

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
December 18, 2018**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Tuesday, December 19, 2018 in the Council Chambers located at 1500 Blowing Rock Road. 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, Police Chief Dana Crawford, Public Works Director Rick Miller, Planning Director Jane Shook, Finance Director Amy Davis, Fire Chief Jimmy Isaacs and Cultural Resources Director Pilar Fotta. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the following board 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

WATER ADVISORY COMMITTEE

Two positions

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Ashcraft, Council voted to approve the agenda as presented.

VOTE:	Aye:	All
	Nay:	None

PUBLIC COMMENT

There was no one signed up to speak during the Public Comment period.

REQUESTED APPEARANCES

JASON CARPENTER - COMBS, TENNANT & CARPENTER, PC

Jason Carpenter with Combs, Tennant & Carpenter, PC presented Council with the audit report for the Town of Boone for FY2017/18. Mr. Carpenter noted a positive net change to the fund balance and added that the Town's tax collection rate was high compared to other towns in the state. He added that the compliance audit showed no issues and that the Finance Department handled the Town's funds with no issues or problems. Mr. Ward pointed out a decrease by approximately \$897,000 due to spending a portion of the 35% Reserve Fund. He added that

capital assets would increase in the next year with the completion of the water intake project and noted a debt decrease of nearly \$700,000. Mr. Ward pointed out the Town's low unemployment rate, noting that it was significantly less than other areas in the state. He announced that the Central Business District had very little vacancy and indicated that the Howard Street project was progressing, with construction bidding being expected to take place next year. A complete copy of the audit can be viewed at www.townofboone.net.

MARY NASH K. RUSHER - MCGUIRE WOODS, LLP

Mary Nash K. Rusher with McGuire Woods, LLP, bond counsel for Appalachian State University, spoke in order to seek the assistance of Town Council in fulfilling requirements of the Internal Revenue Code involving taxable and tax exempt bonds used to finance privately developed student housing and parking on the areas of ASU designated as a Millennial Campus. Ms. Rusher explained the project as a private-public partnership between ASU and Beyond Boone, LLC to replace approximately 1,797 existing beds of student housing with a total of 2,100 new beds in three phases. The housing as proposed would consist of a student housing development containing housing, parking, dining and other improvements. Ms. Rusher noted the requirement for a public hearing to be held by the Town in order to move forward with the project. Mr. Ward noted that this would be the first Millennial Campus Financing Act project for the Town in conjunction with ASU and that the Town would not have any liability for the payment of principal or interest on the bonds. He stated that if approved, the bonds would not affect the Town's debt ratio or debt limits and added that support for the public hearing and resolution in favor of the project would result in increased student housing and student parking on campus. Mr. Furguele asked what the purpose was of local government approving the project, to which Ms. Rusher responded that the developers wanted assurance that the local authority had approved it and noted that Congress set this requirement in 1984 for private activity bonds. Mr. Furguele asked whether the purpose of this proposed housing would be to accommodate growth at ASU, to which Matt Dull, Assistant Vice Chancellor for Finance and Operations answered that the proposed housing would replace current housing on campus which was scheduled to be torn down. Parking was discussed briefly, with Mr. Dull reiterating that beds were replacements and parking would be adequate. Mr. Dull noted that the new housing would be located on the west side of campus and that the first phase of construction would begin in February, 2019, with beds available in of fall 2020. He indicated that the second phase would be finished in the fall of 2021 and that the third phase would be complete in the fall of 2022. Mr. Dull stated that this project would complete the replacement/renovation of existing housing stock on campus. Mr. Dull continued to say that the proposed parking deck would add 250 additional parking spaces and that surface parking would be available along the exterior of the development. In response to a question presented by Mr. Furguele, Mr. Dull stated that the company chosen to oversee the project was chosen through a national request for proposals process that began in 2017. He clarified that the non-profit company would be the owner of the structures in that the company would enter into a ground lease with the University. Mr. Dull stated that the non-profit organization would own the building for the life of the ground lease and financing, and added that the organization would construct and maintain buildings to ASU standards. Mr. Furguele raised concerns with development in the proposed construction area and how it might affect already present storm water issues and asked how much attention ASU was paying to this matter. Mr. Dull answered that the Town would have jurisdiction over this project in terms of planning and inspections, and noted that the proposal allowed for all utilities to be replaced as a part of this project. Mr. Ward stated that he had a discussion last week with staff and ASU representatives and that a traffic analysis of the area was currently underway. Mr. Furguele stated that Council had discussed making stormwater regulations more stringent for over a year and expressed concern that this project would be ahead of Council's ability to change Town standards for stormwater control. Mr. Dull indicated that the engineers the University planned on utilizing for the project were local people that were familiar with Town regulations. Mr. Ashcraft stated that he appreciated the fact that ASU was addressing student housing, and noted that having student housing on campus would potentially help with transportation issues in Town. Discussion concluded with Mr. Dull confirming that there would be adequate parking for the project and that an agreement was in place for a demand analysis for student housing which would help the University address on-campus housing needs for students.

