

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
November 15, 2018**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Thursday, November 15, 2018 at 6:00 p.m. at the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furguele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Worley, Planning Director Jane Shook, Marty Little, Fire Chief Jimmy Isaacs and Police Chief Dana Crawford. Town Attorney Allison Meade was unable to attend the meeting.

ANNOUNCEMENTS

Mayor Brantz asked that anyone who wished to speak during the Public Comment period to please sign up.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Rennie Brantz announced the following vacancies:

BOARD OF ADJUSTMENT

Two alternate positions

COMMUNITY APPEARANCE COMMISSION

Three positions

CULTURAL RESOURCES ADVISORY BOARD

Three positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One Council appointed position

HISTORIC PRESERVATION COMMISSION

Two positions

OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

One position

PLANNING COMMISSION

One position

WATER ADVISORY COMMITTEE

Two positions

TENTATIVE AGENDA ADOPTION

In response to a question by Council Member Furguele, Town Manager John Ward stated that the Finance Department was researching the possibility of a round-up program on Town water bills. Mr. Furguele stated that even if the School of Government advised against a program such as this, this would not dissuade him from moving forward. Mr. Furguele added that he had received an email complaint regarding burning at the water intake site. Mr. Ward stated that staff had discussion with the Watauga County Fire Marshall who informed them that according to the N.C.D.E.Q. no permit was required for burning in this instance. Mr. Furguele asked whether the contractor chose not to obtain a burn permit because they knew they would not need one due to the distance, to which Mr. Ward indicated that the Harper Co. did move their burn site further away to make sure there was little impact on the neighbors. Mr. Ward noted that it had been reiterated to the Harper Co. that the Town wanted to be a good neighbor to those in the area and that everything that was burned at the site was stumps and limbs.

Town Manager John Ward noted the following changes to the agenda:

1. Addition of item at the end of the agenda regarding the discussion of R3 & R4 parcels as presented at the previous Council meeting.
2. Continuation of discussion regarding affordable housing/cottage housing in Boone.

Upon a motion by Connie Ulmer seconded by Mayor Pro-Tem Clawson, Council voted to approve the tentative agenda as amended.

VOTE: Aye: All
 Nay: None

PUBLIC COMMENT

There was no one signed up for public comment.

APPROVAL OF ITEMS ON CONSENT AGENDA

Town Manager John Ward presented the month's budget amendments for Council's consideration. Mr. Ward stated that the budget amendment for funds donated to the Jones House for a bench in memory of Larry Bost would go toward the replacement of a deteriorating bench. Mr. Furgieuele stated that he was uncomfortable with the donation because the donation was not made public and that the Town needed a comprehensive policy for donations. Mayor Pro-Tem Clawson noted that she did not believe that there had ever been a plan proposed on the donation of benches in particular, but that she thought that one was being explored by a previous Public Works director. Ms. Mason stated that any donation to the Town needed to fall under a plan. Mr. Ward noted that staff was following the same procedure used during the last bench donation, and asked Council to consider that this was just the transfer of the funds and did not mean that staff could not research the old plan and try to come up with a new policy. Mr. Furgieuele stated that he did not want to stand in the way of this donation, but that he did not want to approve any other donations like this before adopting a general plan for contributions. He also made clarification that the allocation to the Food Council was not allocated upon the condition that the Food Council prepare a draft Food Action Plan. Council Member Furgieuele made a motion to approve the budget amendments with the understanding that the Food Council budget amendment language would be amended. Mayor Pro Tem Clawson seconded the motion. Before a vote was taken, Council Member Ashcraft made a substitute motion to approve budget amendments one through five (listed below). Council Member Mason seconded the motion.

