dealing with the same subject matter.

ARTICLE V Construction, Installation & Operation of Company Facilities

5.1 Location of Facilities. Company facilities shall not interfere with the Town's water mains, sewer mains or other municipal use of streets and other public places. Company facilities shall be located so as to cause minimum interference with public use of streets and other public places and shall be maintained in good repair and condition.

5.2 Excavation and Construction. All construction, excavation, maintenance, and repair work done by the Company shall be done in a timely and expeditious manner which minimizes inconvenience to the public and individuals. All such construction, excavation, maintenance, and repair work done by the Company shall comply with all federal, state, and local codes. All public and private property disturbed by Company construction or excavation activities shall be restored as soon as practical by the Company at its expense to substantially its former condition. The Company shall comply with the Town's requests for reasonable and prompt action to remedy all damage to private or public property adjacent to streets or dedicated easements where the Company is performing constructions, excavation, maintenance or repair work. The Town reserves the right to restore property and remedy damages caused by Company activities at the expense of the Company in the event the Company fails to perform such work within a reasonable time, not to exceed 30 days, after Notice from the Town. The Company agrees to pay the Town for these costs within 30 days of billing by the Town.

The Company shall coordinate all of its activities with all other public utilities so as to avoid any conflicts from arising. The Company shall use extra care repairing public roads when it is necessary for the Company to tear up any portion of a public road in order to carry out its activities.

5.3 Relocation of Company Facilities. If upon 90 days' notice the Town requests the Company to relocate any distribution gas main or service connection installed or maintained in streets or other public places in order to permit the Town to change street grades, pavements, sewers, water mains, or other Town works, such relocation shall be made by the Company at its expense. The Company is not obligated hereunder to relocate any facilities at its expense which were installed in private easements obtained by the Company, the

underlying fee of which was, at some point subsequent to installation, transferred to the Town. Following relocation, all property shall be restored to substantially its former condition by the Company at its expense.

5.4 Service to New Area. If during the term of this non-exclusive franchise the boundaries of the Town are expanded, the Company may extend service to the newly incorporated areas. Service to annexed areas shall be in accordance with the terms of this non-exclusive franchise agreement and the Company's tariffs, rules and regulations then in effect. Company shall not be required to extend service if Company is unable to obtain an adequate gas supply to serve additional customers, nor where such extension is not economically feasible for the Company.

5.5 Restoration of Service. In the event the Company's gas system, or any part thereof, is partially or wholly destroyed or incapacitated, the Company shall use due diligence to restore its system to satisfactory service within the shortest practicable time.

5.6 Supply and Quality of Service. The Company shall make available an adequate supply of gas to provide service in the Town. The Company's facilities shall be of sufficient quality, durability, and redundancy to provide adequate and efficient gas service to the TOWN.

5.7 Safety Regulations by the Town. The Town reserves the right to adopt, from time to time, reasonable regulations in the exercise of its police power which are necessary to ensure the health, safety and welfare of the public, provided that such regulations are not destructive of the rights granted herein. The Company agrees to comply with all such regulations, in the construction, maintenance, and operation of its facilities, and in the provision of gas within the Town.

5.8 Inspection, Audit and Quality Control. The Town shall have the right to inspect, at all reasonable times, any portion of the Company's system used to serve the Town and its residents. The Town also shall have the right to inspect and conduct an audit of Company records relevant to compliance with any terms of this ordinance at all reasonable times. The Company agrees to cooperate with the Town in conducting the inspection and/or audit to correct any discrepancies affecting the Town's interest in a prompt and efficient manner.

5.9 Liability. The Company shall defend and hold said Town harmless from all liability imposed upon it on account of injury or damage to person or property caused by Company, its contractors, agents or employees in the course of or in connection with the installation, removal, operation or maintenance of pipelines and mains, service lines, meters and other utility equipment in the exercise of any of the rights and privileges conferred by this non-exclusive franchise.

ARTICLE VI

Assignment; Savings Clause, Amendment

6.1 Assignment. The Company may, subject to the Town's prior written approval, assign its rights under this non-exclusive franchise. Such approval shall not be unreasonably withheld. Any successors or assigns shall notify the Town by a simultaneous informational filing with the Town Clerk all documents required by the North Carolina Utilities Commission to authorize change of control of Company. All successors and assignees are bound by the terms of this non-exclusive franchise agreement.

6.2 Savings Clause. If any portion of this non-exclusive franchise Ordinance is declared illegal or void by a court of competent jurisdiction, the remainder of the Ordinance shall survive and not be affected thereby.

ARTICLE VII

Expiration of Franchise, Purchase or Condemnation; Right of First Purchase

7.1 Expiration of Non-Exclusive Franchise; Purchase or Condemnation. If at the time of expiration of the non-exclusive franchise granted under this Ordinance no extension or renewal has been negotiated between the Town and the Company, the Company shall have the right to remove its distribution facilities from the streets and other public places, but only after the Town has had sufficient time to purchase or condemn said facilities. In removing its facilities, the Company shall remove in a workmanlike manner, at the Company's expense, from the streets and other public places all distribution facilities belonging to the Company which are not purchased by the Town at the expiration of the non-exclusive franchise. All public property shall be restored by the Company to its former condition to the extent practicable, after said removal.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 28TH DAY OF SEPTEMBER, 2017.
PASSED, ADOPTED AND APPROVED THIS 19TH DAY OF OCTOBER, 2017.