APPROVAL OF ITEMS ON CONSENT AGENDA

After brief discussion, Council Member Furguele asked that since he had not had time to review them, that minutes

for October 18 and November 13 and 15 be moved until the end of the meeting to allow him a chance to review them during break. After a motion by Council Member Mason, seconded by Mayor Pro-Tem Clawson, Council voted to approve the following items on the Consent Agenda:

1. St. Patrick's Day Ordinance



TOWN OF BOONE
Ordinance _____

AN ORDINANCE DECLARING A ROAD CLOSURE FOR A HOLIDAY CELEBRATION

WHEREAS, The Boone Town Council acknowledges a long tradition of providing holiday parades for its citizens which are open to everyone and is provided as a benefit to the community; and

WHEREAS, the Boone Town Council acknowledges that its citizens realize a financial benefit from holding annual events; and

WHEREAS, the Boone Town Council wishes to ensure the health and safety of all participants and spectators; and

WHEREAS, the Boone Town Council acknowledges that the annual St. Patrick's Day parade requires approximately thirty (30) minutes to install signage, and traffic control, and also requires approximately thirty (30) minutes for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Town of Boone pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure for a St. Patrick's Day parade during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s): Times:

Route Description:

Saturday, March 16, 2019

12:30 a.m. – 2:30 p.m.

**King Street (U.S. Route 421) between Hardin Street and Poplar Grove Connector, and SR 1102
(Water St. / North Water St.)**

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this _____ day of _____, 2019

Attest

The Honorable Rennie Brantz, Mayor

Nicole Worley, Town Clerk

2. Annual Meeting Notice

PUBLIC NOTICE

The public will take notice that the Boone Town Council holds its regularly scheduled meetings at 6:00 p.m. at the Council Chambers, 1500 Blowing Rock Road, Boone, NC, on the following dates:

THIRD THURSDAY and the IMMEDIATELY PRECEDING TUESDAY 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 website 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.igim2.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 18, 2018

Amended: 3/88, 3/90, 12/91, 9/98, 11/03, 12/09, 6/10, 3/14, 2/15, 12/15, 12/17, 4/18

3. Budget Amendments

1. Reimbursement for natural gas leak (Fire Department - \$13,552.30)
2. Reimbursement for Hurricane Florence response (Fire Department - \$39,260.88)
3. Funding of network and security measures at new Water Intake and BPS sites (Public Works - \$45,894.34)

To allow members more time to review minutes, the following items were tabled until later in the meeting:

1. Consideration of Approval of Minutes – Town Council Regular Meeting October 18, 2018
2. Consideration of Approval of Minutes – Town Council Regular Meeting November 13, 2018
3. Consideration of Approval of Minutes – Town Council Regular Meeting November 15, 2018

VOTE: Aye: All
Nay: None

COUNCIL MATTERS

REPORT ON ROUND-UP PROGRAM ON WATER/SEWER BILLS

Finance Director Amy Davis presented Council with a report on a round-up program on water/sewer bills. Ms. Davis indicated that staff had spoken to different organizations who utilize a round-up program on utility bills and that the majority of programs in other jurisdictions were used to assist customers with utility hardship requests that were facilitated through non-profit agencies. She noted that if Council chose to implement such a program that funds could not stay within the water/sewer fund, but would immediately have to be transferred to an agency fund established by the Town. She recommended that Council initiate a contribution/donation campaign similar to Cary or Rocky Mount which would allow customers to elect either a recurring contribution

via their water/sewer bills or make a one-time donation. She recommended that staff prepare inserts for the water/sewer bills which would promote the program and that the program be operated in an “opt-in” manner, with signed authorization forms required from the customer. Ms. Davis also recommended that Council clearly identify the agencies who would receive the funding in order to comply with state statutes, the legal review of the plan by the Town Attorney and an annual distribution of proceeds generated by the program pro-rated as ranked by the Outside Agency funding committee. She noted that in her research, she found these programs did not always bring in a great deal of money and that she expected a similar result due to the Town having fewer than 5,500 water/sewer accounts. Mr. Ward indicated that he had two concerns with the program. One being that staff just updated costly billing software and that additional upgrades may be needed. The other concern he had was state-wide restrictions on low-moderate income levels which would potentially exclude certain charitable groups from receiving funding. He suggested that contributions be collected from July 1 through June 30 and to have staff report back with an amount of additional funds raised to be allocated to different outside agency requests. Ms. Davis reiterated that Council would need to be clear about what funds would be used for and noted that this program could potentially add to customer service staff’s already heavy workload. Discussion ensued regarding the need for staff to revisit state regulations on outside agency funding. Ms. Mason suggested the contribution funds be used for water bill assistance, with Mr. Furgiuele indicating that he felt funds should go toward outside agency requests instead. Mr. Furgiuele made a motion to direct staff to move forward with the round-up contribution program on water/sewer bills on a non-recurring basis for a trial period of six months to see if it would be worth the effort and cost. Funds will be used for additional funding for outside agency funding requests and at the end of the fiscal year would be prorated and disbursed to the agencies according to the amount of Town funding allocated to each agency. Mayor Pro-Tem Clawson seconded the motion. Mr. Furgiuele modified his motion to coincide with the end of the 2018/19 fiscal year. Ms. Clawson accepted this modification. Mr. Ward suggested that Council consider allowing staff to work through the process before beginning since there was still substantial legal review needed on the program. Mr. Furgiuele amended his motion further to accommodate Mr. Ward’s remarks, and stated that he would like to see a report on the subject by the end of the fiscal year. He also added that he would like staff to solicit input on the educational materials and asked that staff keep the material simple. Mr. Furgiuele asked that the educational materials provided in water/sewer bills be brought to Council for their approval. Ms. Clawson accepted this amendment.

