MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
December 17, 2015

CALL TO ORDER

An organizational meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, Dec. 17, 2015, in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle, Jennifer Teague and Jeannine Underdown Collins. Town Attorney Allison Meade was also present. Staff members present were Town Manager John Ward, Town Clerk Christine Pope, Assistant to the Manager Jim Byrne, Finance Director Amy Davis, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Human Resources Director Peri Moretz, Public Works Director Rick Miller, Planning Director Bill Bailey, Cultural Resources Director Pilar Fotta and Administrative Support Specialist Nicole Worley.

SWEARING-IN CEREMONY

Superior Court Judge Greg Horne presided over the swearing-in ceremonies for Mayor Rennie Brantz, and Council members Loretta Clawson, Jennifer Teague, Lynne Mason and Charlotte Mizelle. Official oaths precede these minutes.

SEATING OF MAYOR AND COUNCIL

The Mayor and Council took their seats to move forward with the remainder of the organizational meeting.

COUNCIL MATTERS

APPOINTMENT OF COUNCIL MEMBER TO FILL VACANCY

Mayor Brantz invited each applicant to speak before the Council.

Eric Plaag stated he sees this appointment as an opportunity to serve as a guiding voice in Boone's future, noting that this is a critical time in Boone for development and growth.

Jeannine Underdown Collins stated she would keep an open mind with regard to issues, and promised to study due diligence and represent the citizens of Boone to the best of her ability.

James Buchanan stated he has lived in Boone for 38 years, noted the various boards he has served on in the past and those he continues to serve on. He stated, if appointed, he would do the best that he could to preserve the unique, small-town university feel of Boone.

David Welsh stated he has resided in Boone for over 20 years, and if appointed, he would work with the County to resolve issues and keep an open dialogue with ASU, as well as work to ensure projects are completed in a timely and efficient manner.

Mayor Brantz called for nominations.

Council Member Mason nominated Jeannine Underdown Collins. She stated she brings governance experience from the ASU Board of Trustees, as well as her current work on the Watauga Economic Development Commission and by serving on the arts advisory board for the Turchin Center. She added that Ms. Underdown Collins took the time to understand the many issues facing the Town and has an understanding of the Town's adopted plans, noting that she is committed to the protection of neighborhoods and community character.

Council Member Clawson nominated James Buchanan. She stated Mr. Buchanan has lived in Boone for 38 years, is a retired ASU chemistry professor, and has always been a champion for neighborhoods. She added that, looking around, neighborhoods are disappearing, and feels that Mr. Buchanan would be very thoughtful in all decisions that affect the town.

With no other nominations, Mayor Brantz called for a vote on the nominees in alphabetical order.

VOTE FOR APPOINTMENT OF JAMES BUCHANAN

RESULT:	**DEFEATED [1 TO 0]**
MOVER:	Loretta Clawson, Council Member
AYES:	Clawson
ABSTAIN:	Mason, Mizelle, Teague

VOTE FOR APPOINTMENT OF JEANNINE UNDERDOWN COLLINS

RESULT:	**APPROVED [3 TO 0]**
MOVER:	Lynne Mason, Mayor Pro Tem
AYES:	Mason, Mizelle, Teague
ABSTAIN:	Clawson

SWEARING-IN CEREMONY

Superior Court Judge Greg Horne presided over the swearing-in ceremony for Ms. Jeannine Underdown Collins. Council Member Underdown Collins' oath precedes these minutes.

Council Member Underdown Collins' term will expire December 2017.

SEATING OF NEW COUNCIL MEMBER

Council Member Underdown Collins took her seat on the Council.

ANNOUNCEMENTS

Mayor Brantz presented Quint David and Fred Hay with plaques commemorating their service to the Town as Council Members. Mr. David and Mr. Hay thanked the town and staff for their support.

Mayor Brantz recognized the upcoming retirement of Doug Price and thanked him for his 30 years of service to the town.

Mayor Brantz recognized the upcoming retirement of Dale Rominger and thanked him for his 25 years of service to the town.

Police Chief Dana Crawford presented Master Police Officer Bill Hartley, Jr. with a resolution of appreciation for his many years of service to the town and thanked him for his hard work and dedication.

TENTATIVE AGENDA ADOPTION

Town Manager John Ward stated there were no changes to the agenda. Council accepted the agenda as presented.

