MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 16, 2018

CALL TO ORDER

A regular meeting of the Boone Town Council was held on Tuesday, October 16, 2018 at 6:00 p.m. at Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council Members present included Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgiuele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Worley, Public Works Director Rick Miller, Finance Director Amy Davis and Police Chief Dana Crawford. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak to sign up.

TENTATIVE AGENDA ADOPTION

Town Manager John Ward had no additions or deletions to the agenda.

PUBLIC COMMENT

Willard Watson of the Watauga County Food Council spoke in support of the agenda item regarding a round-up on Town water bills, noting that the BRWIA Double-up Food Bucks, WIC and other programs would benefit from this initiative. Mr. Watson referenced other food councils throughout the state which have successful action plans in place and stated that this program would be a huge boost to the County's current food council.

Rick Pedroni, owner of Casa Rustica spoke against the NCDOT's potential changes to NC Highway 105. Mr. Pedroni stated that he was not made aware of the plans which were released by NCDOT and stressed that Highway 105 had been classified as a business corridor and that some buildings in the area had historical value. He stated that safety issues along the highway should be addressed, and wondered why the NCDOT was taking his property, when the property across Highway 105 was vacant. He ended by saying that he would fight hard for the community.

REQUESTED APPEARANCES

JEFF COLLINS - REQUEST FOR COUNCIL TO PETITION NCDOT TO CHANGE THE DESIGN OF THE NC HWY. 105 PROJECT

Jeff Collins of Peabody's passed out a draft letter to NCDOT against the Highway 105 prepared by David Jackson of the Boone Area Chamber of Commerce. Mr. Collins stated that the proposed 105 changes were a significant project for the Town and that it was evolving faster than it should and asked Council to consider how drastically the changes would shape the nature of Boone for decades. Mr. Collins stated that many changes had been made to the original plan released by NCDOT and offered to share his copies of the plan with Council. Mr. Collins requested that Council make a statement or prepare a resolution requesting NCDOT make major design changes in collaboration with the County, ASU and the Town, and that the NCDOT provide design options for the public to weigh in on. Mr. Collins stressed the need for the three different plans for the NC Highway 105 area to be presented in a unified manner with a new public showing with question and answer sessions. When asked whether the new question sessions would be held after the revised plans were released, Mr. Collins informed Council that he would like for them to request the new plans be released and that sessions take place within 60-90 days after the release date. He added that any revisions to the new plans as a result of input from the public and other entities should also take place within the 90 day period. Mr. Collins relayed to Council some points that he believed should be included in Council's resolution including the construction of sidewalks on both sides of Highway 105, the protection of the existing Greenway at Wilson Drive and that the area remain pedestrian friendly. Ms. Mason thanked Mr. Collins for coming before Council and noted that Council had no idea about this plan until it was published in the High County Press. She stated that the changes to Highway 105 that were being proposed by NCDOT came as a real shock and that she appreciated his and the chamber's advocacy for this issue. She added that there was so little land available in Town for businesses and that the proposed changes would create a hardship for businesses. Discussion ensued regarding the need to advocate for safety and working against a loss of parking and loss of business in the area. Council Member Furgiuele made a motion to table action on this item until item 1 on Council Matters (Report on Upgrades and Town Costs Associated with STIP 5603).Mayor Pro-Tem Clawson seconded the motion.

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

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Ulmer, Council voted to approve the following items on the Consent Agenda:

1. Minutes of August 16, 2018 Town Council Regular Meeting
2. Minutes of September 18, 2018 Town Council Regular Meeting
3. Minutes of October 9, 2018 Town Council Special Meeting

VOTE: Aye: All
Nay: None

COUNCIL MATTERS

REPORT ON UPGRADES AND TOWN COSTS ASSOCIATED WITH STIP 5603 (HIGHWAY 105 IMPROVEMENTS)