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

CONSIDERATION OF PLAAG PROPERTIES LLC & TAIT ANNEXATION PETITION - 2ND STEP

Planning Director Jane Shook presented to Council the Staff Report, signed Certificate of Sufficiency and a proposed resolution fixing the date of Public Hearing regarding the petition for annexation filed by Plaag Properties, LLC & Adrian and Heidi Tate. Upon a motion by Ms. Mason, seconded by Mr. Ashcraft, Council voted to adopt the resolution fixing January 17, 2019 as the date of Public Hearing.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**
(Plaag Properties LLC & Tait Annexation)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 6:00 p.m. on January 17, 2019.

Section 2. The area proposed for annexation is described as follows:

A parcel of land lying and being in Brushy Fork Township, Watauga County, North Carolina and being a portion of the Plaag Properties, LLC property as described in Book of Records 1976 at page 492 Watauga County Registry and being all of the Adrian & Heidi Tait property as described in Book of Records 1991 at page 127 Watauga County Registry and being more particularly described as follows:

Beginning at an existing iron rod found at a 36" Maple, said beginning being the northwest corner of the TSG Development, LLC parcel as described in Book of Records 1951 at page 572 and being shown in Plat Book 26 at page 108 Watauga County Registry; said beginning also lying within the western right-of-way of Eastview Drive NCSR 1150 (60' right-of-way) and being located N74°00'34"W, 30.04' from an existing iron rod found along the western boundary of the Michael & Susan Hoffman parcel as described in Book of Records 1600 at page 522 Watauga County Registry; thence from said beginning and with the western boundary of said TSG Development, LLC parcel the following four courses and distances: (1) S15°34'34"W, passing through a new 5/8" rebar set along the western right-of-way of said NCSR 1150 at 141.58' and continuing 46.77' for a total distance of 188.35' to an existing iron pipe; (2) S12°03'28"W, 59.08' to a new 5/8" rebar set; (3) S12°18'53"W, 97.12' to an existing iron pipe; and (4) S14°25'04"W, 116.87' to a computed point along the Town of Boone Primary Corporate Limits; thence with said Town Corporate Limits N62°41'06"W, 118.34' to a computed point at the center of Junaluska Road NCSR 1102 (unspecified right-of-way); thence leaving said Town Corporate Limits and with the center of said NCSR 1102 the following seven courses and distances: (1) N20°25'07"W, 35.53' to a computed point; (2) N54°45'07"W, 90.19' to a computed point; (3) N23°15'11"W, 22.21' to a computed point; (4) N08°18'08"W, 40.69' to a computed point; (5) N00°41'21"W, 28.60' to a computed point; (6) N13°20'21"E, 28.50' to a computed point; and (7) N33°20'22"E, 198.40' to a new 5/8" rebar set along the southeast boundary of the Carr C. Whitener, Trustee parcel as described in Book of Records 1744 at page 3 (Tract D) Watauga County Registry; thence with said Whitener southeastern boundary the following three courses and distances: (1) N57°08'17"E, 42.96' to an existing iron rod; (2) N69°34'36"E, 123.15' to a new 5/8" rebar set; and (3) S51°55'48"E, passing through a new 5/8" rebar set at 52.87' and continuing 13.13' to the point of beginning and containing 2.111 acres as surveyed and computed by coordinate geometry by A. Brian Christie, PLS L-4265. Description dated 10/26/18.

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

ATTEST:

Mayor

Town Clerk

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

CONSIDERATION OF CHARLES W. PERRY JR. ANNEXATION PETITION - 2ND STEP

Planning Director Jane Shook presented to Council the Staff Report, signed Certificate of Sufficiency and a proposed resolution fixing the date of Public Hearing regarding the petition for annexation filed by Charles Perry. Ms. Mason made a motion to adopt the resolution fixing January 17, 2019 as the date of Public Hearing. Ms. Ulmer seconded the motion.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**
(Charles W. Perry Jr Annexation)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 6:00 p.m. on January 17, 2019.

Section 2. The area proposed for annexation is described as follows:

Being a 0.323 acre parcel located at the end of Sun Haven Lane (a private gravel road) in Brushy Fork Township, Watauga County, North Carolina; bounded on the north by Jimmy Stonewall Jackson and Barbara Ann Whittington (Deed Book 63, Page 446 and Will File 95-E-88) and Weekapaug Grove Property Owners Association, Inc. (Book of Records 1813, Page 330), on the east by Weekapaug Grove Property Owners Association, Inc. (Book of Records 1813, Page 330), on the south by Weekapaug Grove Property Owners Association, Inc. (Book of Records 1813, Page 330) and Paul D. Fairbetter and wife, Brenda Fairbetter (Book of Records 1435, Page 103 (Parcel 1)), and on the west by Paul D. Fairbetter and wife, Brenda Fairbetter (Book of Records 1435, Page 103 (Parcel 1)); and being more particularly described as follows:

Beginning at a ½" rebar set at a 19" locust in a fence in the Fairbetter line, the southwest corner of Jackson/Whittington, said point being located S 03°34'38" E 118.91' from a ¾" conduit found at a large locust at intersection of fences; thence from the beginning, leaving the Fairbetter line and with the Jackson/Whittington line N 54°34'34" E 81.36' to a 5/8" rebar set in a stream, the southeast corner of Jackson/Whittington, a corner to Weekapaug Grove Property Owners Association, Inc. in the Town of Boone City Limits line; thence leaving the Jackson/Whittington line and with the Weekapaug Grove Property Owners Association, Inc. and the City Limits line S 64°52'36" E 110.67' to a ½" conduit found in the root of a large cherry tree; thence S 15°01'59" W 84.14' to a 5/8" rebar found Sun Haven Lane; thence N 67°49'27" W 71.01' to a 5/8" rebar set in the west edge of a stream, a corner to Fairbetter; thence leaving the Weekapaug Grove Property Owners Association, Inc. and the City Limits line and with the Fairbetter line S 77°51'17" W 76.23' to a ¾" iron pipe found; thence N 03°34'38" W 70.46' to the beginning. Containing 0.323 acre as shown on a plat by Mitchell D. Willard, PLS L-3684, dated February 1, 2016 (updated September 24, 2018)(Plat No. 1611048).