VOTE: Aye: All
 Nay: None

1. Appropriation of \$4,000 donation made to Jones House - Larry Bost memorial bench
2. Reimbursement for damage to antenna in the amount of \$5,988 (Fire Department)
3. Reimbursement for repairs to patrol vehicle in the amount of \$2,196 (Police Department)
4. Receipt of grant funding for bullet proof vest purchase in the amount of \$2,500 (Police Department)
5. Reimbursement for damage to a service truck in the amount of \$1,521 (Public Works)

Mr. Furgieuele made a motion to approve the donation to the Food Council, as amended, as a one-time allocation with the understanding that the Food Council would be required to go through the Outside Agency Funding Process in the future, and in due course without a deadline, the Food Council would make recommendations to the Town regarding ways the Town could more consistently and better support the local food movement. Council Member Mason seconded the motion. Council Member Ashcraft stated that he would not support the motion since the Food Council did not go through the Outside Agency Funding process and because he did not believe it to be an urgent need. He added that funds should be reserved for an urgent need or in accordance with an approved plan by the Town Council. Ms. Mason asked Mr. Ward to clarify who would receive these funds and that the Food Council exists as a separate entity from Blue Ridge Women in Agriculture, who has already received Town funding through the Outside Agency process.

VOTE: Aye: Furgieuele, Mason, Clawson, Ulmer
 Nay: Ashcraft

COUNCIL MATTERS

TOWN MANAGER UPDATE

Town Manager John Ward updated Council on the following topics:

- Town Offices will be closed November 22 and 23, 2018 for Thanksgiving
- Upcoming events and meetings
- Parking deck update with ASU
- DOT/105 Update - Mike Pettyjohn with the DOT has stated that there had been so many negative comments about the proposed plan they extended the comment period to Nov. 7th. DOT staff is working to assess comments and identify portions that could be redesigned and re-released.
- Northwest Housing Authority did not wish to move either of the houses on the Bolick property and staff would move forward with the burning of the homes for training purposes. Staff will share dates once we have them. Asbestos abatement has been completed.
- Green Street sewer updates
- Bamboo Road project update
- 105 Ext. Sidewalk project has been completed from Quail to 421, with three new street lights also installed
- Leaf Pick-up - 30 tons of leaves collected to date
- Update on New River stream bank restoration at the Bolick farm.
- Water intake update

TOWN ATTORNEY UPDATE

Town Attorney Allison Meade was unable to attend the meeting due to an illness. Council Member Furguele stated that he wished to discuss Ms. Meade's memorandum regarding brownfields. He stated that when tax credits were given to properties where no demonstration of contamination has been made, such as with the Southern States property, that created a real blow to a municipality in terms of tax revenue. He added that a developer should have to determine a real threat when applying for tax abatement on a possibly contaminated property and that he would like to explore ways that the Town was not held captive and that the Town have adequate time to review and respond to developer. Town Manager John Ward noted that Mount Lawn ownership raised some questions and passed out hand-outs from the cities of Cary and Asheville regarding the protection of public trees.

REQUEST AUTHORIZATION TO SELL RADIOS TO CALDWELL COUNTY EMERGENCY SERVICES

Police Chief Dana Crawford presented a request for authorization to sell radios to Caldwell County Emergency Services for a total sale price of \$18,000. Upon a motion by Council Member Mason, seconded by Mayor Pro-Tem Clawson, Council voted to authorize this sale as presented.

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

REQUEST FOR TRANSFER OF PROCEEDS TO CALDWELL COUNTY

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Ulmer, Council voted to approve the transfer of proceeds from the sale of nine radios to Caldwell County to the Public Safety Vehicle Equipment line item in order to pay for the installation of new radios into Police Department patrol cars.

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

CONSIDERATION OF PLAAG PROPERTIES, LLC AND ADRIAN & HEIDI TAIT ANNEXATION PETITION

Planning Director Jane Shook presented a petition for annexation on behalf of Plaag Properties, LLC and Adrian & Heidi Tate. Ms. Shook noted that guidance would have to be given on zoning in time for staff to advertise a Public Hearing in January and that the property could be advertised as potentially being re-zoned to either RA or R1. Mr. Furguele noted that he would prefer the property be zoned as R1 although the property owners would like to see the property re-zoned to R1, Council Member Furguele said that the zoning should not be prejudged and that since it was RA when it was in the RA, the Council should consider both R-1 and RA. He noted the difference in minimum lot sizes between the two zoning districts. Upon a motion by Council Member Ashcraft, seconded by Council Member Mason, Council voted to approve the Resolution Directing the Clerk to Investigate the petition and to advertise the property as being potentially zoned as either R1 or RA view shed.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (Plaag Properties, LLC and Adrian & Heidi Tait)

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 15, 2018 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Marshall Ashcraft
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

CONSIDERATION OF CHARLES W. PERRY JR. ANNEXATION PETITION

Upon a motion by Council Member Furguele, seconded by Council Member Mason, Council voted to approve the Resolution Directing the Clerk to Investigate the petition and to advertise the property as being potentially zoned as either R1 or RA view shed.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (Charles W. Perry, Jr.)