Mr. Ward presented a memo prepared by Public Works Deputy Director Todd Moody regarding potential costs to the Town associated with the proposed changes to Highway 105. In the memo, Mr. Moody indicated that there were major impacts to the water and sewer infrastructure on the 421 project and that he expected similar impacts with the Highway 105 project. Mr. Furgiuele asked whether Town-initiated improvements on the 421 project were overseen by the DOT with the Town having no control over the contractors. Public Works Director Rick Miller stated that this was true and answered a second question raised by Mr. Furgiuele by stating that there would be conflicts in upgrading the water and sewer infrastructure in the area, noting that easements would have to be acquired for any lines in the state right-of-way. Mr. Miller confirmed that the Town would not be able to perform the labor involved with installing new sidewalks on Highway 105, but instead would be paying 20-30% of the total cost with the DOT paying the rest and selecting its own contractor for the job. He further confirmed that in places where the DOT removed sidewalks for construction purposes on Highway 105, they would replace them at their own expense. Mr. Furgiuele asked whether staff had any information on retaining walls proposed for Highway 105 and noted that the walls along 421 were not compatible with the Town's aesthetics. Mr. Miller stated that retaining walls had not yet been incorporated into the design to the best of his knowledge and reminded Council that the plans that had been recently released were only a general overview. He asked that Council consider future staffing needs in order to maintain medians and state rights-of-way in addition to an increase in the Town's mowing contract and the need for additional snow plows. Mayor Brantz asked how much the Highway 105 project would cost the Town, to which Mr. Miller responded that the cost would be in the millions, but he was unsure of an exact amount. Mr. Furgiuele stated that he had a lot of concerns with the proposed plan and that he believed many of the answers from the DOT to be unsatisfactory. He stated that turn-out bulbs seemed like a nightmare scenario and that they seemed unworkable given the amount of traffic on Highway 105. Mr. Furgiuele indicated that he believed the Town would see an increase in trucks on King Street in order to avoid the bypass and that this factor would change downtown drastically. Ms. Mason expressed the need to look at the impacts of this project on neighborhoods, stating that there would be a ripple effect of consequences. Mr. Furgiuele reminded Council that a part of the Town's Comprehensive Plan included the need for green space and that the proposed DOT plan would take away the Town's green space located off Highway 105. He added that the new ASU project at the old high school site, partnered with the Highway 105 changes would affect bus stops and the flow of traffic in that area and believed it disturbing that the DOT had not considered these issues. Mr. Furgiuele suggested that Council pass a resolution to be considered at Thursday's Council meeting that would oppose the DOT's plan and added that he agreed with and would like to include most everything proposed by Mr. Collins earlier. Mr. Furgiuele made a motion to direct staff to prepare a resolution to present to DOT against their proposed changes to Highway 105 asking that DOT prepare a new plan that would include the following points:

-Synchronized lights to ensure that people holding the speed limit can pass along Highway 105 with a minimum of stops

-Bike lanes and sidewalks

-No U-Turns or bulb-outs should be used, but left turns from the center lane in both directions should be promoted in order to allow drivers to access businesses

-Reject "super-street" concept

-No deep cuts into mountainsides which exceed the cuts and retaining walls allowed in UDO

-Protection of the Town's land near the old high school

-No existing businesses be removed and no loss of parking to the extent the business could no longer operate

-Mention the reduced tax basis for the Town

-Cost of relocating Town utilities

-Comment period after the re-design be at least 90 days

-Bus stops at reasonable intervals

-Protection of the businesses along the corridor

-Highway 105 Bypass should be able to handle through traffic

-Safety concerns should be addressed

-The three 105 projects should be re-designed and presented in a more uniform way

-Input should be gathered from all interested parties

-Protection of the Greenway Trail off of Wilson Drive

Ms. Mason seconded the motion. Mr. Furgiuele then amended his motion to allow Council members the opportunity to forward points that they would like to see included in the resolution to staff before Thursday and for staff to prepare a resolution for consideration on Thursday that also included the points submitted. Ms. Mason accepted this amendment.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