PUBLIC COMMENT

Frank Packard of Todd, N.C. spoke regarding information obtained through a public records request regarding the water intake project. Mr. Packard asked that a copy of the letter of Feb. 19, 2013, be entered into the minutes of the meeting **(Copy of letter in December 2015 meeting file).** Mr. Packard asked the Council who advised that they no longer needed a CLOMR, and what future errors are yet to be uncovered and at what cost to the Town. Mr. Packard requested that the Council put out a new bond referendum with all of these facts, openly and with transparency for the citizens.

Deborah Greene of Boone, N.C. presented documents to Council **(Copy of documents in December 2015 meeting file).** Ms. Greene stated that the plans submitted to the USDA are different from those originally presented. She wondered how this new system would impact the aquatic life, downstream and the water the citizens drink.

Ms. Trudy Moss of Boone, N.C. spoke as a resident of the ETJ regarding the proposed use of the property located off Hodges Gap Road discussed at the last Council meeting. She stated that the residents in that area are concerned

with the traffic impact of creating a recreational area on that property, noting that the road was not built for that type of traffic. She asked that Council wait until ASU and Caldwell Community College are back in session to determine the traffic situation at that time.

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to adopt the Consent Agenda as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN COUNCIL - REGULAR MEETING - NOV 19, 2015 5:30 PM

APPROVAL OF SERVICE APPRECIATION RESOLUTION - QUINT DAVID

SERVICE APPRECIATION RESOLUTION

WHEREAS, Quint David has served this community well in numerous capacities during his two years as Council Member; and,

WHEREAS, these years of service have been marked by exemplary dedication to the best interest of the community as he has worked constantly for the betterment of its economic, cultural, and aesthetic development; and,

WHEREAS, the Town has benefitted greatly because of his particular interest and work in the areas of the Affordable Housing Task Force, AppalCART, Cultural Resources Advisory Board, Watauga County Economic Development Commission, Transportation Committee and Water Use Committee; and,

WHEREAS, through the performance of his duties and responsibilities as a member of the Town Council, he has made excellent and constructive contributions to municipal government in our Town; and,

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow public servants, who are proud to call him friend.

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our sincere appreciation and thanks, as well as that of our citizens to Quint David for his distinguished service to the community.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to Quint David with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 17th day of December, 2015.

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE 251)

APPROVAL OF SERVICE APPRECIATION RESOLUTION - FRED HAY

SERVICE APPRECIATION RESOLUTION

WHEREAS, Fred Hay has served this community well in numerous capacities during his two years as Council Member; and,

WHEREAS, these years of service have been marked by exemplary dedication to the best interest of the community as he has worked constantly for the betterment of its economic, cultural, and aesthetic development; and,

WHEREAS, the Town has benefitted greatly because of his particular interest and work in the areas of the Greenway, Parks and Garden Committee, Watauga County Parks and Recreation Commission, Vehicle Committee and the Water Use Committee; and,

WHEREAS, through the performance of his duties and responsibilities as a member of the Town Council, he has made excellent and constructive contributions to municipal government in our Town; and,

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow public servants, who are proud to call him friend.

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our sincere appreciation and thanks, as well as that of our citizens to Fred Hay for his distinguished service to the community.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to Fred Hay with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 17th day of December, 2015.

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE 252)

APPROVAL OF RESOLUTION - MASTER POLICE OFFICER BILL HARTLEY, JR.

RESOLUTION

The members of the Boone Town Council, meeting in regular session on Dec. 17, 2015, do hereby adopt and pass the following resolution:

WHEREAS, the following person has served the citizens of Boone for a number of years:

Master Police Officer Bill Hartley, Jr. began employment with the Town of Boone in 1987, with a total of 28 years of law enforcement service.

WHEREAS, Master Police Officer Bill Hartley, Jr. will be retiring on Dec. 31, 2015, after serving as a leader in the Boone Police Department in an exemplary fashion; and,

WHEREAS, his contribution in the service of the Town of Boone and its citizens will always be appreciated.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Boone, North Carolina, that Master Police Officer Bill Hartley, Jr. shall be awarded his Police badge and service weapon as follows:

Bill Hartley Jr. Glock, Model 22 Serial # PLK631

Furthermore, a copy of this Resolution shall be given to Officer Hartley.

Adopted this the 17th day of December, 2015.