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 15, 2018 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

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

APPROVAL OF EVENT TO CELEBRATE THE 100TH ANNIVERSARY OF THE LINVILLE RIVER GORGE RAILWAY

Eric Plaag presented a request by the Historic Preservation Commission for the approval of an event to celebrate the 100th anniversary of the Linville River Gorge Railway and noted that staff was unavailable on the day listed in the packet (January 1, 2019 - New Year's Day) and stated that the commission would be

postponing the event until May. He added that the commission would come back to Council for approval of a new date and proposed that the event coincide with First Friday events in May, which would also serve as recognition of the first train service to Boone as well as completion of the depot building, which was also finished in May.

APPROVAL OF THE FORMATION OF LOCAL MARKER SUB-COMMITTEE

Historic Preservation Commission Chair Eric Plaag presented a request for approval of the formation of a "local marker subcommittee" and reminded Council of the previously mentioned discrepancy between the Town Code and the UDO regarding subcommittees. He noted that the commission currently had several topics to manage and that they were holding special meetings in order to work through design guidelines to remain on schedule. Mr. Furguele stated that the problem with subcommittees in the past was that Council was not always made aware of subcommittee meetings or business and noted the importance of a subcommittee complying with open meetings laws. Mr. Furguele continued to say that if the commission wanted to assign two un-appointed people to do the research for the new local markers mentioned in their action request, that would not constitute a quorum of the commission and would be allowed without forming a subcommittee. Dr. Plaag indicated that the Historic Preservation Commission would vote to instruct two members to work on a proposal to bring back to the commission in order to avoid the subcommittee designation. Mr. Furguele suggested that once recommendations were brought back to the commission, that community members be invited to allow discussion between them and the entire commission.

RESULT:	CONSENSUS
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REQUEST FOR INPUT ON PLAQUE STYLE FOR LOCAL LANDMARKS

Historic Preservation Commission Eric Plaag presented Council with a request for input on a plaque style for local landmarks. After a brief discussion on the different style options, Council Member Mason made a motion to proceed with the recommendation as presented and to authorize an amount of no more than \$1,500 be awarded to the chosen graphic designer. Mayor Pro-Tem Clawson seconded this motion.

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

REQUEST FOR DIRECTION ON POTENTIAL PARTNERSHIPS WITH NEW RIVER LIGHT & POWER

Planning Director Jane Shook presented a request from the Sustainability, Economics and Environment Committee regarding direction on a potential partnership with New River Light and Power for a solar site which would generate between 200-500kw of electricity as a part of the utilization of the previous \$100,000 budget allocation toward clean energy. Council Member Furguele stated that he did not have any objection to the New River project, but that he had hesitation with using the \$100,000 allocation for this proposal instead of the proposal from Dr. Ayers in an attempt to bring in additional funding from other sources available to Dr. Ayers. He added that the New River partnership was important and should be explored, but the \$100,000 allocation should not be touched until Dr. Ayers' proposal was fully explored. Ms. Shook noted that the committee was not necessarily requesting that the funds be used for the New River project, but that staff could move forward with cost studies and research. Mr. Furguele stated that he understood that it had been practice in the past to maintain a reserve of 35% to meet the recommendations of the Local Government Finance Commission, but that he would like to explore invading this fund for clean energy projects. Upon a motion by Council Member Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to authorize staff to fully explore the partnership with New River Light and Power with the understanding that the partnership will involve the expenditure of Town funds and to fully explore all options available.