REPORT ON MOUNT LAWN MEMORIAL PARK AND GARDENS OF BOONE

Town Manager John Ward presented a memo he prepared regarding his research on the Town accepting the Mount Lawn Memorial Park and Gardens as a gift from owner Klee Liles. Discussion began with Mr. Ashcraft asking how other municipalities operate cemeteries, with Mr. Ward reporting that it was a combination of Town-operated and contractor-operated. Mr. Liles noted that the Town of Blowing Rock operated their own cemetery. Ms. Meade clarified with Mr. Liles then that he had purchased the cemetery out of bankruptcy. Mr. Liles confirmed that the cemetery currently held a merchandise fund of $3,100 and an open/closing fund of $930 and that both of these funds would transfer to the Town if they accepted ownership of the cemetery. Mr. Ward noted that Mr. Liles currently handled the opening/closing of grave sites himself, so if the Town accepted ownership, staff would need to be contracted to perform these services. Mr. Liles stated that two of his current employees at the cemetery would prefer to stay on in the event of a transfer. Mayor Brantz asked whether Mr. Liles had approached the County with this offer, to which Mr. Liles stated that he had approached the County and that their response was negative. Mr. Furgiuele then inquired about property taxes on the cemetery. Mr. Liles answered that taxes were approximately $2,970 annually and were currently behind in the amount of $25,885 but that back-taxes would be paid out of the perpetual care fund if the Town accepted ownership. Mr. Furgiuele questioned the condition of the office on the site, with Mr. Liles indicating that the space would need paint, electrical work and other renovations. Mr. Furgiuele asked if the issue of the ownership of the office had been examined legally, with Ms. Meade responding that she had not researched the matter and was waiting for direction from Council to do so. Mr. Furgiuele stated that he believed there would need to be a court action to quiet the title on the property. Mr. Liles noted that since the property contained less than 30 acres and was started in 1950, the cemetery was grandfathered under current regulations. Mr. Liles also noted that the property had been listed for sale for approximately five years with little interest and no credible offers. When asked by Mr. Furgiuele what the advantage was to him for the Town to take ownership of the cemetery, Mr. Liles stated that he had IRS obligations and that if he were to dissolve the business after a transfer to the Town, the IRS would write off the amount owed. He also noted that he had previously taken $70,000 from the perpetual care fund in order to continue operations and that this amount would also have to be paid back unless the business were dissolved. Mr. Furgiuele asked for clarification from Mr. Liles that he had $107,000 in the perpetual care fund and an additional $70,000 obligation owed to the perpetual care fund. Mr. Liles confirmed that this was the case if the property were to sell, but that if the Town accepted the gift of the cemetery and he dissolved the business, he would not have to pay the $70,000 back to the perpetual care fund. Ms. Meade asked whether Mr. Liles expected the NC Cemetery Commission to allow him to take the remaining money in the perpetual care fund, to which Mr. Liles responded that he could not take the perpetual care fund but that payment of funds to him could be viewed as a consulting fee paid by the Town. Mr. Furgiuele stated that he had a lot of concerns with the situation and asked what would happen in the event the Town did not accept ownership. Mr. Liles stated that he would leave the cemetery on the market and would try to make it through another year before walking away and allowing the NC Cemetery Commission to retain control of Mount Lawn, noting that he was not interested in filing for bankruptcy. Mr. Ward asked Council to consider two issues: the fact that the acceptance of the cemetery would transfer these monetary obligations to tax payers and that according to state statute, abandoned cemeteries would become the responsibility of the County which they are located in. Ms. Meade clarified that the County would not be required to take over the cemetery, but rather had the power to do so. Mr. Furgiuele stated that accepting ownership of cemeteries was not a usual occurrence for the Town, but that there were many people who have spent money on burial plots at Mount Lawn and that many Town residents were buried at the cemetery. He further stated that he would be interested in the Town having a conversation with the NC Cemetery Commission to gain clarification on what would happen if Mr. Liles walked away from the business. Mr. Furgiuele stated that he was sympathetic to Mr. Liles' situation, but he believed that should not be the only reason for Council to act on this matter. Mr. Ashcraft expressed that he would like to have additional research performed and would like for staff to specifically look into how other municipalities run cemeteries. Mr. Furgiuele was in agreement with this suggestion and asked that staff look into the legality of paying a consulting fee in exchange for the cemetery property and whether the Town could enter into a consulting agreement for this amount without an official Request for Proposals. Mr. Ward noted that Public Works staff would be pulled away from other duties to perform an analysis on what it would cost to run the cemetery. Mr. Furgiuele asked that staff hold off on any further research until Ms. Meade researched the legality of a payment to Mr. Liles. Mr. Furgiuele made a motion that the Town Attorney research the ability of the Town to allow Mr. Liles to serve as a consultant in exchange for an amount of money held in the perpetual care fund less property taxes owed, and to allow the two cemetery staff members to remain and to report back at the November Council meeting. Mayor Pro-Tem Clawson seconded the motion.