(RESOLUTION TO BE TYPED IN BOOK 3 , PAGE 253)

ADOPTION OF ANNUAL MEETING NOTICE

PUBLIC NOTICE

The public will take notice that the Boone Town Council holds it regularly scheduled meetings at the Council Chambers, 1500 Blowing Rock Road, Boone, NC, on the following dates:

THIRD (3RD) THURSDAY OF EACH CALENDAR MONTH

The Town Clerk shall provide notice each month of the deadline for submission of items requested to be placed on the agenda. Such notice shall be posted on the Town's Web site and on the Town's principal bulletin board at least seven (7) calendar days in advance of the deadline. No agenda item will be added for action after this time, unless approved by a unanimous vote of the Boone Town Council membership present.

Agendas are posted on the Town Hall bulletin board. Agendas and accompanying materials are also published to www.boonenc.iqm2.com as soon as prepared.

NOTE: Special meetings are called as necessary and are posted and delivered to local news media forty-eight (48) hours in advance.

Adopted: December 22, 1987

Amended: 3/88, 3/90, 12/91, 9/98, 11/03, 12/09, 6/10, 3/14, 2/15, 12/15

APPROVAL OF ENCROACHMENT AGREEMENT - MADDIE'S BISTRO PROJECTING SIGN

(Copy of encroachment agreement permanently on file in Town Hall.)

APPROVAL OF LEASE AGREEMENT BETWEEN TOWN OF BOONE AND THE MCCREARY'S

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

LEASE AGREEMENT

This LEASE AGREEMENT, entered into effective this 17th day of December, 2015, by Ronald A. McCreary and Kathleen B. McCreary, (hereinafter referred to as "McCreary") and the Town of Boone, a North Carolina Municipal Corporation, (hereinafter "Boone"), FOR AND IN CONSIDERATION of the mutual promises contained herein, which consideration is acknowledged by the undersigned as adequate and fair, the undersigned, for themselves, their governing boards, officers, and employees, agree as follows:

Premises: The premises consist of the entire property owned by McCreary, but still titled to Thrift Food Stores, adjacent to King Street, Boone, North Carolina, adjacent to the Boone Public Services Building, and previously the property upon which the "McCreary Store" was situated, known as Watauga County tax parcel number 2910-28-2322-000.

Parties: The parties confirm and affirmatively declare that they have the right, free and clear from the claims, property interests, etc. of any third parties, to enter this Agreement.

3. **Term**: The term of this agreement shall be five (5) years commencing on December 17, 2015 and ending on December 16, 2020. The lease has five periods as follows: December 17, 2015 through December 16, 2016; December 17, 2016 through December 16, 2017; December 17, 2017 through December 16, 2018; December 17, 2018 through December 16, 2019; December 17, 2019 through December 16, 2020.

Rent: The rent for the foregoing shall be ten thousand five hundred dollars ($10,500) per annum with payment due at the beginning of each lease year. Annual rent increases will be in the amount reflecting the increase in the consumer price index (CPI) published by the United State Department of Labor, Bureau of Labor Statistics during the calendar year 2015 and 2016. For example, if the increase in the consumer price index is three percent (3.00%), annual rent shall be ten thousand eight hundred fifteen dollars ($10,815) for the second year. The same calculation will be used for third year rent using 2017 calendar year CPI and so forth.

Repairs and Maintenance: During the term of its use, Boone shall be responsible for all repairs necessary to maintain the aforesaid premises in a safe and useable condition.

Condition of Premises: Boone accepts the leased premises in their current condition. Boone shall provide all maintenance necessary to keep the premises in good condition for the purposes of parking. Any repairs made to the premises by Boone shall be done in a workmanlike manner and shall become the property of McCreary.

Right of Reentry: McCreary reserves the right and may enter the premises at any reasonable time for the purpose of inspecting said premises, making such repairs as McCreary, in its sole discretion, desires to make, and for any other purpose in any way related to McCreary s ownership of the premises so long as they do not interfere with Boone s use of the premises.

Alterations: Boone agrees to neither make nor arrange for any permanent alterations to the premises without the advance written approval of McCreary.

Indemnification: Boone shall indemnify and hold harmless McCreary from any and all claims, actions, damages, and liability associated with personal injury and/or damage to property, or associated with any act or omission of Boone, its agents, employees or invitees, or associated with Boone s use of the premises in connection with this Agreement.