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

DISCUSSION REGARDING TOWN'S INTEREST IN ACQUIRING AREA FOR PARKS AND GREEN SPACE

Council Member Furgiuele presented his request for discussion regarding acquiring property for parks and greenspace, noting that the destruction at the King and College project was what inspired him to put this item on the agenda. He stated that our small Town was being developed too quickly and that the area's natural beauty was being destroyed. Mr. Furgiuele stated that parks and greenspace in a Town added to the residents' quality of life and that he would like to see parks scattered equitably throughout Town if possible. Mr. Ward shared that while Boone was a small town, 32.6% of existing parcels were un-taxable and that it would be difficult to disburse parks equitably since we are so heavily developed. Mr. Ward noted that it was a sizable cost to maintain the Town's current parks and reminded Council that Public Works was already contracting out their mowing. Mr. Furgiuele added that 80% of his two-mile walking path in Town used to be shaded and that now about 2% was shaded and he believed that to be too drastic of a decrease. Discussion ensued regarding trees which were supposed to have been planted by the DOT along 421. Council Member Ulmer stated that Council should remember that though the Town was losing life space, it was gaining downtown development and that she did not see acquiring area for parks as a priority. Mr. Furgiuele disagreed and stated he believed it should be a priority. Mr. Ward noted that there had not been an elimination of the fund referenced in Mr. Furgiuele's agenda item and that the account currently had funds available.

APPOINTMENT TO PLANNING COMMISSION

Council Member Furgiuele nominated Ms. Kennedy Kavanaugh to fill the open vacancy on the Planning Commission, adding that she was an intern with Appalachian Voices and was a student, but that she lived and grew up in town. Mr. Furgiuele also noted that she was related to Coach Moore and was the step-daughter of former magistrate David Gales and added that he liked her answers on the application and that she demonstrated a high level of support of the Comprehensive Plan. Mr. Furgiuele continued to say that he was disturbed at Ms. Mizelle's responses about attempting to make things easier for developers and added that it would be beneficial to having a Planning Commission member who works with an environmental group. Council Member Ulmer stated that she did not know Ms. Mizelle but that she felt Ms. Mizelle was not interested in the Comprehensive Plan and that she had fewer years in Town and finished by adding that Ms. Kavanaugh was a new, fresh face for the commission. Mayor Brantz asked whether Ms. Kavanaugh would be staying in Town. Mr. Furgiuele stated that the applicant had indicated her interest in remaining in Boone. After mention was made that there were two students serving on the Planning Commission and that if appointed, Ms. Kavanaugh would make the third, Mr. Furgiuele stated that just because a member was a student, did not mean they did not have valuable insight. He added that he had problems with Ms. Mizelle's point of view reflected in the answers on her application. Mr. Furgiuele stated that the Comprehensive Plan should not be used by just engineers, developers and architects but should be used as a tool to maintain the quality of life in our community. Council Member Mason stated that both applications looked good, but she wished to nominate Ms. Charlotte Mizelle for the vacant position on the Planning Commission. Ms. Mason stated that Ms. Mizelle would bring with her valuable experience in government and that it was important to have diversity on the commission adding that Ms. Mizelle had the community's best interest in mind. She added that other applicants have indicated a seven or eight level of support for the Comprehensive Plan and that many people were struggling because the document was in need of being updated. Council Member Ashcraft stated that he would vote for Ms. Kavanaugh but that the question about her long term presence in Town was important to him. He added that he felt Ms. Mizelle was a good candidate and that he believed it unfair to classify her as someone who would pave the way for developers and that he believed she would serve the Town in the best way. Mr. Ashcraft finished by saying that Ms. Kavanaugh's strong support and commitment to sustainability were worth supporting. Ms. Mason asked whether Ms. Kavanaugh was committed to attending all Planning Commission meetings, to which Mr. Furgiuele answered yes. Ms. Mason noted issues in the past with student members not attending meetings. Ms.

Ulmer stated that this fact was true of everyone. Mr. Furgiuele stated that he was not speaking out against Ms. Mizelle and that he respected her and her service to the Town, but that in comparing answers, Ms. Kavanaugh was more positive. Mayor Pro-Tem Clawson stated that she believed Ms. Kavanaugh would do a great job on the Planning Commission. With no further nominations, a vote was taken on the nomination of Kennedy Kavanaugh to fill the vacancy on the Planning Commission.

VOTE: Aye: Furgiuele, Clawson, Ashcraft, Ulmer
 Nay: Mason

Ms. Kavanaugh's term will expire on June 30, 2021.