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

CONSIDERATION OF BUDGET AMENDMENTS

Upon a motion by Mr. Furgiuele, seconded by Ms. Mason, Council voted to adopt the following budget amendments:

1. Recognize insurance reimbursement for damages to Nissan Rogue (Public Works)
2. Recognize insurance reimbursement for repairs to patrol vehicles involved in accidents with deer (Police Department)
3. Appropriate Engineering Funds for Boone Greenway Skate Park
4. Appropriate $6,000 donation by We Can So You Can for Daniel Boone Park

Re-encumber $5,635 of funds for Rivers Property improvements
Re-encumber balance of $10,604 Pauline Thompson estate donation designated for Jones House

Finance Director Amy Davis gave additional information on the re-encumbrances from last fiscal year. Mr. Furgiuele stated that it seemed that there were some items listed that had not been anticipated in previous years and questioned why funds for the toilet rebate program were held in a separate fund. Ms. Davis and Public Works Director Rick Miller indicated that it had been the direction of previous Council to carry left over toilet rebate funds over in anticipation of a large complex being developed or an existing complex changing out their toilets. Mr. Furgiuele asked whether this was shown in the presentation made at the budget workshop earlier in the year. Ms. Davis noted that no additional funds were appropriated last fiscal year. Mr. Miller stated that it was shown, but was later removed by the Town Manager. Mr. Furgiuele asked whether there was a way for Council to know how much money was left in the toilet rebate program line item moving forward, stating that he believed it to be important to have information about these funds at budget time to allow members to make decisions. Brief discussion followed regarding funding for the Appalachian Theatre and outside agency funding. Upon a motion by Council Member Mason, seconded by Council Member Ulmer, Council voted to approve the 2017/18 re-encumbrances as presented.

VOTE: Aye: All
Nay: None

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

SET TIME FOR DISCUSSION OF POSSIBLE NEW BUDGET PRIORITIES FOR FY 2019/20

Council Member Ashcraft presented a request to Council that budget priorities be identified in advance of budget meetings in February to allow staff to be better prepared. Mr. Furgiuele stated that he was in agreement, but did not want to be bound to discuss only the items presented in advance. Mr. Ashcraft agreed with this, but stated it would be helpful if staff only had a couple of new items to research. It was the consensus of Council to discuss potential items at the November Council meeting.

RESULT:	**CONSENSUS**

REQUEST REPORT ON POSSIBLE OPTIONS TO PROVIDE INCENTIVES FOR AFFORDABLE HOUSING

Council Member Ashcraft presented a request for staff to prepare a report on possible options to provide for incentives for affordable housing in Town. Mr. Ward and Mr. Miller stated that it would not be possible to calculate a cost per lot since costs vary depending on the lot size and dimensions. Planning Director Jane Shook noted that calculations would also depend on the type of subdivision. Ms. Mason stated that stormwater should be factored into the report as well. Discussion ensued, with Mr. Ward indicating that staff would research the topic and report back on what the value of a house would have to be in order to cover the cost of services offered to the home. Ms. Mason added that it was important to think outside the box to address low-income housing needs and workforce housing, which were the hardest populations to find housing for in Town. She added that she was looking forward to affordable housing discussion after the first of the year since nothing has been done to address this need. Mr. Furgiuele disagreed with Ms. Mason's statement that nothing had been done, stating that Council was waiting on the report from Planning on R-3 and R-4 zoning districts for possible creation of a zoning district for tiny homes or cottage housing and thought that it would be best to invite people who work in residential development to offer their input. It was the consensus of Council to discuss this topic further at the affordable housing meeting after the first of the year. Mr. Ashcraft made a motion, which was seconded by Ms. Mason to invite a developer to the affordable housing meeting to offer their input on the topic. Mr. Furgiuele asked that Ms. Shook identify a couple of developers who she thought might be interested in offering input at the meeting. The amendment was accepted by both Mr. Ashcraft and Ms. Mason.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Marshall Ashcraft, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CONSIDERATION OF ROUND-UP PROGRAM ON WATER & SEWER BILLS TO BENEFIT LOCAL CHARITIES