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

ATTEST:

Mayor

Town Clerk

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

CONSIDERATION OF CASE PL02068-110118 COLLEGE/UNIVERSITY OPERATED COMMUNITY ENTERPRISE UDO TEXT AMEND

Ms. Shook asked Council for consideration on case PL02068-110118-College or University Operated Community Enterprise. Ms. Meade suggested that the text be amended to add hyphens after the word "college". Ms. Clawson made a motion, which was seconded by Ms. Mason to approve the amendment to the Town's zoning ordinance as amended in that it is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is in alignment with Comprehensive Plan Update 1.1 Overall Objectives, Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and job creation and to treat them accordingly. Comprehensive Plan Update 1.1 University: Emphasize cooperative planning among the Town, County and University. Comprehensive Plan Policy 2.1.1 Economic Development: A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged. I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

VOTE: Aye: All
 Nay: None

Ms. Clawson made a second motion, which was seconded by Ms. Mason, to approve the amendment to the Town's zoning ordinance and that approval was reasonable and in the public interest because of Comprehensive Plan Update 1.1 Overall Objectives, Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and job creation and to treat them accordingly. Comprehensive Plan Update 1.1 University: Emphasize cooperative planning among the Town, County and University. Comprehensive Plan Policy 2.1.1 Economic Development: A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged. I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses and because the proposed text will promote growth and development that enhances the Town's identity and assets and is consistent with the Comprehensive Plan.

VOTE: Aye: All
 Nay: None

Mayor Brantz declared a break at 7:24 p.m. Council reconvened at 7:38 p.m.

CONSIDERATION OF UDO TEXT CHANGES TO SECTION 15.11 MULTI-FAMILY IN MIXED USE

Planning Director Jane Shook asked Council for consideration of UDO text changes to Section 15.11 Multi-Family in Mixed Use which were initially requested by Council in August 2018. Proposed changes included a requirement of the same unit/bedroom requirements as set forth in Section 15.10 which called for the relocation of text that applied to all three zoning districts in order to provide more orderly structure to the existing text. Amendments also included allowing parking to be counted toward commercial requirements when located in a stand-alone parking area. Mr. Furgiuele inquired as to the logic used when determining the four dwelling unit or less exemption for multi-family projects in mixed-use projects within the B1 zoning district and stated that all units across the board should be mandated. Ms. Mason noted that downtown buildings only had units on the second floor, with Ms. Shook adding that this occurrence could happen during renovations of a building. She also stated that Council may want to evaluate whether they wanted to keep that exception. She stated that currently if there was commercial space on the ground floor and if there was a parking deck, that would be part of the square footage calculation. Lengthy discussion ensued. Mr. Furgiuele felt that there would be no way to monitor parking which was marked as commercial to ensure that it was actually being used for commercial uses only, and that the only assurance would be that there was completely adequate parking for residential. Mr. Ashcraft suggested that the issue be addressed by changing the minimum parking requirements for multi-family and commercial. Mr. Furgiuele stated that he was not against having an adequate minimum but that he did not feel that the proposed language could guarantee this result. Ms. Meade agreed that the proposed language did not guarantee the desired result and noted that the old language was drafted to incentivize parking structures with no tie to commercial parking versus other parking. Mr. Furgiuele expressed concern that parking at residential buildings could be inadequate and that commercial parking would then become residential. Ms. Mason noted that she wanted to make sure that both commercial and residential parking was adequate. Mr. Furgiuele suggested Council adopt all proposed text except for the parking piece and that he felt Council should revisit the parking text. He stated that he would like to remove the 4 bedroom minimum exception in exchange for a 2 bedroom minimum exception. Ms. Shook noted the need to discuss residential parking requirements in that the department has had complaints about insufficient parking at The Standard. After lengthy discussion, Ms. Mason made a motion to direct staff to move ahead with the proposed changes to UDO Section 15.11 Multi-family in Mixed Use removing the 4 or less unit exception and keeping current parking regulations with the understanding that parking would be revisited in the future. Ms. Ulmer seconded the motion. Mr. Furgiuele suggested an amendment to the motion that the proposed parking language was not acceptable and that it would be revisited in the future. Both Ms. Mason and Ms. Ulmer accepted the amendment.

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

CONSIDERATION OF CASES TO SEND TO THE JANUARY 28, 2019 PUBLIC HEARING

Brief discussion of this matter began regarding the administrative process regarding staff forwarding cases such as this to public hearing, with Ms. Shook noting that map amendments had never been denied for public hearing, but that text amendments on properties located outside of the Town limits had been denied. Ms. Meade noted that the reason for these proposed amendments was that Council felt it should be in control of its own public hearing schedule. Ms. Mason made a motion, which was seconded by Mr. Furgiuele to send the following cases to the January 28, 2019 Public Hearing:

1. PL02028-112918 University Overlook Conditional District Zoning Map Amendment
2. PL02133-113018 Appalachian Mountain Brewery General Use Zoning Map Amendment

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

CONSIDERATION OF AMENDMENTS TO TOWN CODE CHAPTER 35 - TOWN BODIES AND SUB-COMMITTEES

Upon a motion by Mr. Furgiuele, seconded by Ms. Mason, Council voted to adopt amendments to Town Code Chapter 35 as presented.