Modification of Lease: This Lease Agreement contains all of the terms and conditions agreed to by Town and County concerning the Lease of the above-described premises. There are no oral terms or conditions agreed to by the parties hereto which are not contained in this written agreement. There shall be no modification of this Lease Agreement unless the modification is in writing and signed by both parties.

Venue and Construction: This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina, and venue of any dispute between the parties shall be in Watauga County, North Carolina.

Notices: All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered to the following addresses:

If to Boone, to: John Ward III
Town Manager
Town of Boone
P.O. Drawer 192
Boone, NC 28607

If to McCreary, to: Mr. & Mrs. Ronald A. McCreary
301 University Circle
Boone NC 28607

12. **Headings**: The headings used in this Agreement have been prepared for the convenience of reference only and shall not control, affect the meaning, or be taken as an interpretation of any provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate originals, and agree to all of the terms and conditions set forth above, the day and year first above written.

This ___day of _____, _____.

_____
Ronald A. McCreary

_____
Kathleen B. McCreary

State of North Carolina
County of Watauga

I, a Notary Public of the County and State aforesaid, certify that Ronald A. McCreary personally appeared before me this day and in my presence acknowledged their due execution of this instrument.

_____
Notary Public

Printed Name of Notary Public

My Commission Expires: _____

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State of North Carolina
County of Watauga

I, a Notary Public of the County and State aforesaid, certify that Kathleen B. McCreary personally appeared before me this day and in my presence acknowledged their due execution of this instrument.

_____
Notary Public

Printed Name of Notary Public

My Commission Expires: _____

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This ____ day of _____, _____.

Town of Boone

_____
Rennie Brantz, Mayor

Attest:

_____
Christine Pope, Town Clerk

Approved as to form:

Amy Davis, Finance Officer, Town of Boone

State of North Carolina
County of Watauga

I, a Notary Public of the County and State aforesaid, certify that Christine Pope personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Boone, a North Carolina municipality, and that by authority duly given and as an act of the Town of Boone, the foregoing instrument was signed in its name by its Mayor, Rennie Brantz, sealed with its corporate seal and attested by Christine Pope as the Town Clerk.

Witness my hand and official stamp or seal, this ____ day of _____, 20_____.

_____
Notary Public

Printed Name of Notary Public

My Commission Expires: _____

REQUEST FOR 60-DAY EXTENSION OF EXISTING SAHA LICENSE AGREEMENT

REQUEST TO SEND UDO TEXT AMENDMENT TO FEBRUARY QUARTERLY PUBLIC HEARING - REVISIONS TO ARTICLES 1 AND 9

REQUEST TO SEND UDO TEXT AMENDMENT TO FEBRUARY QUARTERLY PUBLIC HEARING - REVISIONS TO ARTICLE 23

COUNCIL MATTERS

APPOINTMENT OF MAYOR PRO TEMPORE

Mayor Brantz stated that in accordance with North Carolina General Statute, a mayor pro tempore is to be appointed during the organizational meeting of the new Council. He asked for any nominations.

Council Member Teague made the following nomination:

"I would like to nominate Lynne Mason for Mayor Pro Tem. In Lynne's 14 consecutive years on Council, she has been an active Council member and has proven her dedication and commitment to the Town's future. She has previously served as Mayor Pro Tem and has experience stepping in as mayor when needed. Lynne is active with the League of Municipalities and serves on many town committees. It is my pleasure to nominate Lynne Mason as Mayor Pro Tem."

Council Member Clawson stated she would have liked to have been nominated for the position.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jennifer Teague, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN MANAGER UPDATE

Town Manager John Ward updated Council on various events and news in the Town, and briefly addressed Mr. Packard's and Ms. Moss' comments made during the public comment period.

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to enter closed session at 6:32 p.m. to hear the following items:

1. Pursuant to N.C.G.S. 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 consider and give instructions to the attorney concerning the lawsuits involving the Town of Boone, and Ronald and Donald Cooper.

2. Pursuant to N.C.G.S. 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 consider and give instructions to the attorney concerning a legal matter and possible claim involving the Town of Boone.

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

EXITING CLOSED SESSION

Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to exit closed session at 7:35 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Clawson, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to adjourn the meeting at 7:36 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jennifer Teague, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

Christine Pope, Town Clerk

Rennie Brantz, Mayor