Mr. Furgiuele presented a request that Council consider a round-up program on water and sewer bills to benefit local charities which have already been vetted and allocated funds by the Town. Mayor Pro-Tem Clawson stated that she believed the program was a great idea. Ms. Mason noted that the idea had been discussed previously and that she believed there was a legal reason why it could not be done. Mr. Ward added that he believed that during previous discussions, staff had presented the opinion of the UNC School of Government which presented impediments to a program such as this due to transfers between the water and sewer fund and the general fund. Mr. Furguiele suggested that a separate fund could be created for the overages so that funds would never have to be transferred. Upon a motion by Council Member Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to endorse the concept if staff determined that it could be done legally.

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

CONSIDERATION OF CASES HEARD AT THE SEPTEMBER 24TH PUBLIC HEARING

Planning Director Jane Shook presented the following cases for Council's consideration and noted that the Planning Commission tabled the matter on the selection of the Board of Adjustment and Planning Commission chair in hopes that they would get additional feedback from Council.

1. **Case PL01806-082218 Brownfields Agreement Disclosure UDO Text Amendment**
   VOTE 1:

   Ms. Shook pointed out an additional recommendation made by the Planning Commission regarding this text. Council Member Furgiuele made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because it addresses several policies in the Comprehensive Plan including section 2.1.1(B) New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes and section 2.1.1(D) Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas and section 2.3(D) Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged. Mayor Pro-Tem Clawson seconded the motion.

   Aye: All

Nay: None

VOTE 2:
Council Member Furgiuele made a second motion to approve the proposed amendment to the Town's zoning ordinance and that approval is reasonable and in the public interest because it is an important factor in the application approval process since the Town wanted to encourage brownfields development, but that the Town should be made aware of it since tax breaks given to those who develop on brownfields sites could effect the Town's finances. Council Member Mason seconded the motion. Mr. Furgiuele asked that the additional recommendation offered by the Planning Commission regarding additional procedural requirements as part of the permit process be placed on a future agenda for discussion.

Aye: All
Nay: None

2. **Case PL01809-082218 Board/Commission Meeting Schedule UDO Text Amendment**

VOTE 1:
Council Member Furgiuele made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because it addresses Comprehensive Plan section 2.3(D) Coordinated inter-government and university-town planning for urban area land use and development, transportation utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged and section 2.3.4(A) Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public and section2.3.4(D) Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action. Mayor Pro-Tem seconded the motion.

Aye: All
Nay: None

VOTE 2:
Council Member Furgiuele made a second motion to approve the proposed amendment to the Town's zoning ordinance and that approval is reasonable and in the public interest because staff has been so burdened by the number of meetings and items they have to staff and report on, they have not been able to address other objectives of the Town and the Comprehensive Plan. Mayor Pro-Tem Clawson seconded the motion.

Aye: All
Nay: None

3. **Case PL01810-082218 BOA Reduction of Penalty UDO Text Amendment**

VOTE 1:
Council Member Furgiuele stated that a separate discussion should be scheduled regarding the gravity of issues and the criteria of the same. He noted that the minutes of the September 24 Public Hearing should be amended to reflect that decisions should not be made on a case by case basis and that standards should apply uniformly. Mr. Furgiuele made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because it addresses Comprehensive Plan section 2.3(D) Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged and section 2.3.4(A) Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed

developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public and section 2.3.4(D) Special committees, advisory panels, educational forms, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action. Ms. Mason seconded the motion.