~~Boone, NC Code of Ordinances~~

CHAPTER 35: BOARDS, COMMISSIONS, COMMITTEES AND OTHER SUCH ENTITIES

Section

- [35.01](#) Grant of authority
- [35.02](#) Procedure for creation
- [35.03](#) Powers
- [35.04](#) Meetings
- [35.05](#) Resignation
- [35.06](#) Duration

§ 35.01 GRANT OF AUTHORITY.

The Town Council is authorized to create the boards, commissions, task forces, advisory bodies, committees and other entities as it may find useful or necessary to the discharge of its duties or the effective operation of the town.

(Ord. passed 6-18-2009)

§ 35.02 PROCEDURE FOR CREATION.

(A) All boards, commissions, task forces, advisory bodies, committees or other entities shall be created by motion, second and majority vote of the Council.

(B) The Council shall appoint the members of each board, commission, task force, advisory body, committee and other entity (hereafter, "body") in accordance with the town's Unified Development Ordinance and § 30.51, supra, as appropriate.

(Ord. passed 6-18-2009; Ord. passed 6-21-2011; Ord. passed 6-16-2016)

§ 35.03 POWERS.

(A) All boards, commissions, task forces, advisory bodies, committees or other entities shall have only those powers and duties which have been assigned to the body by the Council.

(B) No individual member of any body shall purport to speak or act on behalf of the body without action by the body explicitly authorizing the member to speak or act on its behalf.

(C) No individual member of any body, nor the body itself, shall purport to speak or act on behalf of the town without action by the Town Council explicitly authorizing the member or empowering or authorizing the body to speak or act on its behalf.

(D) Without an express grant of authority or explicit authorization by the Town Council, no individual member of any body, nor the body itself, may direct staff members of the town to take action or engage in actions requiring the expenditure of town funds.

(E) ~~A~~No body may create its own ~~committee, sub-committees~~committee or working groups ~~(collectively hereinafter, "sub-committees") to serve at its pleasure or for a time certain as directed~~group, by whatever name denominated, without the body explicit advance approval of the Town Council.

(F) Unless otherwise directed by Council, a body may select its own Chair and Vice-Chair.

(Ord. passed 6-18-2009; Ord. passed 6-16-2016) Penalty, see § 10.99

§ 35.04 MEETINGS.

(A) Every board, commission, task force, advisory body, committee and other entity created by the Council, ~~and including~~ any sub-committee or working group, ~~by whatever name or designation and whether~~ created by the Council or ~~by a~~other town body ~~(hereinafter, "sub-committee") with Council approval,~~ must operate in compliance with the State Open Meetings Law, codified as G.S.

§§ 143-318.9 et seq. ~~(hereafter, "the law")~~. Meetings of all town bodies or sub-committees shall be conducted as follows:

(1) Notice of any official meeting, other than an emergency meeting, shall be given by posting of the date, time and name of the town body or sub-committee at least 48 hours in advance, on the bulletin board for that purpose in Town Hall. If an agenda has been distributed to members of the town body or sub-committee prior to the meeting, it shall also be posted. When an agenda has not been distributed prior to the meeting, it shall be distributed at the beginning of the meeting before the meeting is called to order and additional copies shall be available for members of the media and public.

(a) An **OFFICIAL MEETING** occurs whenever a scheduled meeting of the town body or sub-committee occurs, whether or not a quorum is present, or when a majority of the town body or sub-committee meet, whether in person or by electronic means such as conference call or e-mail, to conduct a hearing, deliberate, take action or otherwise transact public business.

(b) **DELIBERATE** includes examining, weighing or reflecting upon the reasons for or against a possible decision and also includes the collective acquisition and exchange of facts preliminary to a decision.

(c) An **EMERGENCY MEETING** is one that concerns generally unexpected circumstances which require the immediate consideration of the town body or sub-committee. In the event of an emergency meeting, a local news medium must be notified prior to the meeting;

(2) All official meetings shall be open to the public, except as to a closed session conducted in accordance with law; and

(3) Full and accurate minutes of the meeting shall be kept, a copy of which shall be provided to the Town Clerk once approved by the body or sub-committee.

(B) Unless the Council adopts procedures specific to the body or sub-committee, it will conduct its meetings in compliance with the following procedures.

(1) A quorum shall be 50% of the persons initially appointed to the body or sub-committee.

(2) In the absence of the Chair, the Vice-Chair shall conduct any meeting of the body or sub-committee, and in the absence of both officers, the Mayor may designate a person to act as chair for the meeting in question.

(3) ~~Agendas:~~

(a) The agenda of the body or sub-committee shall include only those matters within the responsibilities and powers of the body or sub-committee which have been conferred upon it by the Council.

(b) The Chair or his or her designee (e.g. the Board's Secretary) shall prepare the agenda for each meeting.

(c) At any regularly-scheduled meeting, the body or sub-committee may, by majority vote, add an item to or delete an item from its agenda.

(d) At any special or emergency meeting, the body or sub-committee may consider only those matters included in the notice of the meeting.

(4) The business of the body or sub-committee shall be conducted in a manner as to afford all members an opportunity to speak. However, no member shall generally address the body until first recognized by the chair, and members of the committee, task force or advisory body shall be respectful to each other and shall avoid interrupting each other.