THE TOWN OF BOONE, NORTH CAROLINA
BY: _____

Rennie Brantz, Mayor

ATTEST:

Nicole Worley, Clerk

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

APPROVAL OF TASK ORDER 2017-004 AND ACCOMPANYING BUDGET AMENDMENT - WELLNESS CENTER GREENWAY CONNECTOR

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

REQUEST TO INSTRUCT STAFF TO REVIEW CHAPTER 91: COMMUNITY IMPROVEMENT

Council Member David announced that he would like to see revisions made to Town Code Chapter 91-Community Improvement due to recent complaints regarding garbage pick-up in certain residential areas. Council Member Mason noted that she would like for the Town Attorney to draft revisions to the penalties section of Chapter 97 and then have the Community Appearance Commission weigh in before coming back to Council.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

REQUEST TO MAKE BOONE A BEE CITY USA & OTHER PROJECTS

Council Member David presented a proposal for the Town of Boone to become recognized as a "Bee City". In addition to being one of the Sustainability, Economics and Environment Committee's named goals, Mr. David stated that this program offers good recognition for the Town at a relatively low cost. Upon a motion by Council Member David, seconded by Council Member Clawson, Council moved to have staff move forward on the "Bee City" designation.

Council Member David stated that he would like to facilitate the planting of 1000 trees by the year 2020 in addition to updating the tree plan. Short discussion ensued regarding staff time and the placement of the 1000 trees. It was then decided that there be a public review of the Boone Master Tree Plan, Urban Forestry Plan and Comprehensive Plan at the annual Arbor Day event in 2018. Upon a motion by Council Member David, seconded by Council Member Collins, Council moved to investigate the planting of 1000 trees by the year 2020

and to facilitate a public review of the Master Tree Plan, Urban Forestry Plan and Comprehensive Plan at the annual Arbor Day event in 2018.

Aye -- David, Collins, Clawson, Mason, Mizelle
Nay -- None

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Quint David, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

CREATION OF ENERGY ACTION PLAN TASK FORCE

Council Member David noted that the Sustainability, Economics and Environment Committee previously requested the creation of an Energy Action Plan Task Force as one of their committee goals. Upon a motion by Council Member Mason, seconded by Council Member David, Council moved to approve the creation of the Energy Action Plan Task Force as a subcommittee with a minimum number of three members.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Quint David, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

CONSIDERATION OF SCHEDULING PLANNING RETREAT IN JANUARY 2018

Planning Director Jane Shook asked that Council schedule a planning retreat to discuss new information on multi-family housing and zoning districts. Council Member Mason requested that staff look into updating the housing analysis completed in 2013. Council Member David noted that it would be beneficial to include Appalcart in this retreat. Upon a motion made by Council Member Mason, seconded by Council Member Collins, Council moved to schedule a planning retreat on January 11, 2018 beginning at 8:30 a.m. at Town Council Chambers.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT FOR "UNTO US" FILMING

Arthur Rasco of Journey Light Creative, LLC spoke regarding his special event permit application for the filming of a short scene for a full length feature film called "Unto Us". Town Manager John Ward stated that the filming will not require any Town services and would potentially enhance economic development in Boone. Upon a motion by Council Member Clawson, seconded by Council Member Collins, Council moved to approve the "Unto Us" special event permit application.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT FOR THE 2017 SPOOKY DUKE AND ACCOMPANYING BUDGET AMENDMENT

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the Spooky Duke special event permit application, contingent on approval by the North Carolina Department of Transportation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

UNC SCHOOL OF GOVERNMENT WORKPLAN

Town Manager John Ward presented the UNC School of Government Workplan for Mayor and Council's information. Mayor Brantz declared a break at 6:51 p.m. Council reconvened at 7:00 p.m.

CLARIFICATION AND DIRECTION ON COMMITTEE ACTIVITIES

Town Manager John Ward and Planning Director Jane Shook asked for clarification on projects being administered by both the Historic Preservation Commission and the Community Appearance Commission. Both committees have been working on similar projects regarding the Boone Historic District and the Boone Historic Core. After discussion involving committee representatives, it was decided that the Planning Department will work with both committees to schedule a joint meeting in October in order to establish Town needs and appearance issues in the area.