Aye: All
Nay: None

VOTE 2:

Council Member Furgiuele made a second motion to approve the proposed amendment to the Town's zoning ordinance and that approval is reasonable and in the public interest because the issue of penalties needed to be addressed due to the recent change in the meeting schedule. Mayor Pro-Tem Clawson seconded the motion.

Aye: All
Nay: None

CONSIDERATION OF ZONING MAP AMENDMENT - LOCAL LANDMARK DESIGNATIONS

Upon a motion by Council Member Mason, seconded by Mayor Pro-Tem Clawson, Council voted to direct staff to proceed with the zoning map amendment regarding local landmark designations.

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

UPDATE OF THE PLANNING AND INSPECTIONS ASSIGNMENTS AND PRIORITIES WORK PLAN

Planning Director Jane Shook presented Council with an updated Planning and Inspections Assignments and Priorities Work Plan.

CONSIDERATION OF PLANNING COMMISSION MEETING REQUEST & RESCHEDULING OF DECEMBER MEETING

After a brief discussion regarding the manner in which the Planning Commission schedules their meetings and the new public hearing schedule, Council Member Ashcraft made a motion to authorize the Planning Commission to schedule their own meeting in December. Mayor Pro-Tem Clawson seconded the motion.

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

CONSIDERATION OF PROCESS FOR SELECTION OF BOA AND PC CHAIR & VICE-CHAIR

Planning Director Jane Shook presented a request that Council consider the process by which the chair and vice-chair was selected for the Board of Adjustment and Planning Commission. Mr. Furgiuele stated that he believed Council should interview people who are interested in applying for the positions and invite the recommendations of staff. He added that the interview process should take place in open session and that applicants should demonstrate knowledge of the UDO, the Comprehensive Plan and Robert's Rules of Order, should demonstrate a commitment to the Comprehensive Plan and should express an understanding of the importance of following procedures correctly when it comes to text amendments and approval of conditional use permits. Mayor Brantz stated that he was worried that the process would discourage people from applying for these seats. Ms. Mason suggested that Council consider an application instead of an interview and stated that she believed people would be discouraged about the amount of meetings. Mr. Furgiuele stated that he would be agreeable to an application process for the selection of chair and vice-chair positions. Mr. Ashcraft stated that in the event that the board/commission was without a chair or vice-chair, that a voluntary acting chair could be appropriate and wondered whether it would place staff in an uncomfortable position if they were asked to make a recommendation. Ms. Shook indicated that it could be uncomfortable for staff. Town Attorney Allison Meade also reminded Council that the applications would become public record. Mr. Furgiuele added that the last chair of the Planning Commission was chosen because she was the last member left on the committee and expressed concern with the choosing of the chair or vice-chair of a committee that important by default. He further suggested that an application could be created that required the applicant to confirm that they would familiarize themselves with state law and other elements that were important to the position. It was the consensus of Council to hold off on this discussion until a future meeting.

CONSIDER RESCHEDULING THE DECEMBER 4 SPECIAL MEETING TO DISCUSS TOWN PLANS

Upon a motion by Council Member Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to cancel the December 4 special meeting to discuss Town plans and to reschedule the meeting during the November Council meeting.

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

REVIEW OF CURRENT PRACTICES OF CALLING SPECIAL MEETINGS

Town Manager John Ward asked for feedback from Council on the current practices of calling special Town Council meetings. Mr. Furgiuele clarified that his intent for previously asking for special meetings to be called was only to apply to meetings where three or more Council members were in attendance and when Town business was discussed or information was disseminated which could inform Town decision making. Ms. Mason reminded everyone that the code of ethics should be exercised when attending discussions of Town business.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Furgiuele, Council voted to enter into closed session at 10:18 p.m. pursuant to:

1. N.C. Gen. Stat.§ 143-318.11 (a)(1), to review, approve and seal closed session minutes from Council’s prior closed session(s).

2. N.C. Gen. Stat.§ 143-318.11 (a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.

Upon a motion by Council Member Mason, seconded by Council Member Ashcraft, Council voted to exit closed session at 11:14 p.m.

VOTE: Aye: All
Nay: None

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Mason, Council voted to adjourn the meeting at 11:16 p.m.

Nicole Worley, Town Clerk

Rennie Brantz, Mayor