(5) Town Council may appoint Council members and/or the Mayor to serve as liaisons on various town boards, commissions, committees and other town bodies so long as the number of such liaison members does not exceed two per body. Unless otherwise provided by Council, these liaisons shall be voting members of such bodies any may serve as the Chair or Vice-Chair of the body. Their role shall be:

(a) To provide direction to the body or sub-committee regarding the relationship between the Town Council and the body or sub-committee;

- (b) To assist with procedural matters;
- (c) To serve as a resource; and
- (d) To communicate concerns and initiatives of the body back to the full Town Council.

(6) Minutes of the body or sub-committee shall be subject to revision and adoption by the group as a whole.

(7) All actions or recommendations of the body or sub-committee shall require the presence of a quorum and are only effective or adopted upon majority vote, following a motion and second. When the action is to be reported to the Town Council, the committee, task force or advisory body shall not only report the action or recommendation adopted, but the vote by which it was adopted.

(8) Meetings of the body or sub-committee shall proceed in the following order: adoption of an agenda, approval of the minutes, unfinished business, new business, informal discussion and public comment, when public comment is to be accepted. By majority vote of the members of the body or sub-committee in attendance, the order of business may be altered.

(9) At any meeting, if public comment is permitted at the discretion of the body or sub-committee, any person wishing to address the body or sub-committee shall state his or her name and whether or not he or she is a resident of the town.

(a) If there is a sign up sheet provided for speakers, speakers shall be recognized in the order in which they have signed up.

(b) Unless by motion, second, and majority vote a different time limit is adopted by the committee, task force or advisory body, no person shall be allowed to speak for more than five minutes.

(c) Should more than one person wish to make substantially the same comments regarding the same subject, or where a group of persons supports or opposes the same positions, the Presiding Officer may require that all persons designate a spokesperson for their group to address the committee, task force or advisory body, and the Presiding Officer may allot a larger amount of time for the presentation of the group position by the spokesperson.

(d) All persons addressing the body shall be treated respectfully by other persons in attendance at the meeting, and all speakers shall conduct themselves with proper decorum. Should any person present during a public comment period substantially interfere with the ability of a person offering public comment or engage in behavior which violates norms of accepted decorum, or should a person offering public comment engage in behavior which violates norms of accepted decorum, after warning the person(s) and, except in a situation where there is a risk of harm to any person present, providing the person(s) the opportunity to alter their behavior to bring it into conformity with norms of accepted behavior, the Presiding Officer may direct that the person(s) be removed from the meeting.

(Ord. passed 6-18-2009; Ord. passed 9-21-2010; Ord. passed 6-21-2011; Ord. passed 4-21-2016; Ord. passed 6-16-2016)

§ 35.05 RESIGNATION.

A member of a board, commission, task force, advisory body, committee or other entity may resign by notifying the Mayor, Town Manager or relevant department head.

(Ord. passed 6-18-2009)

§ 35.06 DURATION.

Unless a different duration is specified by the Council at the time of creation of a board, commission, task force, advisory body, committee or other entity, including a sub-committee, the duration of the body shall be one year, but it may be extended by action of the Council.

(Ord. passed 6-18-2009)

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

SCHEDULE STATE OF LAW ENFORCEMENT IN BOONE SPECIAL MEETING/PUBLIC FORUM

After brief discussion, it was the consensus of Council to hold the State of Law Enforcement in Boone Public Forum before the Tuesday, March 19, 2019 regular Town Council meeting, with discussion of approximately 1.5 hours followed by a 45 minute presentation by the Police Department. Discussion topics from Council will be discussed at the February 21, 2019 regular Town Council meeting.

RESULT:	CONSENSUS
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CONSIDERATION OF NEW ORDINANCE - DECLARATION OF EMERGENCY

Ms. Meade explained that it had been brought to her attention that the town did not have an ordinance authorizing the Mayor to declare a state of emergency. She went on to state that State law allows the town to adopt such an ordinance so that it can describe when it is appropriate to declare an emergency, who can declare an emergency, and what powers might be exercised in an emergency. Discussion began regarding policy that would designate Council Members and or staff that would be authorized to act in the Mayor's stead if the Mayor and Mayor Pro-Tem were unavailable during an emergency. Mr. Ward noted that the intention of drafting the ordinance with a single source signing off on a declaration was to quickly notify the public of an emergency situation and for reimbursement purposes. Ms. Meade noted that the Town could ask Watauga County to apply its ordinance to the Town but that she felt the Town needed its own ordinance. Discussion continued, with Police Chief Dana Crawford noting that in the case of civil disobedience or any other emergency situation that he believed the public should not have access to firearms or alcohol. He added that he hoped the Town never had to use these restrictions, but that the language should be included in the ordinance if the option was needed. Revisions are as noted below.

1. Addition of the word "widespread" in section 101.01(B)
2. Change "as" to "is" in section 101.01(D)
3. Amending last sentence in section 101.03(B) to read "...upon a duly-called and noticed regular, special, or emergency meeting."
4. Removal of section 101.04

Upon a motion by Mr. Ashcraft, seconded by Ms. Clawson, Council voted to approve the creation of Chapter 101: States of Emergency of the Town Code as amended.

CHAPTER 101: STATES OF EMERGENCY

- 101.01 Declaration of State of Emergency; Mayor's Powers
- 101.02 Restrictions During State of Emergency
- 101.03 Effectiveness of Declaration; Modification; Termination
- 100.99 Penalty

Authority: N.C.G.S. Chapter 166A, Article 1A

§ 101.01 DECLARATION OF STATE OF EMERGENCY; MAYOR'S POWERS.