Mayor Brantz declared a break at 8:26 p.m. Council reconvened at 8:40 p.m.

Continued Discussion on Cottage Housing

Discussion continued from Tuesday night regarding cottage housing in order to allow members time to review the handouts given to them by the Town Attorney. Council Member Furgiuele stated that he was not sure that either option was what the Town needed, but that he thought the option from Marysville was the superior option from those presented. He stated that the only problem he had with the Marysville model was that he would like to see separate lot lines for each property. Mr. Furgiuele continued by saying he would like to see the concept of cluster housing as a use in the R3 and potentially the R4 districts initially as a trial run. Council Member Mason suggested that the use could be handled by the conditional use district process, with Mr. Furgiuele noting that with ever-changing building and engineering techniques, what was once an expectation may not always be a realistic option. He added that since the affordable housing discussion had gone on for over a decade, it should either be dropped or Council should move forward with it. Ms. Shook stated she could come back to Council with R5 district draft text and work on a cluster/cottage housing work plan. Mr. Furgiuele suggested it might be beneficial to contact the communities mentioned in the handouts from Ms. Meade to see what their experiences have been. Town Manager John Ward suggested that there could potentially be an opportunity to partner with Habitat for Humanity, with Ms. Mason noting that the organization served a lower income household and that this could be explored, but that she would like to address the median income population as well. Ms. Shook noted that the Town was restricted on how residential housing could be regulated. Council Member Ashcraft suggested that this use be by right in the R3 district, with Mr. Furgiuele agreeing. Mr. Ashcraft clarified that transitional zones would apply to a use if the use was by right, with Ms. Shook confirming that Council could apply whatever transitional zones they wanted to a use. The Delmar Street bungalows were discussed at length with Ms. Mason suggesting the standard that no more than two unrelated people occupy the homes and Mr. Furgiuele suggesting the homes should be treated as single-family dwellings. He asked that staff get feedback from other communities and that Council revisit the topic in January. Ms. Shook asked if Council would mind to push the project back a little further to allow staff adequate time for research. Ms. Mason suggested that the topic be discussed at the Planning Retreat in March. Mr. Furgiuele suggested that staff go to work on the R5 project immediately and that he supported pushing discussion of cluster homes to the Planning Retreat in March. He asked that at that time Council receive feedback from staff and from other communities on the topic. A discussion ensued on the maximum and minimum lot size, with Ms. Mason suggesting that the home size be based on lot size or a ratio of 40% of the lot size. Mr. Furgiuele asked what the attitude of staff was on the topic to which Ms. Shook stated that there had been a lot of interest from the public wanting to construct smaller homes on smaller lots and that she felt like it was a viable endeavor. She added that conditional use district might be a good way to take on a trial run in that there was greater negotiation ability and because the neighborhood would be better aware of what was going on. Ms. Shook stated that the negatives that came to mind were skepticism from the public and discomfort with change. It was the consensus of Council to direct staff to move forward with the project including these standards: 2,000 square foot minimum lot size, 800 square foot maximum foot print with the option of a 400 square foot loft, by right use in the R3 district and to determine a minimum structure size. Mr. Furgiuele reiterated the importance of properties having separate boundaries. Mr. Ward suggested that the provision be added that these structures would be required to be permanent since the Planning Department was unable to permit vehicles or mobile homes. Mr. Furgiuele suggested that regulations be developed on how the second floor would be utilized to prevent the space being rented out as student housing or AirBnB. He also added that he would like to see tree preservation be included in the draft proposal as well.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Furguele, Council moved to enter into closed session at 9:45 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11 (a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property known as the Mount Law Memorial Cemetery.
2. N.C. Gen. Stat. § 143-318.11 (a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property on W. King St. known as Watauga County Parcel ID# 2900-98-0786-000 owned by Bingham Farms II LLC.

VOTE: Aye: All
 Nay: None

ADJOURNMENT

Upon a motion by Council Member Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to exit closed session at 10:32 p.m.

VOTE: Aye: All
 Nay: None

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Furguele, Council voted to adjourn the meeting at 10:35 p.m.

VOTE: Aye: All
 Nay: None

Nicole Worley, Town Clerk

Rennie Brantz, Mayor