REQUEST FOR DISCUSSION - HUMAN POWERED TRANSPORTATION

Council Member Collins introduced members of the audience involved in a group called the Cruzin' Committee, which would be focused on human powered, roller forms of transportation. She noted that the committee would work with Town, County and ASU Staff to find a solution to the problematic lack of a skate park in town. Council Member Collins stated that she needed direction on making the Cruzin' Committee a sub-committee under the Alternative Transportation Sub-Committee. Upon a Motion made by Council Member Clawson, seconded by Council Member Mizelle, Council moved to create the Cruzin' Committee which would consist of five members and be a sub-committee under the Alternative Transportation Sub-Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

TOWN MANAGER UPDATE

- Provided an update on the water intake project
- Water line replacement at New Market Boulevard
- Residential leaf pick-up begins Oct. 16 and lasts until Dec. 15
- Potential for a mid-block stop sign on New Market Blvd. in front of Boone United Methodist Church
- No parking signs have been installed along Water Street

- State Farm bridge update
- Furman/State Farm Road signal update
- Noted significant progress on sidewalks on the 105 Extension
- Noted upcoming Boone events including: Boone Film Festival, First Friday Art Crawl, ASU Homecoming Parade and Street Festival, ASU v. New Mexico, the Knob Road Race, Boone Cemetery monument unveiling, International Walk to School Day
- Town Council meeting on Oct. 19
- Two high value properties under contract in town
- Haunted Trail at the Horn in the West

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Rennie Brantz announced the following vacancies:

- Bailey Winecoff's term on the Sustainability, Economics and Environment Committee will expire on Nov. 19, 2017

CONSIDERATION OF APPOINTMENT TO OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

Council Member Collins nominated Council Member David to fill the Council vacancy on the Outside Agency Funding Review Committee.

Mr. David's term will expire at the end of his term as Town Council Member.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

APPOINTMENT TO OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

Upon a motion made by Council Member David, seconded by Council Member Collins, Council moved to approve Bettie Bond's application for re-appointment to the Outside Agency Funding Review Committee.

Ms. Bond's term will expire on July 31, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Quint David, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

APPOINTMENT TO DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Council Member David nominated Victoria Potter to serve on the Downtown Boone Development Association.

Ms. Potter's term will expire on July 31, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Quint David, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

APPOINTMENT TO SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Council Member Mason nominated John Prickett to serve on the Sustainability, Economics and Environment Committee.

Mr. Prickett's term will expire on January 21, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
AYES:	David, Mason, Clawson, Mizelle, Collins

APPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

Council Member Mason nominated Ron Coldiron to serve on the Tourism Development Authority.

Mr. Coldiron's term will expire on September 30, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
AYES:	David, Mason, Clawson, Mizelle, Collins

APPROVAL OF BOND ANTICIPATION NOTES

Council Member Clawson stated that she would not vote to approve the Bond Anticipation Notes since the revenue bond was not voted on by the people of Boone. She expressed concern that now that the Town no longer has the ETJ, she believed there would be very few annexations and that the Town will be running water into unregulated areas. She noted that although she has supported the bond in the past, she has since had second thoughts. After brief discussion and upon a motion by Council Member Mason, seconded by Council Member David, Council moved to approve the Bond Anticipation Notes in the amounts of \$7,456,000 and \$25,000,000.

RESULT:	APPROVED [4 TO 1]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Quint David, Council Member
AYES:	David, Mason, Mizelle, Collins
NAYS:	Clawson

APPROVAL OF BUDGET AMENDMENTS

Upon a motion made by Council Member David, seconded by Council Member Collins, Council moved to approve the proposed budget amendments.

RESULT:	APPROVED [4 TO 1]
MOVER:	Quint David, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Mizelle, Collins
NAYS:	Clawson

REQUEST TO REPEAL ORDINANCE 11-01 AND AMENDMENTS TO CHAPTER 50 (WATER AND SEWERS)

Council Member Clawson stated that she believed the Town needs a Water Committee and that a committee would be helpful if issues should arise once the water intake project is complete. Council Member Mason noted that the revised version of Chapter 50 still makes mention of the ETJ and asked that the ordinance be revised to remove mention of the ETJ. Upon a motion made by Council Member Mason, seconded by Council Member

Collins, Council moved to approve the repeal of Ordinance 11-01 and to approve the amendments to Chapter 50 with the understanding that any mention of the ETJ be stricken from the chapter.

RESULT:	APPROVED [4 TO 1]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Mizelle, Collins
NAYS:	Clawson

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Collins, seconded by Council Member David, Council moved to enter closed session at 8:27 p.m. pursuant to N.C. Gen. Stat. §143.318.11(a)(3), to consider and/or give instructions to the Town Attorney concerning enforcement of the Notice of Violation issued to Kwik-Stop Auto Parts, Inc./Jerry C. Jones, Robert Scott and Anja Davidson, and James Bryce and Suzanne Lewis and any related legal matters; to obtain legal advice and/or consider and give instructions concerning legal matters and/or potential claims and to consider and give instructions to the attorney concerning the claim involving the Town of Boone and Zhiyuan Chen.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Quint David, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

EXITING CLOSED SESSION

Upon a motion by Council Member Collins, seconded by Council Member David, Council moved to exit closed session at 9:25 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Quint David, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member David, seconded by Council Member Collins, Council moved to adjourn the meeting at 9:28 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Quint David, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	David, Mason, Clawson, Mizelle, Collins

Nicole Worley, Town Clerk

Rennie Brantz, Mayor