- (A) For the purpose of this Chapter, an EMERGENCY is an occurrence or imminent threat of widespread or

severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

(B) In the event of an existing or threatened emergency endangering the lives, safety, health and welfare of the people within the Town or threatening widespread danger to or destruction of property, the Mayor is hereby authorized and empowered to declare by public proclamation a state of emergency, and, in order to more effectively protect the lives and property of people within the Town, to place in effect any or all of the prohibitions or restrictions hereinafter authorized.

(C) The Mayor is further authorized and empowered to limit by the declaration the application of all or any part of such prohibitions or restrictions to any area specifically designated or described within the corporate limits of the Town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, fire department officers and other emergency responders; public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or Federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the Town.

(D) In the absence or disability of the Mayor, the Mayor Pro Tem is authorized to act in the Mayor's stead pursuant to this Chapter.

§ 101.02 RESTRICTIONS DURING STATE OF EMERGENCY.

A declaration of state of emergency issued by the Mayor may impose any or all of the following prohibitions or restrictions:

- (1) Of movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

§ 101.03 EFFECTIVENESS OF DECLARATION; MODIFICATION; TERMINATION

(A) All prohibitions and restrictions imposed by a declaration of state of emergency shall take effect in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. Publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration

shall be made. The requirements of G.S. section 1-597 (regarding newspaper publication) shall not apply to such declarations.

(B) Any declaration of a state of emergency issued under authority of this Chapter may be extended, altered, modified or repealed as to any particular by issuance of a subsequent declaration by the Mayor or by a majority vote of Town Council upon a duly-called and noticed regular, special, or emergency meeting.

(C) The Mayor shall declare the end of a state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Council.

§ 100.99 PENALTY.

Any person who violates any provision of a declaration issued under this Chapter shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

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

CONSIDERATION OF THE TOWN'S ANNEXATION POLICIES AND PROCEDURES

Ms. Meade presented a memorandum addressing possible changes and clarifications to the Town's annexation policy. Discussion began with a question to Ms. Shook how the Planning Department handled properties in the rural fire district. Ms. Shook noted that she sent relevant information to Finance and Fire Departments and that she was previously instructed to not worry about the financial aspect between Boone Fire and Rural Fire districts. She added that certain boundaries were close to being in Deep Gap on Highway 421 and that staff would flag a potential annexation if they perceived an issue. Mr. Furgiuele suggested that a policy should be developed and should be different for properties that were located within the former ETJ. He added that he felt an up-to-date survey should be required. Mr. Ashcraft suggested a survey from within the past five years would be sufficient. Mr. Furgiuele agreed. Ms. Meade suggested that a survey be required up front, with a newer survey required if needed, and that the case should be delayed until received. Ms. Shook stated that she would be comfortable with scheduling a case for Public Hearing if staff received a survey up front and that a case would be scheduled for the next Public Hearing after the survey was received. Ms. Meade noted that for satellite annexations, a tax map would be sufficient. Mr. Ashcraft inquired how much of the secondary growth area was located in the former ETJ. Ms. Shook answered that there was quite a bit along the Highway 105 Bypass. Mr. Ashcraft suggested expediting areas within the secondary growth area. Mr. Furgiuele stated he believed it would make sense to expedite properties which were located in the former ETJ where there was ground work already in place. Ms. Shook noted that the only issue would be that since the Planning Commission met directly after the Public Hearings every other month, that Public Hearings could potentially cut into Planning Commission meeting time. Mr. Furgiuele stated that he wanted to make it attractive for people to annex into Town limits especially since the ETJ no longer existed, and that the Town should make it more convenient for the petitioner. Ms. Meade stated that some municipalities did not charge for annexation petitions and that her research has shown anything from no fees to requesting fees up front for the petition and the cost of legal publications. Mr. Furgiuele added that the Town should be moving to the point that permit fees pay for what people are getting from the Planning Department. Ms. Shook noted that the current fee of \$350 did not cover the cost of publication and added that the applicant was not required to pay for the zoning process. She continued to say that the petition fee for a single family home was \$500 and that she was an advocate of the requirement of a survey. It was the consensus of Council to direct the Town Attorney and staff to move forward with the amendments to policy as discussed.

TOWN MANAGER UPDATE

Mr. Ward updated Council on the following topics:

1. Water Intake project near completion
2. Howard Street update - Progress has been made with NRLP for utilities and design and bidding expected by the end of 2019. Mr. Furgiuele inquired about support from the TDA with Mr. Ward stating that they had not taken any official action but that there was support to move forward, and that action would be considered when final numbers were in. He added that there was no opposition to support but noted that there was potentially one term expiration coming up.
3. Parking Deck in Peacock Lot update - Met with ASU and representatives from New River Conservancy. Will move forward with feasibility study and possible other grant options and noted that if the deck was designated as a transportation hub for AppalCart it could open doors for additional funding.
4. Garbage/Recycling Pick-up schedule
5. Updated meeting list
6. Middle Fork Greenway update
7. Request for input on Council meeting packets - it was the consensus of Council that staff continue to make Council packets available the Friday prior to meetings
8. Retreat facilitation - Phil Trew with the High Country Council of Governments has facilitated past meetings and the cost is included with HCCOG dues. This fee would cost between \$3,000-5,000 if using a private contractor.
9. NC Housing Finance Agency grant for housing - Ms. Mason suggested that if the County did not apply for this grant that the Town should, and that it would be instrumental in home repairs. Mr. Furgiuele suggested that staff wait on applying for the grant since it was such a small amount and that stormwater was the more pressing need. Mr. Ward suggested that staff apply for the grant on behalf of the Town of Boone for projects within the Town of Boone limits.
10. Turner Law Firm building - County plans to purchase the building for parking. Mr. Furgiuele expressed concern with the County's plan to demolish the historical building. Upon a motion by Mr. Furgiuele, seconded by Ms. Clawson, Council voted to amend the agenda to allow for action on this matter.

VOTE: Aye: All
 Nay: None

Upon a motion by Mr. Furgiuele, seconded by Ms. Ulmer, Council voted to direct staff to prepare a letter from the Mayor to the County in opposition of the plan to purchase and demolish the building for parking.

VOTE: Aye: All
 Nay: None

11. Update on oil spill at Watauga Medical Center - remediation and repairs underway. There was no impact to the Town's water intake.

Mayor Brantz declared a break at 10:23 p.m. Council reconvened at 10:28 p.m.

Mr. Furgiuele requested the following changes be made to the proposed minutes of the October 18, 2018 meeting:

- a. On page two, in the section titled "Request for Service - Plaag Properties, LLC" add the word "previously" to a sentence to read "Mr. Plaag confirmed a question raised by Mr. Furgiuele that the property was *previously* zoned as R-A."
- b. In the same section, add the phrase "which could be met whether the property was rezoned to R-1 or R-A" in a sentence to read "Mr. Furgiuele stated that if the request were approved with the stipulation that the applicant proceed with the annexation process that if there was any construction prior to annexation that it be performed to UDO standards *which could be met whether the property was rezoned to R-1 or R-A.*"
- c. In the same section strike the word "first" and add the phrase "before a request was considered" to a sentence to read "Mr. Furgiuele stated that he believed the annexation process should take place *before a request was considered* to ensure the property owner knew..."
- d. On page 5 correct typo at the end of first paragraph in the word "representatives" to make the word singular.

- e. On page 7 correct typo in the Town Manager's update to the word "education" to "educate".
- f. On page 9 add in the recommendations from the Water Use Committee for reference
- g. On page 9 correct typo in the section titled "Consideration of Amendment to Owner-Engineer Agreement" to remove the word "not and to read "...confirmed with Mr. Eller that these cancellations could be attributed to the contractor."
- h. In the same section replace the word "contractor" with "engineer" to make the sentence read "Mr. Furgiuele noted that the Town was required by the USDA to have an *engineer* on site..."
- i. Note the withdrawal of first motion by Mr. Furgiuele in section titled "Consideration of Food Policy Action Plan"

Upon a motion by Mr. Furgiuele, seconded by Ms. Clawson, Council voted to approve the minutes of the October 18, 2018 regular meeting as amended.

VOTE: Aye: All
 Nay: None

Ms. Mason made a motion, which was seconded by Mr. Furgiuele to table the remaining two sets of minutes (November 13 & 15, 2018) until the Thursday, December 20, 2018 regular meeting.

VOTE: Aye: All
 Nay: None

TOWN ATTORNEY UPDATE

Ms. Meade updated Council on the following topics:

1. Brownfields Agreement - Ms. Meade suggested that Council direct staff to move forward with the process of bringing two additional parcels of the Riverswalk property into the MSD. Ms. Mason made a motion to amend the agenda to allow for action on this item. Mr. Ashcraft seconded the motion.

VOTE: Aye: All
 Nay: None

Since he owns property adjacent to the Riverswalk property, Mr. Furgiuele asked that he be recused from this vote. Ms. Clawson made a motion, which was seconded by Ms. Mason, to recuse Mr. Furgiuele from the following vote.

VOTE: Aye: All
 Nay: None

Ms. Mason made a motion, which was seconded by Mr. Ashcraft, to direct staff to begin the process of bringing the two remaining parcels of the Riverswalk property into the MSD.

VOTE: Aye: Mason, Ashcraft, Clawson, Ulmer
 Nay: None
 Recused: Furgiuele

Upon a motion by Ms. Mason, seconded by Ms. Clawson, Council voted to have Mr. Furgiuele return to the meeting.

VOTE: Aye: All
 Nay: None

2. Parking enforcement at the Greenway - Mr. Ward noted that a meeting with ASU had been scheduled to see if they could assist with the issue

3. Reinstatement of the ETJ - Mayor Brantz felt that the matter was worth researching and added that no other entities had their ETJ powers taken away. Mr. Ward noted that most of the Town's legal expenses came from matters within the ETJ and reminded Council that Town taxes were not collected from these residents. It was the consensus of Council to direct the Town Attorney and staff to move forward with the process to request the reinstatement of the ETJ.

4. Amortization of non-conforming uses in single-family districts - Lengthy discussion ensued on this topic, with Ms. Meade noting that the amortization process has been used for junkyards and adult establishments in other towns. Mr. Furgiuele stated that he felt that a three-year timeline should be established to allow for non-conforming uses to either come into compliance or petition for rezoning. Ms. Meade noted that amortization in these situations were likely to be legally challenged.

It was the consensus of Council to recess the meeting and continue with the remainder of the agenda at the Thursday regular meeting.

ADJOURNMENT

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to adjourn the meeting at 11:19 p.m.

VOTE:	Aye:	All
	Nay:	None

Nicole Worley, Town Clerk

Rennie Brantz, Mayor